

**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 NO. 59/2020**

1. Godamunne Bolagedara Jagath Senaka  
Chandrasekera Bandara,  
No.786/05, Muwanhelawatta,  
1<sup>st</sup> Lane,  
Thalangama-North,  
Battaramulla,  
Malabe.
  
2. Kodisinghe Arachchige Jagath Shantha  
Kodisinghe,  
Kithalawalana,  
Meerigama.
  
3. Amadoruge Palitha Sesiri Amarathunga,  
Dangashena,  
Hamangalla,  
Narangoda.
  
4. Thammita Arachchige Don Tissa  
Senanayake,  
No. 270,  
Polkotuwa Watta,  
Pala Hela,  
Dekatana.

5. Basnayaka Ralalage Dammika Dananjaya  
Bandara Aruna Shantha Basnayaka,  
No. 95/A,  
Katana Road,  
Hakurukumbura,  
Meerigama.
6. Pinnaduwege Yasarithna de Silva,  
No. 181/15,  
Polhengoda,  
Kirulapona,  
Colombo 05.
7. Loku Yaddehige Aruna Shyamantha  
Chandrapala,  
1-1, Quarters,  
Anderson Flats,  
Narahenpita.
8. Rammandage Anura Kumara Premarathne,  
184/B,  
Weedagama,  
Bandaragama.
9. Mahendra Nalin Hettiarachchi,  
354/B,  
Galle Road,  
Angagoda,  
Bentota.

10. Jayaweera Patabendige Salinda  
Samarakoon,  
A8/2/1,  
Elvitigala Mawatha,  
Mangala Road,  
Colombo 08.
11. Hettiarachchige Don Pushpa Kumara  
Hettiarachchi,  
No.3/11,  
Amarawansha Mawatha,  
Dangolla Road,  
Peradeniya.
12. Wijayamuni Arachchillage Somarathna,  
"Weerya",  
Ambokkagama,  
Ganewatta,  
Nikadalupotha.
13. Herath Mudiyansele Nipuna Dehigama,  
122/3,  
Wariyapola Sri Sumangala Mawatha,  
Kandy.
14. Rathnayake Mudiyansele Sumith Prasanna  
Rasika Kumara Rathnayake,  
No.38/4,  
New Rathnapura Road,  
Avissawella.
15. Harichandrage Madawa Athula Lewangama,

Gonna,  
Kohile Gedara,  
Pothuhera.

16. Wimal Maliyadewa Edirisinghe,  
No.2013/2,  
Mampitiya,  
Handessa
17. Herath Mudiyanseelage Chandana Priyantha  
Herath,  
No.99,  
Dambakanwatte,  
Boyagane,  
Kurunegala
18. Ekanayake Mudiyanseelage Sugath Kumara  
Ekanayake,  
Temple Road,  
Wanduragala,  
Kurunegala.
19. John Leman Ajith Kumara,  
No. 120,  
Near Hospital,  
Rathnapura Road,  
Ingiriya.
20. Wahappiluge Priyantha Jude Prasanna  
Perera,  
182/A,  
Ingodawila,

Chilaw.

21. Obawattha Kankanamge Thilak Nanayakkara  
No. 158/A,  
Wigoda,  
Bemmulla
22. Gunawardhana Arachchilage Sisira Priyantha  
Abeyasinghe  
No.60,  
Police House Scheme,  
Kundasale,  
Kandy.
23. Siriwardena Kurunayake Wasala Mudiyanse  
Ralahamilage Darshana Senevirathna,  
No. 108,  
Sri Bodhi Road,  
Gampaha.
24. Wijemuni Asitha Pushpanga de Silva,  
No.239/1A,  
IDH Road,  
Kotikawaththa,  
Angoda.
25. Ponnahandi Ramindu Chandimal de Silva  
No.305,  
Galle Road,  
Pathegama,  
Balapitiya.

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

27. Peter Rohan Wijekoon  
No. 154/2/1,  
Jayanthi Mawatha,  
Aluthgama,  
Gampaha.

**PETITIONERS**

1. Merenchige Palitha Dias  
No.182A,  
" Sanasuma"  
Horape,  
Ragama.

2. K.N. Gunewardana (Alias P.B.K.  
Nayanaranga)  
No.151/57R,  
Diyawanna Gardens Pelawatta,  
Battaramulla.

**INTERVENIENT PETITIONERS**

**Vs.**

1. C.D. Wickramarathna,  
Inspector General of Police  
Police Headquarters,

Colombo 01.

