

IN THE SUPREME COURT OF THE
DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA.

*In the matter of an application in terms of Article 126
read with Article 17 of the Constitution of the Democratic
Socialist Republic of Sri Lanka.*

SC FR Application No. 203/2020

1. Wijayamuni Arachchilage Somarathna
"Weerya",
Ambokkagama,
Ganewatta,
Nikadalupotha.
2. Kodisinghe Arachchige Jagath
Shantha Kodisinghe
Kithalawalana,
Mirigama.
3. Amadoruge Palitha Sesiri
Amarathunga,
Dangashena,
Hatangalla,
Narangoda.
4. Yositha Wansha Wanninayake,
No. 43/5,
Udawalpola Road,
Kurunegala.
5. Basnayake Ralalage Dammika
Dananjava Bandara Aruna Shantha
Basnayake
No. 95/A,
Katana Road,
Hakurukumbura,

Mirigama.

6. Kottage Samantha Sisira Kumara
Jayawardena
No. 38/1,
Palugama,
Dompe.
7. Ambasinghe Arachchilage Pragathi
Lakmini
No. 137,
Raigama,
Bandaragama.
8. Rammandage Anura Kumara
Premarathne
No. 184/B,
Weedagama,
Bandaragama.
9. Mahendra Nalin Hettiarachchi
No. 354/B,
Galle Road,
Angagoda,
Bentota.
10. Jayaweera Patabendige Salinda
Samarakoon
No. A8/2/1,
Elvitigala Mawatha,
Mangala Road,
Colombo 08.
11. Maharamba Walpita Gamage
Chandana

No.65,
Meda para,
Cheena Koratuwa,
Galle.

12. Godamunne Bolegeddara Jagath
Senaka Chandrasekera Bandara
No. 786/05,
Muwanhelawatta,
1st Lane,
Thalangama North,
Battaramulla,
Malabe.

13. Herath Mudiyanseelage Nipuna
Dehigama
No. 122/3,
Sri Sumangala
Mawatha,
Kandy.

14. Rathnayake Mudiyanseelage Sumith
Prasanna Rasika Kumara Rathnayake
No. 38/4,
New Rathnapura Road, Awissawella.

15. Harischandrage Madhawa Athula
Lewangama
Gonna,
Kohile Gedara,
Pothuhera.

16. Madampage Sumithra de Silva,
No. 107/04,
Dehiwala Road.

17. Herath Mudiyanseelage Chandana

Priyantha Herath
No. 99,
Dambakan Watta,
Boyagane,
Kurunegala.

18. Ekanayaka Mudiyanseelage Sugath

Kumara Ekanayaka
Temple Road,
Waduragala,
Kurunegala.

19. John Leman Ajith Kumara

No. 120,
Near Hospital,
Rathnapura Road,
Ingiriya.

20. Wahappulige Sriyantha

Jude Prasanna Perera
No. 182/A,
Ingodawela,
Chilaw.

21. Obawatta Kankanamge

Thilak Nanayakkara
No. 158A,
Wigoda,
Bemmulla.

22. Gunawardena Arachchilage Sisira

Priyantha Abeysinghe
No. 60,

Police Quarters,
Kundasale.

23. Hettiarachchilage Dayananda Rathna

Kumara Hettiarachchi
No. 640/38,
Metro Park,
Thunadahena,
Korathota,
Kaduwela.

24. Welitarage Wasantha Lakshman No.

D/2/3/2,
Manning Housing Scheme, Elvitigala
Mw.,
Colombo 08.

25. Ponnahendi Ramidu Chandimal de

Silva
No. 305,
Galle Road,
Pathegama,
Balapitiya.

26. Maharagama Wimal Maliyadewa

Edirisinghe,
No. 2013/2,
Mampitiya,
Handessa.

27. Hettiarachchige Don Pushpakumara

Hettiarachchi
No. 3/11,
Amarawansa Mawatha,
Dangolla Road,

Peradeniya.

PETITIONERS

Vs.

1. Inspector General of Police,
Police Headquarters, Colombo 01.
- 1A. C. D. Wickremarathna,
Acting Inspector General of Police,
Police Headquarters, Colombo 01.
2. K. W. E. Karalliyadda,
Chairman,
National Police Commission.
3. Savithtree D. Wijesekera,
Member,
National Police Commission.
4. Y. L. M. Zawahir,
Member,
National Police Commission.
5. Tilak Collure,
Member,
National Police Commission.
6. Gamini Navarathne,
Member,
National Police Commission.
7. Ashoka Wijethilaka,
Member,

National Police Commission.

8. J. Jeyakumar,
Member,
National Police Commission.
9. Nishantha A. Weerasinghe, Secretary,
National Police Commission.

All of at Office of the National Police
Commission,
Block No. 9 - B.M.I.C.H. Premises,
Buddhaloka Mawatha,
Colombo 07.

10. Secretary,
Ministry of Defence,
No. 15/5,
Baladaksha Mawatha,
Colombo 03.
11. Hon. Attorney General,
Attorney General's Department,
Colombo 12.
12. D. S. K. Pushpakumara,
Senior Superintendent of Police,
City Traffic Division,
Police Headquarters,
Colombo 01.

RESPONDENTS

No. 20/06,
Agulupitiya,
1st Lane,
Jayanthipura,
Kurunegala.

2. Sinharage Lalith Jayashantha de Silva
No. 154/2A,
Hill Street,
Karagampitiya,
Dehiwala.
3. Warnakulasuriya Patabendige Vijitha
Perera
No. 17/03,
1st Lane,
Lakshapathi Road,
Rawatha watta,
Moratuwa.
4. Thirimanna Hettige Eric Lakshman
Perera,
No. 297B,
Thibirigaskatuwa Road,
Dalupotha,
Negombo.
5. Kiriella Gurunnanselage Kamal
Kiriella,
No. 236/1,
S. N. Dahanayaka Mawatha,
Galle.
6. Singharely Mudiyanse Channa
Deeptha Kumara Abeyrathna,

No. 633/01,
Anuradhapura Road,
Dambulla.

7. Rathnayakage Indrananda
No. 202/21,
Palugama,
Dompe.
8. Kasthuriarachchilage Priyantha
Bandara Kasthuriarachchi
No. 249,
Colombo Road,
Akaragama,
Kurunegala.
9. Ulapane Gamaralalage Piyal Anuradha
Mahindasiri
No. 345/D/10,
Avariwatta Road,
Batagama North,
Ja-ela.
10. Athalage Sanie Harischandra Perera
Pirisyala,
Ambepussa.
11. Upul Dayapriya Alawaththa
No. 593/86,
Gabadawatta 3,
Pitipana North,
Homagama.
12. Herath Mudiyanseelage Nishantha
Nandasiri Herath

"Deshappriyawasa",
Diddeniyawatta,
Dambokka,
Boyagane.

13. Galhenage Kapila Abeynayake,
No. 465/4,
Thalawathugoda Road,
Madiwela,
Kotte.

14. Indolage Chandana Udayakumara
Indrasiri Kandewatte,
No. 675/10A,
Meepitiya,
Kegalle.

15. Kukulala Watte Gedara
Thusharasena,
No. 217/15/D3,
Jaya Mawatha,
Meegahawatta,
Delgoda.

16. Ediriyen Dhanuge Wasantha Jayamini
Kumara,
No. 174,
Dammadawatta,
Thorayaya,
Wasantha.

17. Giddawa Gedara Samantha
Davananda Angammana,
No. 60,
Udawatta,

Angammana,
Panwila.

18. Janaka Saman Thushara
Jayawardena,
Hulugalla Junction,
Maho Road,
Nikaweratiya.

PETITIONERS

Vs.