- 1A. C.D. Wickremarathna,  
Acting Inspector-General of Police  
Police Headquarters,  
Colombo-01
- 1B. Inspector General of Police  
Police Headquarters,  
Colombo 01.
- 1C. Priyantha Weerasooriya,  
Acting 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. Wijesekera,  
Member,  
National Police Commission
- 3A. S. Liyanagama,  
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

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-  
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. B.M.A.Bandaranayake

13. A.R.P.J.de Alwis

14. Manoj Ranagala

**RESPONDENTS**

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

16. Indrani Dugathadasa,  
Member,  
Public Service Commission

17. V. Shivagnanasothy,  
Member,  
Public Service Commission

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

19. Ahamod Lebbe Mohamed Saleem,  
Member,  
Public Service Commission

20. Leelasena Liyanagama  
Member,  
Public Service Commission

21. Dian Gomes,  
Member,  
Public Service Commission

22. Dilith Jayaweera,  
Member,  
Public Service Commission

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

24. 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 NO. 60/2020**

1. M. A. I. A. D. S. P. Irasinghe,  
No. 565/12,  
Galledandugoda,  
Horana.

2. G. Janak Nandana,  
No. 97,  
Thaksila Gardens,  
Munagama,

Horana.

3. R. M. Pradeep Nishal Ratnayake,  
No. 1047,  
Pothuarawa Road,  
Thalangama-North.
4. G. A. Sunil Piyaratne,  
No. 6,  
32nd Lane,  
Wellawatte,  
Colombo 06.
5. N. Chulani Athula De Silva,  
No. 299/C,  
Muthuwadiya Road,  
Raddoluwa,  
Seeduwa.
6. D. Milton Thilakaratne,  
Udakumbalwala,  
Dova,  
Ella.
7. W. A. Ajith Rohana,  
No. 45,  
Tilaka Road,  
Gampaha.
8. Widura Priyadarshi de Silva Jayasinghe,  
No. 19 A,  
Wetakeiyawala Road,

Udahamulla,  
Nugegoda.

9. P. A. D. Ashoka Wijeratne,  
No. 36/17,  
2<sup>nd</sup> Street,  
Gammana Road,  
Maharagama.
10. S. N. M. M. G. S. K. Meegahakumbura,  
Thalgodapitiya,  
Ibbagamuwa.
11. Ginige Tissa Lal De Silva,  
No. 46,  
Nagadeepa Mawatha,  
Jaffna Road,  
Anuradhapura.
12. A. K. D. Udaya Hemantha, No. 12,  
Sangamith Mawatha, Madakumbura,  
Panadura.
13. Yatagama Lokuge Leelawansa,  
No. 153/1,  
Matara Road,  
Unawatuna,  
Galle.
14. W. L. Joseph Russel De Soysa,  
101/1/3/2,  
Police Quarters,

Colombo 02.

15. U. A. Piyasiri Fernando,  
'Catherine Villa',  
Charles William Mawatha,  
Wennappuwa.

**PETITIONERS**

**Vs.**

1. K. W. E. Karalliyadda,  
Former Chairman of the National Police  
Commission,  
C/o Secretary, National Police Commission,  
Block 9,  
B.M.I.C.H. Premises,  
Buddhaloka Mawatha,  
Colombo 07.
- 1A. Hon. Justice Jagath Balapatabendi,  
Former Chairman of the Public Service  
Commission, C/o Secretary, Public Service  
Commission, No. 1200/9, Rajamalwatte  
Road, Battaramulla.
- 1B. S. C. S. Fernando,  
Former Chairman of the National Police  
Commission, C/o Secretary, National  
Police Commission, Block 9, B.M.I.C.H.  
Premises, Buddhaloka Mawatha,  
Colombo 07.

- 1C. Hon. E. W. M. Lalith Ekanayake,  
Chairman, National Police Commission,  
Block 9, B.M.I.C.H. Premises,  
Buddhaloka Mawatha, Colombo 07.
  
2. Savithri D. Wijesekera,  
Former Member of the National Police  
Commission, C/o Secretary, National Police  
Commission, Block 9, B.M.I.C.H. Premises,  
Buddhaloka Mawatha, Colombo 07.
  
- 2A. Indrani Sugathadasa,  
Former Member of the Public Service  
Commission, C/o Secretary, Public Service  
Commission, No. 1200/9, Rajamalwatte  
Road, Battaramulla.
  
- 2B. M. P. Premasiri Perera,  
Former Member of the National Police  
Commission, C/o Secretary, National  
Police Commission, Block 9, B.M.I.C.H.  
Premises, Buddhaloka Mawatha,  
Colombo 07.
  
- 2C. D. K. Renuka Ekanayake,  
Member, National Police Commission,  
Block 9, B.M.I.C.H. Premises,  
Buddhaloka Mawatha, Colombo 07.
  
3. Tilak Collure,

Former Member of the National Police Commission, C/o Secretary, National Police Commission, Block 9, B.M.I.C.H. Premises, Bauddhaloka Mawatha, Colombo 07.

- 3A. V. Shivagnanasothy,  
Former Member of the Public Service Commission, C/o Secretary, Public Service Commission, No. 1200/9, Rajamalwatte Road, Battaramulla.
- 3B. S. Arumainayahan,  
Former Member of the Public Service Commission, C/o Secretary, Public Service Commission, No. 1200/9, Rajamalwatte Road, Battaramulla.
- 3C. S. Liyanagama,  
Former Member of the National Police Commission, C/o Secretary, National Police Commission, Block 9, B.M.I.C.H. Premises, Bauddhaloka Mawatha, Colombo 07.
- 3D. Kanapathipillai Karunaharan,  
Member, National Police Commission, Block 9, B.M.I.C.H. Premises, Bauddhaloka Mawatha, Colombo 07.
4. Y. L. M. Zawahir,  
Former Member of the National Police C/o Secretary, Commission, National Police

Commission, Block 9, B.M.I.C.H. Premises,  
Buddhaloka Mawatha, Colombo 07.

- 4A. Dr. T. R. C. Ruberu,  
Former Member of the Public Service  
Commission, C/o Secretary, Public Service  
Commission, No. 1200/9, Rajamalwatte  
Road, Battaramulla.
- 4B. Gunapala Wickramage,  
Former Member of the National Police  
Commission, C/o Secretary, National  
Police Commission, Block 9, B.M.I.C.H.  
Premises, Buddhaloka Mawatha,  
Colombo 07.
- 4C. G. P. Sarath Gamini de Silva,  
Member, National Police Commission,  
Block 9, B.M.I.C.H. Premises,  
Buddhaloka Mawatha, Colombo 07.
5. Gamini Navaratne,  
Former Member of the National Police  
Commission, C/o Secretary, National Police  
Commission, Block 9, B.M.I.C.H. Premises,  
Buddhaloka Mawatha, Colombo 07.
- 5A. Ahamed Lebbe Mohamed Saleem,  
Former Member of the Public Service  
Commission, C/o Secretary, Public Service  
Commission, No. 1200/9, Rajamalwatte  
Road, Battaramulla.

- 5B. A. S. P. S. P. Sanjeewa,  
Former Member of the National Police  
Commission, C/o Secretary, National  
Police Commission, Block 9, B.M.I.C.H.  
Premises, Bauddhaloka Mawatha,  
Colombo 07.
- 5C. Dilshan Kapila Jayasuriya,  
Attorney-at-Law,  
Member, National Police Commission,  
Block 9, B.M.I.C.H. Premises,  
Bauddhaloka Mawatha, Colombo 07.
6. Ashoka Wijethilaka,  
Former Member of the National Police  
Commission,  
C/o Secretary, National Police Commission,  
Block 9, B.M.I.C.H. Premises, Bauddhaloka  
Mawatha, Colombo 07.
- 6A. Leelasena Liyanagama,  
Former Member of the Public Service  
Commission,  
C/o Secretary Public Service Commission,  
No. 1200/9, Rajamalwatte Road,  
Battaramulla.
- 6B. T. P. Parameswaran,  
Former Member of the National Police  
Commission,

C/o Secretary, National Police  
Commission, Block 9, B.M.I.C.H.  
Premises, Bauddhaloka Mawatha,  
Colombo 07.