1. C. D. Wickramarathne,
Inspector General of Police
Police Headquarters,
Colombo 01.
2. K. W. E. Karalliyadda,
Chairman,
National Police Commission.
- 2a. S. C. S. Fernando,
Chairman,
National Police Commission.
3. Savitthtree D. Wijesekera,
Member,
National Police Commission.
- 3a. S. Liyanagama,
Member,
National Police Commission.
4. Y. L. M. Zawahir,

Member,
National Police Commission.

4a. A. S. P. S. P. Sanjeewa,
Member,
National Police Commission.

5. Tilak Collure,
Member,
National Police Commission.

5a. N. S. M. Samsudeen,
Member,
National Police Commission.

6. Gamini Navarathne,
Member,
National Police Commission.

6a. M. P. P. Perera,
Member,
National Police Commission.

7. Ashoka Wijethilaka,
Member,
National Police Commission.

7a. G. Wickramage,
Member,
National Police Commission.

8. J. Jeyakumar,
Member,
National Police Commission.

8a. T. P. Paramaswaran,
Member,
National Police Commission.

9. Nishantha A. Weerasinghe,
Secretary,
National Police Commission.

9a. Samanthi Mihindukula,
Secretary,
National Police Commission.

All at Office of the National Police
Commission,
Block No. 9 - B. M.I.C. H. Premises,
Buddhaloka Mawatha,
Colombo 07.

10. Secretary,
Ministry of Defence,
No. 15/5,
Baladaksha Mawatha,
Colombo 03.

10a. Secretary,
Ministry of Public Security,
"Suhurupaya",
Battaramulla.

11. Hon. Attorney General,
Attorney General's Department,
Colombo 12.

12. D.S. K. Pushpakumara,
Senior Superintendent of Police,

City Traffic Division,
Police Headquarters,
Colombo 01.

RESPONDENTS

13. Hon. Justice Jagath Balapatabendi,
Chairman,
Public Service Commission.

14. Indrani Dugathadasa,
Member,
Public Service Commission.

15. V. Shivagnanasothy,
Member,
Public Service Commission.

16. T. R. C. Ruberu,
Member,
Public Service Commission.

17. Ahamed Lebbe Mohamed Salem,
Member,
Public Service Commission.

18. Leelasena Liyanagama
Member,
Public Service Commission.

19. Dian Gomes,
Member,
Public Service Commission.

20. Dilith Jayaweera,

Member,
Public Service Commission.

21. W. H. Piyadasa,
Member,
Public Service Commission.

22. M. A. B. D. Senarath,
Secretary,
Public Service Commission.

All of at Office of the Public Service
Commission,
No. 1200 / 9,
Rajamalwatta Road,
Battaramulla.

ADDED – RESPONDENTS

SC FR Application No. 209/2020

1. K. A. Kavinda Piyasekara
No. 59/1,
Cyril Janz Road,
Panadura.
2. Chandana Deeptha Liyanage
No. 158/70,
B' City,
Balika Niwasa Road,
Pannipitiya.
3. K. R. N. De Silva
No. 14,
1st Lane,
Gammana Road,

Maharagama.

4. B. A. Ignatious Prasanna
No. 4B,
Summit Flats,
Kappetipola Mawatha,
Colombo 5.
5. W. M. Samarakoon Banda
No. 87,
Uyanwatta,
Menikhinna.
6. J. P. S. Sunil Jayamaha
No. 87,
Uyanwatta,
24 -01/02,
"C" Block,
Kew Road,
Colombo 02.
7. H. D. N. Abayawardana
No. 772/01,
Indrajothi Mawatha,
Baththaramulla.
8. K. W. R. Jagath Rohana
No. 80/B,
Wathumulla,
Udugampola.
9. P. K. K. Kusum Premadasa
No. 29,
Saman Mawatha,
Panadura.

10. Chamil Krishantha Rathnayaka
No. 72/1,
Jampata Road,
Colombo 13.
11. B. A. Udaya Kumara Wanshanatha,
No. 116/A,
Sonandawa Road,
Aluwiharaya,
Matale.
12. P. M. D. U. B. Palihawadana
No. 44,
Dahanekkegedara,
Walala,
Manikhinna.
13. R. M. K. Nihal Ranaweera
No. 134/30,
Bomaluwa Road,
Watappaluwa,
Kandy.
14. Amal Anuradha Edirimanna
No. 12/368,
Horagahakanda Road,
Thalangama North.
15. M. K. R. Ajith Gunarathna
No. 28/3,
Weeragula,
Yakkala.
16. D. G. Hemal Prashantha

"Shanthi"

Pahamunegoda,
Bambaranda South,
Dikwella.

17. Indika Udayakumara Lokuhetti

No. 101/3,
Kew Road Police Quarters,
Slave Island,
Colombo 2.

18. Gamachchige Lalith Leelarathna

No. 160/17,
School Lane,
Rukmalgama,
Pannipitiya.

19. A. M. U. A. Athapattu

"Arampath",
Koswatta,
Panadaragama.

20. V. A. T. K. Vithanage

No. 143,
Stage II,
D Rambo Iddeniya Estate,
Dambokka,
Boyagane,
Kurunegala.

21. D. D. Ranjith Dasanayaka

No. 116/02/A,
Raja Maha Vihara Road,
Mirihana,
Pitakotte.

22. D. K. Priyantha
No. 696/9,
Onawatta Road,
Thalangama (North),
Malabe.
23. D. L. A. Sooriyabandara
No. 13/17,
Kurulu Uyana,
Gnanavimala Mawatha,
Athurugiriya.
24. K. C. Bamunuarachchi
No. 200,
Pitipatha South,
Homagama.
25. D. S. D. Weerasinghe
No. 13,
Immigration Quarters,
Hidallana,
Ratnapura.
26. P. T. Sisira
No. 8/A - 1/3,
Seagull Apartment,
Station Road,
Colombo 6.
27. W. M. Saman Wedage
No. 102,
Moragalla Road,
Thalathuoya.

28. W. L. P. M. Abeysekera
No. 145/F,
05th Avenue,
Salgas Mawatha,
Mattegoda.
29. H. I. Rohan Nishantha Perera
No. 34/4,
2nd Lane,
Swarna place,
Honnathara,
Piliyandala.
30. S. H. D. J. Chandrakumara
No. 160A,
Kehelbaddara,
Udugampola.
31. E. M. M. S. Dehideniya
No. 102/88,
3rd Lane,
Madara Uyana,
Mattegoda.
32. K. G. M. A. Perera
No. 484, 8,
Awarihena,
Hokandara.
33. L. Rohana Gamage,
No. 612,
Makola North
Makola,
Kiribathgoda.

PETITIONERS

Vs.

1. C. D. Wikremarathna,
Acting Inspector General of Police,
Police Headquarters,
Colombo 01.
2. Sisira Kumara,
Deputy Inspector General of Police,
Human Resources Management
Division,
Police Headquarters,
Colombo 01.
3. Prasad Ranasinghe,
Senior Superintendent of Police
Human Resources Management
Division,
Police Headquarters,
Colombo 01.
4. Ajith Rohana,
Deputy Inspector General of Police
(Legal),
Police Headquarters,
Colombo 01.
5. Ruwan Gunasekara,
Senior Superintendent of Police
Director Legal
Police Headquarters,
Colombo 01.
6. K. W. E. Karalliyadda,

Chairman,
National Police Commission.