- 6C. A. A. M. Illiyas PC,  
Member, National Police Commission,  
Block 9, B.M.I.C.H. Premises,  
Bauddhaloka Mawatha, Colombo 07.
7. G. Jeyakumar,  
Former Member of the National Police  
Commission,  
C/o Secretary, National Police Commission,  
Block 9, B.M.I.C.H. Premises, Bauddhaloka  
Mawatha, Colombo 07.
- 7A. Dian Gomes,  
Former Member of the Public Service  
Commission,  
C/o Secretary, Public Service Commission,  
No. 1200/9, Rajamalwatte Road,  
Battaramulla.
- 7B. Dilith Jayaweera,  
Former Member of the Public Service  
Commission,  
C/o Secretary, Public Service Commission,  
No. 1200/9, Rajamalwatte Road.  
Battaramulla,
- 7C. W. H. Piyadasa,

Former Member of the Public Service  
Commission,  
C/o Secretary, Public Service Commission,  
No. 1200/9, Rajamalwatte Road,  
Battaramulla.

7D. N. S. M. Samsudeen,  
Former Member of the National Police  
Commission,  
C/o Secretary, National Police  
Commission, Block 9, B.M.I.C.H.  
Premises, Bauddhaloka Mawatha,  
Colombo 07.

8. Nishantha A. Weerasinghe,  
Former Secretary of the National Police  
Commission,  
C/o Secretary, National Police Commission,  
Block 9, B.M.I.C.H. Premises, Bauddhaloka  
Mawatha, Colombo 07.

8A. M. A. B. Daya Senarath,  
Former Secretary of the Public Service  
Commission,  
C/o Secretary, Public Service Commission,  
No. 1200/9, Rajamalwatte Road,  
Battaramulla.

8B. Thamara D. Perera,  
Secretary,  
National Police Commission,

Block 9, B.M.I.C.H. Premises,  
Buddhaloka Mawatha, Colombo 07.

9. C. D. Wickremaratne,  
Inspector-General of Police,  
Police Headquarters, Colombo 01.
10. B. M. Anuruddha Bandaranayake,  
Senior Superintendent of Police,  
No. 353/7A, Dutugemunu Mawatha,  
Mawilmada, Kandy.
11. A. R. P. Jayak De Alwis,  
Senior Superintendent of Police,  
A 8, Joseph Frazer Road, Colombo 05.
12. Manoj Ranagala,  
Senior Superintendent of Police,  
No. 367/2, Jinadasa Mawatha, Mahara,  
Kadawatha.
13. Hon. Attorney-General,  
Attorney-General's Department,  
Colombo 12.

**RESPONDENTS**

.....

**SC FR NO. 61/2020**

1. G. H. Marapana  
Senior Superintendent of Police

Director Mounted Division 23A,  
Inikambadda, Banadarawela

4. W.A.W. Chamika Premasiri  
Senior Superintendent of Police  
Director Medical Services 37/1/1B, 1st Lane  
Gurudeniya Road Ampitiya, Kandy.
5. K.A.J. Kodithuwakku  
Senior Superintendent of Police  
Commander Police Field Force Headquarters  
No.65/23A, Naramminiya Road, Kelaniya.
6. W.R.L.Karunakalage  
  
Senior Superintendent of Police Director -  
Crime Division 324/2, Kuruduwatte Road,  
Nagoda, Kalutara South.
7. G.N.De Zoysa  
Senior Superintendent of Police  
Division Head Colombo Central 101/22-1/1,  
B Bulding, Police Quarters, Kew Road,  
Colombo 02.
8. W.P.J. Senadheera  
Senior Superintendent of Police  
Divisional Head - Kankasanthurei 158/C,  
New Kandy Road, Bandarawatte Biyagama.
9. T.G.N.W.D. Thalduwa

Senior Superintendent of Police  
Director Intelligence, Western Province  
No.317, Nagahawela Junction, Kotikawatte,  
Mulleriyawa, New Town.

11. H.C.A. Pushpakumara  
Senior Superintendent of Police  
Director - Police College No.307/16,  
Wakwella Road, Galle.
12. W.V.Ginige  
Senior Superintendent of Police  
Divisional Head - Galle  
'JAYANTHI' Manawila, Walahanduwa, Galle.
13. A.S.P.C. Wedamulla  
Senior Superintendent of Police  
Divisional Head - Anuradhapura Waterfall  
Road, Wemullahena Ella.
14. A.G..D. Weerasekara  
Senior Superintendent of Police  
Divisional Head - Kanthale  
No.101/20/03/02, Police Quarters, Kew  
Road, Colombo 02.
15. K.M.U.P. Kalupahana  
Senior Superintendent of Police  
Director- Property 'Pradeep' Giragama  
Road, Pilimathalawa.
16. I.W.G.R. Kandewatta

Senior Superintendent of Police  
Divisional Head - Badulla Senior  
Superintendent's Bungalow Judges Hill  
Badulla.

17. J.A. Chandrasena  
Senior Superintendent of Police  
Coordinator of the Ministry Police  
Headquarters 'Suwana' No.167D/2,  
Niwaduwa Road, Arukgoda, Alubomulla.
18. K.D.G.L.A.Dharmasena  
Senior Superintendent of Police  
Director - IT No.197/54, Richmand Hill,  
Heerassagala Kandy.
19. E.M.G.J. Seram  
Senior Superintendent of Police  
Divisional Head - Polonnaruwa No.18/H/6,  
Swaranawimana Lane II, Marapola,  
Veyangoda.
20. D.M.M.A.B. Mahagirilla  
Senior Superintendent of Police  
National Police Academy Police Quarters,  
National Police Academy, Thibirigaskatuwa.
21. J.A.K. Jayasinghe  
Senior Superintendent of Police  
Director - National Police Academy  
No.101/1-2/2, Police Flats, Kew Road,  
Colombo 02

22. R.H.S.Masinghe  
Senior Superintendent of Police  
Divisional Head - Kandy 'Singhe', 2nd Cross  
Street, Podujana Mawatha, Medaeliya,  
Hungama.
23. K.B.Keerthirathne  
Senior Superintendent of Police  
Divisional Head - Kegalle No.126/5, Police  
Quarters, Wekunagoda, Galle.
24. M.D.P.Dayarathne  
Senior Superintendent of Police  
Director - Information No.102, Diyawanna  
Gardens, 5th Lane, Battaramulla.
25. S.D. Wijesekara  
Senior Superintendent of Police  
Divisional Head - Monaragala  
Amabathannawatte, Kirindiela Bandarawela
27. W.A.J. Wishantha  
Senior Superintendent of Police  
Coordinator of the Ministry  
No.85, Lipton Grore, Kunduppa,  
Angulugaha, Galle.
28. W.S.P. De Silva  
  
Senior Superintendent of Police  
Directory - Marine Division

No.124/1, Kew Road, Colombo 02.

29. R.A. Darshika Kumari  
Women Senior Superintendent of Police  
Criminal investigation Department  
No.101/24/2-1, Police Quarters, Kew Road,  
Colombo 02.
30. W.J.Padmini  
Women Senior Superintendent of Police  
Director Commission to Investigate  
Allegation of Bribery or Corruption  
No.40/3, Old Kottwa Road, Mirihana.
31. S.A.R.Jayasundara  
Women Senior Superintendent of Police  
Director - Research and Development  
No.517/26, Newcity, Gonahena Road,  
Ranmuthugala, Kadawatha,

**PETITIONERS**

Vs.

1. CD Wickramaratne  
Acting Inspector General of Police  
Police Head Quarters, Colombo 1
- 1A. Priyantha Weerasooriya,  
Acting Inspector General of Police,  
Police Head Quarters, Colombo 1.

2. Mr. K.W.E. Karalliyadda  
Chairman  
National Police Commission
  
- 2A. Mr. S. C. S. Fernando  
Chairman  
National Police Commission
  
- 2B. Mr. E. W. M. Lalith Ekanayake  
Chairman  
National Police Commission
  
3. Mr. Ashoka Wijethilaka  
Member  
National Police Commission
  
- 3A. Mr. M. P. P. Perera  
Member  
National Police Commission
  
- 3B. D. K. Renuka Ekanayake  
Member  
National Police Commission
  
- 3C. K. Karunaharan  
Member  
National Police Commission
  
4. Mrs. Savithri D. Wijesekere  
Member  
National Police Commission

4A. Mr. S. Liyanagama

Member

National Police Commission

4B. Sarath Gamini de Silva

Member

National Police Commission

5. Mr. G. Jeyakumar

Member

National Police Commission

5A. Mr. G. Wickramage

Member

National Police Commission

5B. Dilshan Kapila Jayasuriya

Member,

National Police Commission

6. Ms. Y.L.M. Zawahir

Member,

National Police Commission

6A. Mr. A..S. P. S. P. Sanjeewa

Member,

National Police Commission

6B. Kanapathipillai Karunaharan

Member,

National Police Commission

6C. Jayantha Jayasinghe

Member,

National Police Commission.