7. Savitthtree D. Wijesekara,
Member,
National Police Commission.

8. Y. L. M Zawahir,
Member,
National Police Commission.

9. Tilak Collure,
Member,
National Police Commission.

10. Gamini Navarathne,
Member,
National Police Commission.

11. Ashoka Wijethilaka,
Member,
National Police Commission.

12. J. Jeyakumar,
Member,
National Police Commission.

13. Nishantha A. Weerasinghe,
Secretary,
National Police Commission.

All of office of the National Police
Commission,
Block No. 9- BMICH premises,
Buddhaloka Mawatha,

Colombo 07.

14. Gen. Kamal Gunaratne Secretary,
Ministry of Defence,
No. 15/5,
Baladaksha Mawatha,
Colombo 12.

15. D. S. Kamal,
No. 313, Srinanda Jothikarama Road,
Thalawathugoda.

16. Hon. Attorney General,
Attorney General's Department,
Colombo 12.

17. Mahinda Deshapriya,
Chairman

18. N. J. Abeysekara,
Member

19. Rathnajeewan Hoole,
Member

The 17th to 19th Respondents of Election
Commission, Elections Secretariat,
Sarana Mawatha, Rajagiriya

RESPONDENTS

SC FR Application No. 210/2020

1. D. U. P. Amaratunga,
ASP Office,
Panadura.

2. N. W. Senanavake,
ASP Matara Division,
Matara.
3. W. M. S. Weerasekera,
S. I. S
No. 10,
Cambridge Place,
Colombo 07.
4. D. G. Wickramaarachchi,
S. I. S
No. 10,
Cambridge Place,
Colombo 07.
5. S. P. K. Udugampola,
Presidential Security Division,
Janadhipathi Mawatha,
Colombo 01
6. Sujeewa D. Mallawarachchi,
CIS
No. 10,
Cambridge Place,
Colombo 07
7. E. L. M. C. Bandara,
ASP Matale Division,
Matale.
8. I. G. Chandrasena,
A. S. P Office,
Matara.

9. W. K. Ajith Shanthapriya,
Police Headquarters,
Colombo 01.
10. L. A. Ashoka Wijesinghe,
S. I. S.,
No. 10,
Cambridge Place,
Colombo 07.
11. W. K. A. J. Eric Ranjith,
Police Narcotics Bureau,
Colombo 01.
12. I. A. Ranjith Wijewardena,
ASP Chilaw Division,
Chilaw.
13. D. K. M. Priyantha Perera,
Police Environment Protection
Division,
F. F. H. O. Colombo 5.
14. W. A. H. N. Jayathilaka,
Criminal Investigation Department,
Police Headquarters, Colombo 01.
15. D. D. Priyantha Weerasinghe,
ASP Office, Kalpitiya.
16. D. Ajith Priyantha,
Presidential Security Division,
Janadhipathi Mawatha,
Colombo 01.

17. N. V. Lorence,
Criminal Investigation Department
Police Headquarters,
Colombo 01.
18. M. M. Kumarasinghe,
ASP Office,
Elpitiya.
19. K. A Silva,
ASP Office,
Anuradhapura.
20. D. E. N. Welisarage,
Police Transport Division,
Colombo 05.
21. Upula P. Seneviratne,
Criminal Investigation Department,
Police Headquarters,
Colombo 01.
22. W. H. M Mahesh Bandara,
ASP Office,
Kilinochchi.
23. A. A. R. Priyantha Amarasinghe,
Criminal Investigation Department,
Police Headquarters,
Colombo 01.
24. A. Jayantha Gunasekera,
ASP - Foreign Employment Bureau,
Battaramulla.

25. L. M Ranjan,
Criminal Investigation Department,
Police Headquarters,
Colombo 01.

26. Ajith Abeywardene,
ASP Nugegoda Division, Nugegoda.

27. A. P Liyanage,
Commission to Investigate Bribery
and Corruption,
No. 36,
Malalasekera Mawatha,
Colombo 07.

28. H. G. D. Sanath Amarasinghe,
ASP Office - Tangalle.

29. N. R Hemantha P. Gunasekera,
Police Transport Division,
Colombo 05.

PETITIONERS

Vs.

1. Inspector General of Police,
Police Headquarters,
Colombo 01.

2. C. D. Wikremaratne,
Acting Inspector General of Police,
Police Headquarters,
Colombo 01

3. K. W. E. Karalliyadda,
Chairman,
National Police Commission.
- 3(A). S. C. S. Fernando,
Chairman,
National Police Commission.
- 3(B). E. W. M. Lalith Ekanayake,
Chairman,
National Police Commission.
4. Savithtree D. Wijesekara,
Member,
National Police Commission.
- 4(A). S. Liyanagama,
Member,
National Police Commission.
- 4(B). K. Karunaharan,
Member,
National Police Commission.
5. Y. L. M Zawahir,
Member,
National Police Commission.
- 5(A). A. S. P. S. P. Sanjeewa,
Member,
National Police Commission.
- 5(B). P. G. S. Gamini de Silva,
Member,

National Police Commission.

6. Tilak Collure,
Member,
National Police Commission.

6(A). N. S. M. Samsudeen,
Member,
National Police Commission.

6(B). D. K. Renuka Ekanayake,
Member,
National Police Commission.

7. Gamini Navarathne,
Member,
National Police Commission.

7(A). M. P. P. Perera,
Member,
National Police Commission.

7(B). D. K. Jayasuriya,
Member,
National Police Commission.

8. Ashoka Wijethilaka,
Member,
National Police Commission.

8(A). G. Wickramage,
Member,
National Police Commission.

9. J. Jeyakumar,
Member,
National Police Commission.

9(A). T. P. Paramaswaran,
Member,
National Police Commission.

10. Nishantha A. Weerasinghe,
Secretary,
National Police Commission.

10(A). Thamara D. Perera,
Secretary,
National Police Commission.

All of at office of the National Police
Commission, Block No. 9- BMICH
premises, Bauddhaloka Mawatha,
Colombo 07.

11. Secretary,
Ministry of Defence,
No. 15/5, Baladaksha Mawatha,
Colombo 12

12. D. S. K. Pushpakumara,
Senior Superintendent of police,
Police Headquarters,
Colombo 01.

13. Hon. Attorney General,
Attorney General's Department,
Colombo 12.

RESPONDENTS

14. Hon. Justice Jagath Balapatabendi
(Retired),
Chairman.

15. Indrani Sugathadasa,
Member.

16. V. Shivagnanasothy,
Member.

17. T. R. C. Ruberu,
Member.

18. Ahamad Lebbe Mohamed Saleem,
Member.

19. Leelasena Liyanagama,
Member.

20. Dian gomes,
Member.

21. Dilith Jayaweera,
Member.

22. W. H. Piyadasa,
Member.

ADDED RESPONDENTS

SC FR Application No. 211/2020

Hettiarachchige Don Kamal Sanjeewa
Perera
No. 795,

Kularatne Mawatha,
Colombo 10.

PETITIONER

Vs.

1. C. D. Wikremarathna,
Inspector General of Police,
Police Headquarters, Colombo 01.

2. K. W. E. Karalliyadda,
Chairman,
National Police Commission.

2a. S. C. S. Fernando,
Chairman,
National Police Commission.

2B. Hon Mr. E. W. M. Lalith Ekanayake,
Chairman,
National Police Commission.

3. Savithtree D. Wijesekara
Member,
National Police Commission.

3B. Mrs. D. K. Renuka Ekanayake,
Member,
National Police Commission.

4. Y. L. M. Zawahir,
Member,
National Police Commission.

4a. A. S. P. S. P. Sanjeewa,
Member,
National Police Commission.

4B. Mr. K. Karunaharan,
Member,
National Police Commission.

5. Tilak Collure,
Member,
National Police Commission.

5a. N. S. M. Samsudeen,
Member,
National Police Commission.

5B. Mr. P. G. S. Gamini De Silva,
Member,
National Police Commission.

6. Gamini Navarathne,
Member,
National Police Commission.

6a. M. P. P. Perera,
Member,
National Police Commission.

6B. Mr D. Kapila Jayasuriya,
Member,
National Police Commission.

7. Ashoka Wijethilaka,
Member,
National Police Commission.

7a. G. Wickramage,
Member,
National Police Commission.

8. J. Jeyakumar,
Member,
National Police Commission.

8a. T. P. Paramaswaran,
Member,
National Police Commission.

9. Nishantha A. Weerasinghe, Secretary,
National Police Commission.

9a. Samanthi, Mihindukula,
Secretary,
National Police Commission.

9B. Mrs. Thamara D. Perera,
Secretary,
National Police Commission.
All of at office of the National Police
Commission,
Block No. 9- BMICH premises,
Buddhaloka Mawatha,
Colombo 07.

10. Secretary,
Ministry of Defence,
No. 15/5, Baladaksha Mawatha,
Colombo 12.

10a. Secretary,

Ministry of Public Security,
"Suhurupuraya",
Battaramulla.

11. Hon. Attorney General,
Attorney General's Department,
Colombo 12.
12. D. S. K Pushpakumara,
Senior Superintendent of police,
City Traffic Division, Police
Headquarters, Colombo 01

RESPONDENTS

13. Hon. Justice Jagath Balapatabendi,
Chariman,
Public Service Commission.
14. Indrani Dugathadasa,
Member,
Public Service Commission.
15. V. Shivagnanasothy,
Member,
Public Service Commission.
16. T. R. C. Ruberu,
Member,
Public Service Commission.
17. Ahamod Lebbe Mohamed Saleem,
Member,
Public Service Commission.

18. Leelasena Liyanagama,
Member,
Public Service Commission.
19. Dian Gomes,
Member,
Public Service Commission.
20. Dilith Jayaweera,
Member,
Public Service Commission.
21. W. H. Piyadasa,
Member,
Public Service Commission.
22. M. A. B. D. Senarath,
Member,
Public Service Commission.

All at Office of the Public Service
Commission,
No. 1200/ 9,
Rajamalwatta Road, Battaramulla.

ADDED RESPONDENTS

SC FR Application No. 212/2020

1. Niroshana Alithya Rupasinghe
No. 223 D,
Henawatta Rd,
Welivita,
Kaduwela.

2. Madapathage Don Dumidu
Senanayake
No. 22B,
Artigala South,
Hanwella.
3. Peter Rohan Wiiekoon
No. 154/2/1,
Jayanthi Mawatha,
Gampaha.
4. Kamal Nayanaranga Gunawardana
No. 1/3,
Police Quarters,
Jayatilaka Mawatha,
Maligawatta,
Colombo-10.
5. Segu Dawood Mohamed Farook,
No.41B,
Weerakoon Gardens,
Kandy.
6. Wathuthanthrige Damian Kamal
Nishantha Perera
192,
Munidasa Kumaratunga Mw,
Mukalangamuwa South,
Seeduwa.
7. Mawanana Hewa Prasanna De Silva
No. 67/5,
Attidiya-Kawdana Road,
Attidiya,
Dehiwala.

8. Wattegedara Kankanamalage Piyasiri
Ashoka Kumara
No. 30/2/1,
Narangashena,
Idangoda,
Kiriella.
9. Bamunu Arachchige Rohan
Pushpakumara
No. 181/1,
Udawana,
Homagama.
10. Loku Adassooriyage Don Ratnaweera
No. 990,
Samadhi Mawatha,
Old Road,
Kirawelkatuwa,
Embilipitiya
11. Nayanapriya Joris Edirisinghe
No. 404/1A/16,
Maithreedasa Mawatha,
Pitipana North,
Homagama.
12. Ihalagedara Jagath Mangala
Dewapriya
No. 45/1,
Udagama,
Menikhinna.

13. Kumarapperuma Arachchige

Udayakumara
No. 06,
2nd Cross Lane,
Tissara Uyana,
Kamburugamuwa,
Matara.

14. Kosinnage Bimal Kumara Perera

No. 72/25,
Piliyandala Road,
Lumbini Mawatha,
Maharagama.

15. Kalatuwage Don Buddhika Chaminda

Senadheera
No. 267/5,
Arrauwalla Road,
Pannipitiya.

PETITIONERS

Vs.

1. K. W. E Karalliyadda,
Chairman,
National Police Commission
Block No. 9- BMICH premises,
Buddhaloka Mawatha,
Colombo 07.
2. Savithtree D. Wijesekara,
Member,

3. Y. L. M. Zawahir,
Member,
4. Tilak Collure,
Member,
5. Gamini Navarathne,
Member,
6. Ashoka Wijethilaka
Member,
7. G. Jeyakumar,
Member,

2nd to 7th Respondents are all members
of the National Police Commission
Block No. 9- BMICH premises,
Buddhaloka Mawatha,
Colombo 07.

8. Nishantha A. Weerasinghe,
Secretary,
National Police Commission.

Block No. 9- BMICH premises,
Buddhaloka Mawatha,
Colombo 07.

9. Inspector General of Police,
Police Headquarters, Colombo 01.
10. C. D. Wikremarathna
Acting Inspector General of Police,
Police Headquarters,

Colombo 01.

11. Secretary to the Ministry of Defence,
No. 15/5,
Baladaksha Mawatha,
Colombo 12.

12. Hon. Attorney General,
Attorney General's Department,
Colombo 12.

13. D. S. K. Pushpakumara,
The Director,
City Traffic Division,
Colombo 11.

RESPONDENTS

Before : **P. PADMAN SURASENA, J.**
YASANTHA KODAGODA, PC, J.
ARJUNA OBEYESEKERE, J.

Counsels : Harsha Fernando with R. Weerasinghe & Yohan Cooray for the
Petitioners in SC FR No.203/2020 & 204/2020 instructed by J.
Thalgaswattage.

Faisz Musthapha PC with Shaheeda Barrie and B. Iqbal for the
12th Respondent in SC FR No.203/2020 instructed by Mayomi
Ranawaka.

Hafeel Farisz for the 12th Respondent in SC. FR. No. 204/2020
& 210/20 & 211/20 for the 15th Respondent instructed by
Mayomi Ranawaka.

Sanjeewa Jayawardena PC with Rukshan Senadheera for the
Petitioner in SC FR No.209/2020.

Ashiq Hassim for the Petitioners in SC FR No.210/2020
instructed by Sanjeewa Kaluarachchi.

Shadeeda Barrie with Jessica Abeyratne for the 12th Respondent
instructed by Mayomi Ranawaka in SC FR No.210/2020,
211/2020 & 204 / 2020.

Chamith Senanayake for the Petitioner in SC.FR. No. 211/2020
instructed by Jagath Talgaswattage.

J.M. Wijebandara for the Petitioner in SC. FR. No.212/20.

Shadeeda Barrie with Jessica Abeyratne for the 13th Respondent
instructed by Mayomi Ranawaka in SC FR No.212/2020.

Ganga Wakishta Arachchi DSG for the Attorney-General.

Argued on : 31-07-2023

Decided on : 25-07-2024

P. PADMAN SURASENA, J

Learned Counsel for the Petitioners and the Respondents in all six cases namely, SC FR No. 203/2020, SC FR No. 204/2020, SC FR No. 209/2020, SC FR No. 210/2020, SC FR No. 211/2020 and SC FR No. 212/2020, informed Court at the very outset, that the Court can amalgamate all these six cases; conduct a consolidated hearing; and then pronounce one judgment which would be applicable to all the six cases.