7. Mr. Tilak Collure

Member

National Police Commission

7A. Mr. T. P. Paramaswaran

Member

National Police Commission

7B. Mr. A. A. M. Illiyas

Member

National Police Commission

8. Mr. Gamini Nawaratne

Member

National Police Commission

8A. Mr. N. S. M. Samsudeen

Member

National Police Commission

All of National Police Commission BMICH,  
Colombo 7.

9. Manoj Ranagala,

367/2,

Jinadasa Mawatha,

Mahara, Kadawatha

10. A R Prasanna Jayak De Alwis  
A8, Joseph Frazer Road, Colombo 05
11. B M Anuruddha  
353/7A,  
Dutugamunu Mawatha,  
Mawilmada, Kandy
12. Hon. Attorney General,  
Attorney General's Department,  
Colombo 12

**RESPONDENTS**

.....

**SC FR NO. 63/2020**

1. B.A. Ignatious Prasanna,  
No 4B, Summit Flats, Kappetipola Mawatha,  
Colombo 5
2. W.M. Samarakoon Banda,  
No.87, Uyanwatta, Menikhinna
3. J.P. Sunil Jayamaha,  
No. 101/24-01/02, "C" Block, Police  
Quarters, Kew Road, Colombo 02
4. A.M. Jaufar,  
No. 111, Buhary Road, Nonthavur
5. H.D.N. Abayawardana,

No. 772/01, Indrajothi Mawatha,  
Baththaramulla

6. K.W.R. Jagath Rohana,  
No. 80/B, Wathumulla, Udugampola
7. P.K.K. Kusum Premadasa,  
No. 29, Saman Mawatha, Panadura
8. Chamil Krishantha Rathnayaka,  
No. 72/1, Jampata Road, Colombo 13
9. B. A. Udaya Kumara Wanshanatha,  
No. 116/A, Samandawa Road, Aluwiharaya,  
Matale
10. P.M.D.U.B. Palihawadana,  
No. 44, Dahanekegedara, Walala,  
Manikhinna
11. R.M.K. Nihal Ranaweera,  
No. 134/30, Bomaluwa Road, Watappaluwa,  
Kandy
12. Amal Anuradha Edirimanna,  
No. 12/368, Horagahakanda Road,  
Thalangama North
13. K.K.K. Gunasekara,  
No. 18A, Oruthota Road, Gampaha
14. M.K.R. Ajith Gunarathna,

No. 28/3, Weeragula, Yakkala

15. D.G. Hemal Prashantha,  
"Shanthi", Pahamunegoda, Bambaranda  
South, Dikwella
16. Indika Udayakumara Lokuhetti,  
No. 101/3, Kiw Road Police Quarters, Slave  
Island, Colombo 2
17. Gamachchige Lalith Leelarathna,  
No. 160/17, School Lane, Rukmalgama,  
Pannipitiya
18. A.M.U.A. Athapattu,  
"Arampath", Koswatta, Panadaragama
19. V.A.T.K. Vithanage,  
No. 143, Stage II, Diddeniya Estate,  
Dambokka, Boyagane, Kurunegala
20. W.K. Indunil Sibera,  
No. 07, Diyawanna Gardens,  
Jayawadanagama
21. Sathish Ranjan Hiyare gamage,  
Alubogawatta, Hiyare South, Galle
22. R.A.D. Ernest Laksiri randeniya,  
No. 31, Welisara Waththa, Mahabage,  
Ragama

23. Polwatta Darshaana Gallage,  
No. 01, Millennium City Cross Road,  
Orugodawatta, Athurugiriya
24. D.S.Indrajith Athula Amarasinghe,  
No. 80, George R de Silva Mawatha,  
Colombo 13
25. Chithrananda Wijesiri Wickramasekara,  
No. 126/1, Katawalamulla Pedesa, Colombo  
10
26. Biyagamage Sisira Thisera,  
No. 101/3, 2/2, Police Quarters, Kiwi Road,  
Colombo 02
27. D. D. Ranjith Dasanayaka,  
No. 116/02/A, raja Maha Vihara Road,  
Mirihana, Pitakotte
28. M.M.L. Siriwardana.  
No. 197/12,Sirimavo Bandaranayak  
Mawatha, Mahara, Kadawatha
29. D.K. Priyantha,  
No. 696/9, Gonawatta Road,  
Thalangama(North), Malambe
30. D.L.A. Sooriyabandara,  
No. 13/17, Kurulu Uyana, Gnanavimala  
Mawatha, Athurugiriya