Court heard the submissions of the learned Counsel for the Petitioners and the Respondents in all six cases and concluded the arguments in all six cases on 31-07-2023 and reserved the judgment and hence this judgment. As the parties in different cases may have been named in different order in the caption, I would adopt the brief in SC FR 203/2020 for the purpose of giving reasons in this judgment. Nevertheless, as the issue canvassed before Court by the

Petitioners in all six cases is the same, this judgment, as agreed upon by all the parties, will apply to all the afore-mentioned six cases.

The Petitioners, who have filed the petition in SC FR 203/2020, were Assistant Superintendents of Police at the time of filing that petition. The first Respondent is the Inspector General of Police (IGP); the 2nd to 9th Respondents are members of the National Police Commission (NPC) and its Secretary, respectively. The 10th Respondent is the Secretary of the Ministry of Defense, and the 11th Respondent is the Attorney General. The 12th Respondent is also a police officer who had received his promotion as an Assistant Superintendent of Police at that time. Both the Petitioners and the 12th Respondent, had received the promotion of Assistant Superintendent of Police from the one and the same process of promotion.

In this Petition, the Petitioners challenge the recommendation of the Inspector General Police and the decision taken thereon by the National Police Commission to backdate several previously granted promotions to the 12th Respondent. The said challenge is on the basis that the said recommendation by the Inspector General of Police and the decision taken thereon by the National Police Commission are arbitrary, unjustifiable, discriminatory and done on an illegal basis. It is in this backdrop that the Petitioners in this Petition has prayed *inter alia* for;

- i. *a declaration that the Petitioners' Fundamental Rights enshrined in Article 12(1) of the Constitution, have been violated and/ or are subject to continuing violation by the 1st to 9th and 12th Respondents or any one or more of them;*
- ii. *a declaration that the Petitioners' Fundamental Rights enshrined in Article 14(1)(g) of the Constitution, have been violated and/or are subject to continuing violation by the 1st to 9th and 12th Respondents or any one or more of them.*

This court having heard the submissions of the learned Counsel for all the parties, in all the Petitions (all the Petitions were supported together before Court on 02-12-2021) and the submissions of the learned Counsels for all the Respondents, by its Order dated 02-12-2021, had granted Leave to Proceed in respect of the alleged infringement of the Fundamental Rights of the Petitioners guaranteed under Article 12(1) of the Constitution. In addition, the Court also having considered the material had granted the interim relief prayed for by the Petitioners of several Petitions suspending the operation of the documents marked **P2** and **P3** in SC FR No. 203/2020 (RTM 264 dated 09-06-2020 and RTM 351 dated 11-06-2011) issued by the 1A Respondent.

The aforesaid backdated promotions given to the 12th Respondent, which the Petitioners have alleged are illegal, are as follows:

- a. Promotion to the post of Chief Inspector of Police has been backdated from 01-01-2006 to 01-01-2003;
- b. Promotion to the post of Assistant Superintendent of Police has been backdated from 13-01-2014 to 15-07-2013;
- c. In addition to the above, promotion to the post of Assistant Superintendent of Police has been further backdated from 15-07-2013 to 09-05-2010;
- d. Promotion to the post of Superintendent of Police has been backdated from 15-07-2019 to 09-05-2016;
- e. Promoted to the post of Senior Superintendent of Police with effect from 09-05-2020.

The Petitioners in paragraph 9 of the Petition has presented a comparison of the effect of the impugned backdating of the promotions of the 12th Respondents in a chart as follows:

Rank	12 th Respondent			Petitioners	
	Date (Regular Process)	(Undue Promotion)	Backdating	1 st – 25 th Petitioners	26 th -27 th Petitioners
SI – Reserve	1989				
SI – Regular	1999			1985- 1989	1986- 1988
IP	01-12-2000			1995-1996	1993-1994
CI			01-01-2003		01-01-2003
	01-01-2006			01-01-2006	
ASP			09-05-2010		
			15-07-2013		
	13-01-2014			10-07-2018	10-07-2018
SP			09-05-2016		
		15-07-2019			
SSP		09-05-2020			

	12th Respondent	Petitioners	
		1 st - 25 th	26 th and 27 th
Total Years of service	30 Years	31- 35 Years	32 – 25 Years
Total Years of service in Regular cadre	21 Years	31- 35 Years	32 – 35 Years
Total backdated time period	9 ½ Years	0 Years	3 Years (26 th Petitioner)
Total No. of promotions (From IP)	5 Ranks (IP to SSP)	3 Ranks (IP to ASP)	3 Ranks (IP to ASP)

The Respondents do not dispute the above backdating of the aforesaid promotions granted to the 12th Respondent. The Respondents have produced, the recommendation containing the letter dated 27-05-2020 made by the then acting Inspector General of Police and the decision of the National Police Commission to implement the said recommendation to backdate the promotions of the 12th Respondents (marked **1 R24** and **1 R25** respectively).

The Petitioners in this Petition seek to quash two documents. The first is the document marked **P2** which is RTM 264 issued by the then Acting Inspector General of Police dated 09-06-2020. The second is the RTM No. 351 dated 11-06-2020 issued by the then Acting Inspector General of Police.

The Acting Inspector General of Police by RTM 264 dated 09-06-2020 (**P2**) had directed the backdating of the two previous promotions given to the 12th Respondent in the following manner:

- (i) The promotion to the rank of Chief Inspector of Police given to the 12th Respondent with effect from 01-01-2006 to be backdated to take effect from 01-01-2003.
- (ii) The promotion to the rank of Assistant Superintendent of Police given to the 12th Respondent with effect from 15-07-2013 to be backdated to take effect from 09-05-2010.

According to RTM 264, the Acting Inspector General of Police had made this direction upon the approval of his recommendation in that regard by the National Police Commission as per its letter No. NPC/ ED/ GO/ PR /03/90/19, dated 08-06-2020.

After just one day from RTM 264, the Acting Inspector General of Police by RTM No. 351, dated 11-06-2020, had directed to take two more steps with regard to the promotions granted to the 12th Respondent in the following manner:

- (i) The promotion to the rank of Superintendent of Police given to the 12th Respondent with effect from 15-07-2019 was backdated to take effect from 09-05-2016.
- (ii) To promote the 12th Respondent to the rank of Senior Superintendent of Police with effect from 09-05-2020.

According to RTM 351, the Acting Inspector General of Police had made this direction upon the approval of his recommendation thereto by the National Police Commission as per its letter No. NPC/ ED/ GO/ PR /03/90/19, dated 11-06-2020.

Admittedly, the National Police Commission had made the afore-mentioned impugned decisions on the recommendation made by the Acting Inspector General of Police. This recommendation is contained in the letter (by the Acting Inspector General of Police) dated 27-05-2020 marked **1 R24**. At the outset it must be noted that the said recommendation (**1 R24**) is not a recommendation solely initiated by the Acting Inspector General of Police as it has a reference to an appeal to that effect submitted by the 12th Respondent. This recommendation (**1 R24**) is just a one-page letter which is as follows:

ලේකම්

ජාතික පොලිස් කොමිෂන් සභාව

නිසිකලට නියමිතව තිබූ උසස්වීම් නොලැබීම සම්බන්ධයෙන් අභියාචනය - පොලිස් අධිකාරී ඩී. එස්. කමල් පුෂ්පකුමාර මහතා

උක්ත කරුණට අදාළව 2020.05.22 දිනැතිව අංක SDJG/WP/C1/9545/2020 යටතේ බස්නාහිර පළාත හා රථ වාහන භාර ජේෂ්ඨ නියෝජ්‍ය පොලිස්පතින් විසින් මා වෙත යොමු කරන ලද ඇමුණුම්ගත ලිපිගොනුව හා සබැඳේ.

එකී ලිපි ගොනුව මගින් නාගරික රථවාහන කොට්ඨාසය සහ රථවාහන බස්නාහිර පළාත් අධ්‍යක්ෂ මෙන්ම පොලිස් ක්‍රීඩා කොට්ඨාසයේ වැඩ බලන අධ්‍යක්ෂ වශයෙන් කටයුතු කරන පොලිස් අධිකාරී ඩී. එස්. කමල් පුෂ්පකුමාර මහතා විසින් ඔහුගේ ප්‍රධාන පොලිස් පරීක්ෂක තනතුරේ උසස් වීම 2003.09.28 වන දින ලෙස ද සහකාර පොලිස් අධිකාරී තනතුරේ උසස් වීම 2008.01.01 වන දින

ලෙස ද සලකමින් ඊට අනුපාතිකව අනෙකුත් උසස් වීම් ලබා ගැනීමට අවශ්‍ය කටයුතු කරදෙන ලෙසට ඉල්ලමින් ඉදිරිපත් කර ඇති අභියාචනය නිර්දේශ ඉදිරිපත් කර ඇත.

ඒ අනුව මෙම නිලධාරියා විසින් ඉදිරිපත් කර ඇති කරුණු සහ බස්නාහිර පළාත් ශ්‍රේෂ්ඨ නියෝජ්‍ය පොලිස්පතිගේ නිර්දේශය මත, පොලිස් අධිකාරී ඩී. එස්. කමල් පුෂ්පකුමාර මහතාගේ ප්‍රධාන පොලිස් පරීක්ෂක තනතුරට උසස් වීම 2003.09.28 දිනට ලබාදීම නිර්දේශ කරන අතර, මෙම නිලධාරියා එදින සිට ප්‍ර.පො.ප. තනතුරට උසස් වීම ලබා තිබුණේ නම් ඔහුට 2008 වර්ෂයේ පැවති සහකාර පොලිස් අධිකාරී තනතුරට උසස් කිරීමේ සම්මුඛ පරීක්ෂණ මණ්ඩලයට ඉදිරිපත් වීමට තිබූ අවස්ථාව අහිමි වීම සහ ඔහු විසින් මේ දක්වා ශ්‍රී ලංකා පොලිසිය වෙත ඉටු කර ඇති ප්‍රශංසනීය සේවාවන්, නිලධාරියා උපයාගෙන ඇති ප්‍රශංසා, අධ්‍යාපනික දැනුම හා පළ පුරුද්ද සලකා එම සම්මුඛ පරීක්ෂණ මණ්ඩලය ප්‍රතිඵල අනුව, 2008.01.01 දිනැතිව සහකාර පොලිස් අධිකාරී තනතුරට උසස්වීම ලබාදුන් නිලධාරීන්ගේ ශ්‍රේෂ්ඨතා ලේඛනයේ පහළින්ම ස්ථානගත කිරීමත් සහකාර පොලිස් අධිකාරී තනතුරට උසස් කිරීමත් ඉන් අනතුරුව ශ්‍රී ලංකා පොලිසියේ විධායක ශ්‍රේණියේ බඳවා ගැනීමේ හා උසස් කිරීමේ පටිපාටිය අනුව අනෙකුත් තනතුරු සඳහා පත්කිරීම සුදුසු බවට නිර්දේශ කර ඉදිරි කටයුතු සඳහා කාරුණිකව යොමු කරමි.

Sgd/-

සී.ඩී. වික්‍රමරත්න

චැඩ්බලන පොලිස්පති

Although the Inspector General of Police, in his affidavit dated 19-01-2022, had taken up several grounds to justify making the recommendation marked **1R24**, it could be seen that it was only the contents reproduced above in **1R24** that was acted upon by the National Police Commission.

Moreover, there is also a loose sheet without any signature, which is attached to the said letter (**1R24**) which the Respondents claim to be the minute made by the National Police Commission which is to the following effect:

Appeal for a Promotion – SP D S K Pushpakumara (Commission Paper No. 3069/59/June 04/05/2002)

The Commission whilst agreeing with the recommendation of Actg. IGP decided to backdate the date of promotion of SP D S K Pushpakumara to the rank of CI to

28.09.2003 and to the rank of ASP to 09.05.2010 on seniority and to keep him in the bottom of the ASP seniority list.

The Inspector General of Police in his Affidavit¹ has taken up the position that the National Police Commission is empowered to grant special promotions to police officers as per the document dated 13-03-2020 marked **1 R1**. The operative parts of that document are contained in paragraph 3 of that document. Interestingly, the Petitioners have also relied on this document and indeed the Petitioners have also produced this document marked **P14A** with their Petition and with their counter Affidavit dated 25-11-2021.

According to **1 R1**, while the National Police Commission is empowered to grant special promotions to police officers, it must be noted that such special promotions must be strictly decided on the criteria set out in that document. The grounds on which such special promotions could be granted by the National Police Commission are set out in paragraph 3 of that document. I observe that there are three parts identified as (a), (b) and (c) under that paragraph. Paragraph 3(a) deals with situations where the relevant police officer has either got himself killed in the course of his duty or has become disabled to the extent mentioned therein.

Paragraph 3(b) of **1 R1** deals with situations in which the relevant police officers had rendered a significant and commendable duty in the course of his duties pertaining to investigations of crime.

Paragraph 3(c) of **1 R1** deals with situations where relevant police officers have obtained achievements in sports, a significant dedication during distress risking their lives, and occasions where they had performed exceptional duty in the police service.

I also observe few important and relevant observations in **1 R1**. They are set out below;

- I. As per paragraph 5 of **1 R1**, when such special promotion is granted, such police officer is not entitled to any increment or reward on account of the same incident/achievement for which such special promotion has been granted.
- II. As per clause 6, **1 R1** has also referred to Police Departmental Order **A5** in relation to the special promotions.

¹ Para 8 (a) of the Affidavit of the IGP dated 19-01-2022

12th Respondent has also relied on the document dated 13-03-2020 producing it as marked **R6**. This is the same document produced by the Petitioners marked **P14** and by the Inspector General of Police marked **1 R1**.

I have to note that there is a significant condition mentioned as a note below clause 3(b) in the document dated 13-03-2020. It is as follows:

When a special promotion is granted under paragraph 3(b) to a police officer, such duty to be recognized as a special occasion warranting a special promotion must not be a duty which such police officers had to ordinarily engage in. Such achievement must be based on an exceptional incident or detection or arrest pertaining to a large-scale crime.

The approval of the National Police Commission contained in the letter dated 08-06-2020 bearing No. NPC/ ED/ GO/ PR /03/90/19 which was referred to in the RTM 264 has also been produced by the Acting Inspector General of Police, marked **1 R25**, which is as follows:

නිසි කලට ලැබීමට නියමිතව තිබූ උසස් වීම් නොලැබීම සම්බන්ධ අභියාචනය පොලිස් අධිකාරී ඩී. එස්. කමල් පුෂ්පකුමාර මහතා

උක්ත කරුණට අදාළව ඔබගේ අංක දරන 2020.05.27 දිනැති ලිපිය හා බැඳේ.