31. K.C. Bamunuarachchi,  
No. 200, Pitipatha South, Homagama
32. A.M. Nimal Bandara,  
No. 18, Chrishtine Lands, Kiralabokka
33. D.S.D. Weerasinghe,  
No. 13, Immigration Quarters, Hidallana,  
Ratnapura
34. P.T. Sisira,  
No. 8/A-1/3, Seagull Apartment, Station  
Road, Colombo 6
35. H.M. Gunawardhana,  
Ranawana, walauwwa Watta,  
Kiribathkumbura
36. A.W.M.R. Senaka Dathusena Ratwatte,  
No. 29, Lake Road, Aththidiya, Dehiwala
37. Darshana Sampath Wijesinghe,  
No. 47/45A, Nagaha Ella Road, Mawilmada,  
Kandy
38. D.S.Kamal,  
No.313,Sirinanda Jothikarama Road,  
Thalawathugoda
39. W.A.R. Bandara,  
No. 614/A, Victory Range, Morahela Railway  
Avenue, Pothuhera

40. W.M. Samantha Wedage,  
No. 102, Moragolla Road, Thalathu Oya
41. W.L.P.M. Abeysekera,  
No. 145/F, 05th Avenue, Salgas Mawatha,  
Mattegoda
42. A. W. Saman Pathmasiri Perera,  
No. 151/53R, Diyawanna Gardens,  
Battaramulla
43. H.I. Rohan Nishantha Perera,  
No. 34/4, 2nd Lane, Swarna place,  
Honnathara, Piliyandala
44. Diyagu Kalanasiri,  
Badathuruge Hemathilaka  
No. 93/3, Aluthwelagama, Badulla
45. K.J.S. Karunasinghe,  
No. 126/1/B, State Gazetted Officers  
Quarters, Katawalamulla, Maradana,  
Colombo 10

**PETITIONERS**

**Vs**

1. C.D. Wickramarathna,

Inspector General of Police, Senior Deputy  
Inspector General, Police Headquarters,  
Colombo 1

- 1A. Mr. Deshabandu Tennakoon  
Inspector General of Police, Senior Deputy  
Inspector General, Police Headquarters,  
Colombo 1

**1A Substituted Respondent**

2. Sisira Kumara,  
Deputy Inspector General of Police, Human  
Resources Management Division, Police  
Headquarters, Colombo 1
3. Prasad Ranasinghe,  
Senior Superintendent of Police, Human  
Resources Management Division, Police  
Headquarters, Colombo 1
4. Ajith Rohana,  
Deputy Inspector General of Police (Legal),  
Police Headquarters, Colombo 1
5. Ruwan Gunasekara,  
Senior Superintendent of Police-Director  
Legal, Police Headquarters, Colombo 1
6. K.W.E. Karaliyedda,  
Chairman, National Police Commission,  
Block No. 9, BMICH premises, Baudhaloka  
Mawatha, Colombo 7.

6A Mr. E.W.M. Lalith Ekanayake; **6A Added Respondent**

6B Mrs. D.K. Renuka Ekanayake; **6B Added Respondent**

6C Mr. K Karunaharan; **6C Added Respondent**

6D Mr. P.G.S. Gamini de Silva; **6D Added Respondent**

6E Mr. Dilshan Jayasuriya; **6E Added Respondent**

6F Mr. A.A.M. Illiyas; **6F Added Respondent**

Above 6A to 6F all are at National Police Commission,  
Block No. 9,  
BMICH premises, Baudhaloka Mawatha,  
Colombo 7.

7. Savithri D Wijesekera,  
Member,  
National Police Commission,  
Block No. 9, BMICH premises, Baudhaloka  
Mawatha, Colombo 7

8. Y.L.M. Zawahir,  
Member,

National Police Commission,  
Block No. 9, BMICH premises, Baudhaloka  
Mawatha, Colombo 7

9. Tilak Collure,  
Member,  
National Police Commission,  
Block No. 9, BMICH premises, Baudhaloka  
Mawatha, Colombo 7

10. Gamini Navarathna,  
Member,  
National Police Commission,  
Block No. 9, BMICH premises, Baudhaloka  
Mawatha, Colombo 7

11. Ashoka Wijethilaka,  
Member,  
National Police Commission  
Block No. 9, BMICH premises, Baudhaloka  
Mawatha, Colombo 7

12. G. Jeyakumar,  
Member,  
National Police Commission,  
Block No. 9, BMICH premises, Baudhaloka  
Mawatha, Colombo 7

12A. Hon. Justice Jagath Balapatabendi,  
Chairman,  
Public Service Commissions,

No. 1200/9, Rajamalwatta Road,  
Battaramulla.