ඉහත කරුණට අදාළව නිලධාරියා සම්බන්ධව ඔබ විසින් වාචිකව සිදු කළ කරුණු දැක්වීම හා අභියාචනය පිළිබඳව ඔබගේ නිරීක්ෂණ නිර්දේශ සලකා බැලූ 2020.06.04 දින රැස්වූ ජාතික පොලිස් කොමිෂන් සභාව අභියාචක නිලධාරියා මේ දක්වා ශ්‍රී ලංකා පොලිසිය වෙත ඉටුකර ඇති ප්‍රශංසනීය සේවාවන්, නිලධාරියා උපයාගෙන ඇති ප්‍රශංසා හා අධ්‍යාපනික දැනුම හා පළපුරුද්ද මත ශ්‍රී ලංකා පොලිසියට සිදු කළ සුවිශේෂී කාර්යභාරය සලකා ඔහුගේ 2006.01.01 දිනට හිමි ප්‍රධාන පොලිස් පරීක්ෂක තනතුර 2003.01.01 දිනට ද, 2013.07.15 දිනට හිමිවූ සහකාර පොලිස් අධිකාරී තනතුර 2010.05.09 දිනට පෙරදාතම කර එදිනට සිටින ජ්‍යෙෂ්ඨතා ලේඛනයේ පහලින්ම තැබීමටත් මීට සමගාමීව නිලධාරියාට හිමි අනෙකුත් උසස්වීම් යාවත්කාලීන කිරීමටත් තීරණය කරන ලදී.

[emphasis added]

Firstly, I observe that the National Police Commission had come to this conclusion upon some oral submission made by the Acting Inspector General of Police. Secondly, I observe that there are only three reasons given by the National Police Commission in **1 R25** to

justify the conclusion they had made. Those reasons as they appear in **1 R25** are as follows;

- i. “ශ්‍රී ලංකා පොලීසිය වෙත ඉටුකර ඇති ප්‍රශංසනීය සේවාවන්”
- ii. “නිලධාරියා උපයාගෙන ඇති ප්‍රශංසා”
- iii. “අධ්‍යාපනික දැනුම හා පළපුරුද්ද”

The above grounds are a reproduction of the grounds which the Acting Inspector General of Police had alluded to in his letter of recommendation (**1 R24**) which has then been acted upon by the National Police Commission as seen in **1 R25**.

As I have adverted to above, all parties have placed reliance on **1R1**. Thus , the issue whether the decision of the National Police Commission to grant the 12th Respondent the impugned special promotion, was one taken in accordance with the law, would depend on the issue whether it is in conformity with the criteria laid down in **1 R1** (dated 13-03-2020) in relation to the granting of such special promotions to police officers.

As noted above, the reasons given by the National Police Commission in their letter dated 08-06-2020 are limited to those listed i, ii and iii above. These grounds maybe articulated as;

- i. the commendable service rendered to Sri Lanka Police;
- ii. the commendations garnered by the officer;
- iii. his educational knowledge and experience.

As I have observed previously, apart from the reasons cited in the National Police Commission’s letter dated 08-06-2020 (**1 R25**), the NPC has claimed to have come to its decision based upon some oral submission made by the Acting Inspector General of Police. This Court has not been made aware as to the contents of such submissions and therefore I am unable to accept that part of reasoning put forward by the national Police Commission to justify the granting of a special promotion to the 12th Respondent in terms of **1 R1**.

Let me next consider the position taken up by the IGP.

The IGP in his Affidavit dated 19-01-2022 has taken up the following positions:

- I. The Petitioners had become Assistant Superintendents of Police in 2018/2019, however the 12th Respondent had become an Assistant Superintendent of Police in 2014, hence the Petitioners and the 12th Respondent are not similarly circumstanced.
- II. The 12th Respondent in 2003, while being the Officer-in-Charge of Mulleriyawa police station had performed exceptionally well and hence was recommended to be promoted to the post of Chief Inspector of Police but the said promotion did not take place.
- III. The 12th Respondent had received the promotion to the rank of Chief Inspector of Police only on 01-01-2006.
- IV. The 12th Respondent had faced the interview for the promotion as Assistant Superintendent of Police in 2013 and thereafter he was promoted as Assistant Superintendent of Police in 2014.
- V. The 12th Respondent had continuously submitted appeals to implement the previous recommendation for him to be promoted to the rank of Chief Inspector of Police in 2003. The 12th Respondent had made the said appeals from 2003 to 21-05-2020 regarding that matter.
- VI. The National Police Commission, based on the 12th Respondent's high achievements, contained in the documents marked **1 R2** to **1 R26**, had decided to grant the impugned backdating of the promotions granted to the 12th Respondent.
- VII. The 12th Respondent has functioned in the capacities of the Director of the Traffic Division and two other divisions; heads of Police Stations in Tangalle and Mount Lavinia. In his capacity as the head of the Police Station in Mount Lavinia, he has supposedly conducted an investigation of a triple murder with great success.

I observe that the grounds given by the IGP in his affidavit are not exactly the same as those in his letter to the NPC (**1 R24**) recommending the impugned promotion to the 12th Respondent. I further observe that neither **1 R24** nor the affidavit filed by the IGP has referred to any specific event as the ground which falls under any of those criteria set out in **1 R1**.

Additionally, the IGP states that the NPC has taken into consideration the achievements of the 12th Respondent which have been produced, marked **1 R2** to **1 R26**. However, the IGP has failed to make any reference to any specific achievement or event upon which the impugned promotion granted to the 12th Respondent could be justified. The said failure on the part of the IGP points to the fact that the reasons/ grounds given in the IGP's affidavit dated 19-01-2022, have been formulated pursuant to a mere afterthought.

I further observe that the IGP in addition to his failure to identify any specific event or instance which would justify the impugned promotion of the 12th Respondent has also resorted to vague statement's such as 'performed exceptionally well'. This has been stated in relation to the 12th Respondent's tenure as the OIC of Mulleriyawa. In the absence of any specific event, I have to go on the basis that this 'performance' is a reference to the raid conducted which led to the seizure of a heroin in the year 2003 as evidenced *inter alia* through the documents produced, marked **1 R8**, **1 R14**, **1 R15**. As observed above, the criteria in **1 R1** specifically Paragraph 05 prohibits the granting of salary increments or monetary rewards on account of the same achievement/incident for which such special promotion has been granted. The document produced by the IGP, marked **1 R14**, states that the officers involved in the said raid which includes the 12th Respondent, have been rewarded for their efforts. The 12th Respondent in particular is said to have received two salary increments commencing from 02-03-2004 onwards in addition to a monetary reward of Rs. 200,000 for conducting the said raid. Therefore, this would have the effect of rendering the said Heroin raid, inadmissible as a ground upon which a special promotion can be granted in accordance with **1 R1**.

Additionally, the IGP in his affidavit has annexed the various certifications of educational achievements of the 12th Respondent at **1 R26**, none of which would warrant the granting of a special promotion as they do not satisfy any of the criteria under **1 R1**.

Let me now consider the position taken up by the 22nd Respondent. The Secretary of the Public Service Commission, who has been named as the 22nd Respondent in this case, also alludes to certain grounds upon which the National Police Commission has taken the impugned decisions, by way of affidavit dated 20-01-2022. The affidavit and annexures mirror the affidavit of the IGP dated 19-01-2022 and thereby it is not necessary to reconsider the grounds given by the Secretary of the Public Service Commission as they have effectively been dealt with above. On the other hand, the PSC is not the authority which had decided to grant the special promotion to the 12th Respondent.

The 12th Respondent being the beneficiary of the recommendation by the Acting IGP and the subsequent decision made by the National Police Commission cannot be considered as the proper authority to justify the decision made in relation to his promotion by the promoting authority. Nevertheless, it seems that the 12th respondent has claimed certain grounds as the grounds for his eligibility for a special promotion, I would briefly touch on that aspect also. According to the statement of objections dated 07-01-2022 filed by the 12th Respondent, the

majority of the documents (if not all) submitted by him as grounds for his eligibility for the impugned special promotion relate to the instances where the 12th Respondent has been awarded either rewards or commendations. This nullifies the admissibility of such grounds as the basis for a special promotion.

Thus, the grounds listed out by the 12th Respondent in his Affidavit dated 12-05-2021 as incidents he claims as grounds to his special promotion cannot be accepted as valid grounds for such special promotion in terms of **1 R1**.

The 12th Respondent in his affidavit, also takes up the position that the then Deputy Inspector General of Colombo in his letter dated 11-10-2011 had recommended to the then Inspector General of Police that his promotion to the Chief Inspector of Police be backdated to 2003. This letter has been produced by the 12th Respondent marked **R3**². Suffice it to state here on this aspect that **1 R1** does not recognize such backdating as special promotion. I have already adverted to above, that the Respondents have failed to put forward a single event of raid/crime investigation conducted by the 12th Respondent which is capable of falling under the criterion set out in **1 R1** which has insisted that any special promotion can only be granted strictly on those grounds. The NPC has granted several promotions to the 12th Respondent. However, the Respondents are unable to fix or match any particular incident/event with each of such promotion. Has the NPC given the 12th Respondent a package of promotions? If so this is simply not acceptable. Have the Petitioners not worked as officers in Charge of Police Stations? Have they not conducted raids? If so, how have they got promotions in the past? Suffice it to state here that the afore-stated are simply routine day to day duties of any police officer. As per **1 R1** an event/incident must be an extraordinary outstanding one falling under one of those set out therein to warrant a special promotion.

As the Petitioner has also relied on the document dated 13-03-2020 which must be read with Police Departmental Order **A5**, let me now probe whether the 12th Respondent has indeed become eligible for such special promotion on the grounds claimed. In doing so, let me first list out the special occasions upon which the 12th Respondent has claimed that the National Police Commission had decided to grant him the impugned special promotion. They are as follows:

² Para 5(h) of his affidavit dated 12-05-2021

- i. His service as the Officer-in-Charge ("OIC") of Sigiriya, Mahawela and Mulleriyawa Police stations, during the period from 1999 to 2003;
- ii. The seizure of a large quantity of heroin in Mulleriyawa on 28-09-2003, during the tenure of the 12th Respondent as the OIC of the Mulleriyawa Police Station, which subsequently led to the conviction of the those apprehended. The said seizure is stated by the 12th Respondent to have been the largest of its kind by a local Police station in the Island at that time.
- iii. The recommendations issued by, inter alios, the Director of the Police Narcotics Bureau, recommending the 12th Respondent to the rank of Chief Inspector of Police, in recognition of the heroin seizure conducted.
- iv. The awarding of the National Drug Control Award to the Mulleriyawa Police station during his tenure.
- v. The prevention of an explosion in Borella in June of 2007, owing to his instrumentality, during his tenure as the OIC of the Borella Police Station.
- vi. The purported prevention of a second explosion on or about August 2006.
- vii. As per the decision by the National Police Commission dated 12-03-2020, which amended the criteria for the consideration of promotions for police officers, he is 'entitled' to the impugned special promotion.
- viii. The securing of the Championship at the 2019 Police World Cup for which he was the Captain of the Sri Lankan Police Cricket team.
- ix. The arrest of a gang of robbers in Matale whilst serving as the Officer in charge of Crime in Matale, following which he was granted a special promotion to the rank of Inspector of Police.
- x. The fact that, in an ASP interview conducted in 2014, he obtained a score higher in comparison to the petitioners which he states negates any assertion made in the petition that he was similarly circumstanced with the petitioners.
- xi. His service as either OIC or Head Quarters Inspector in a number of police stations during his career, as listed in averment 18 of the Statement of Objections of the 12th respondent.
- xii. His appointment as Acting Director of Sports and Director of Environment of the Police Department during his tenure as Assistant Superintendent of Police.
- xiii. The receiving of two Special increments following investigations conducted which led to a conviction in case bearing No HC/8057/15.
- xiv. The commendations by Hon. Magistrates in relation to his service in respect of Magistrate court cases.

I observe that the achievements claimed by the 12th Respondent in his affidavit dated 07-01-2022 are things which any police officer would have engaged in the course of his normal duty. Therefore, such incidents cannot form any basis for earning a special promotion in terms of the conditions set out in **1 R1**.

The Sports achievements claimed by the 12th Respondent for his special promotion do not come under 3(c) of **1 R1**. This is because in order for a Police Officer to get a special promotion as per paragraph 3(c) of **1 R1**, such officer must have participated in an internationally recognized sports tournament at the international level or must have represented as a member of the National Team of any sport. Therefore, item no. (viii) cannot form the basis for a special promotion for the 12th Respondent.

The 12th Respondent does not have any claim under 3 (a) of **1 R1**.

Items No. (ii), (v) and (xiii) are occasions where the 12th Respondent has been granted rewards. Therefore, those occasions as per the note under 3(b) cannot be considered as basis for such special promotion.

In the above circumstances, I regret my inability to accept that both the Inspector General of Police and the National Police Commission had acted within their powers when granting the impugned special promotion to the 12th Respondent. I note that these conditions have been put in place by the National Police Commission itself. Therefore, the National Police Commission is bound to follow it. As submitted by the Petitioners, if the impugned special promotion cannot come under **1 R1**, I have to accept the complaint of the Petitioners that the said impugned special promotion granted to the 12th Respondent has been done arbitrarily, without any justification and hence is unlawful. This has adversely affected the future prospects of the careers of the Petitioners. Thus, the unlawful backdating of the previous promotions granted to the 12th Respondent has infringed upon the fundamental rights guaranteed to the Petitioner under Article 12(1) of the Constitution.

For the foregoing reasons, the Petitioners are entitled to succeed with the prayers in their Petition. Thus, I proceed to grant the following reliefs:

A declaration that the Petitioners' Fundamental Rights enshrined in Article 12(1) of the Constitution, have been violated and/ or are subject to continuing violation by 1st to 9th and 12th Respondents or any one or more of them;

A declaration that the Petitioners' Fundamental Rights enshrined in Article 14(1)(g) of the Constitution, have been violated and/ or are subject to continuing violation by 1st to 9th and 12th Respondents or any one or more of them.

I proceed to quash the decision dated 13-03-2020 by the National Police Commission and the recommendation made by the Inspector General of Police dated 09-06-2020 and 11-06-2020.

Petition is allowed. Petitioners are entitled to the costs of this petition.

As has already been mentioned above at the commencement, this judgment must apply to all the afore-mentioned six cases namely, SC FR No. 203/2020, SC FR No. 204/2020, SC FR No. 209/2020, SC FR No. 210/2020, SC FR No. 211/2020 and SC FR No. 212/2020.

In the above circumstances, the Petitioners in all the other cases, namely, SC FR No. 204/2020, SC FR No. 209/2020, SC FR No. 210/2020, SC FR No. 211/2020 and SC FR No. 212/2020 are also entitled to relief in the same line of relief granted to the Petitioners in SC FR 203/ 2020.

JUDGE OF THE SUPREME COURT

YASANTHA KODAGODA, PC, J

I agree,

JUDGE OF THE SUPREME COURT

ARJUNA OBEYESEKERE, J

I agree,

JUDGE OF THE SUPREME COURT