**ADDED 12A RESPONDENT**

12B. Indrani Sugathdasa,  
Member,  
Public Service  
Commissions,  
No. 1200/9, Rajamalwatta Road,  
Battaramulla.

**ADDED 12B RESPONDENT**

12C. Mr. V. Shivagnanasothy,  
Member,  
Public  
Service Commissions,  
No. 1200/9, Rajamalwatta Road,  
Battaramulla.

**ADDED 12C RESPONDENT**

12D. Dr. T.R.C. Ruberu,  
Member,  
Public Service  
Commissions,  
No. 1200/9, Rajamalwatta Road,  
Battaramulla.

**ADDED 12D RESPONDENT**

12E. Ahamod Lebbe Mohamed Saleem,  
Member,  
Public Service Commissions,  
No. 1200/9, Rajamalwatta Road,  
Battaramulla.

**ADDED 12E RESPONDENT**

12F. Leelasena Liyanagama,  
Member,  
Public Service Commissions,  
No. 1200/9, Rajamalwatta Road,  
Battaramulla.

**ADDED 12F RESPONDENT**

12G. Dian Gomes,  
Member,  
Public Service Commissions,  
No. 1200/9, Rajamalwatta Road,  
Battaramulla.

**ADDED 12G RESPONDENT**

12H. Dilith Jayaweera  
Member,  
Public Service Commissions,  
No. 1200/9, Rajamalwatta Road,  
Battaramulla.

**ADDED 12H RESPONDENT**

12I. W.H. Piyadasa,  
Member,  
Public Service Commissions,  
No. 1200/9, Rajamalwatta Road,  
Battaramulla.

**ADDED 121 RESPONDENT**

13. Nishantha A. Weerasingha,  
Secretary,  
National Police Commission,  
Block No. 9, BMICH premises, Baudhaloka  
Mawatha, Colombo 7

13A. M.A.B. Daya Senarath,  
Secretary,  
Public Service Commission,  
No. 1200/9,  
Rajamalwatte Mawatha, Battaramulla.

**ADDED 13A RESPONDENT**

14. Gen. Kamal Gunarathna,  
Secretary,  
Ministry of Defence,  
No 15/5, Baladaksha Mawatha, Colombo 03

15. Manoj Ranagala,  
No. 367/2, Jinadasa Mawatha, Mahara,  
Kadawatha

16. B.M..A. Bandaranayaka,

No. 353/7A, Dutugemunu Mawatha,  
Mawlimada, Kandy

17. A.K.P. J. de Alwis,  
No. A8, Joseph Frazer Road, Colombo 5
18. Hon. Attorney-General,  
Attorney-General's Department, Hulftsdorp  
Street, Colombo 12.

**RESPONDENTS**

**BEFORE** : **P. PADMAN SURASENA, CJ**  
**MAHINDA SAMAYAWARDHENA, J**  
**M. SAMPATH K.B. WIJERATNE, J**

**COUNSEL** : Harsha Fernando, PC, with Chamith Senanayake instructed  
by Jagath Talgaswattage for the Petitioners in SC. FR. No.  
59/20.

Shyamal A. Collure with Prabhath S. Amarasinghe  
instructed by A.P. Jayaweera for the Petitioners in SC. FR.  
No. 60/20.

Ruwantha Cooray with Rodney Vaz instructed by  
Dhammika Jiminige for the Petitioners in SC. FR. No. 61/20.

Sanjeewa Jayawardena, PC, with Rukshan Senadheera for  
the Petitioners in SC. FR. Nos. 63/20 & 64/20.

Saliya Pieris, PC, with Varuna de Saram and Ms. Dinithi  
Jayasinghe instructed by Manjula Balasooriya for the 12th

14th Respondents in SC. FR. No. 59/20, 10th 12th Respondents in SC. FR. No. 60/20, 9th 11th Respondents in SC. FR. No. 61/20 and for the 15th-17th Respondents in SC. FR. No. 63/20.

Ms. Ganga Wakishta Arachchi, DSG, instructed by Dr. Rizni Firdous, SSA, for the IGP, NPC and Hon. Attorney General in all matters.

M.P. Ganeswaran with Mayuran Mahalingam for the Intervenant Petitioner

**ARGUED ON** : 17-11-2025

**DECIDED ON** : 27-05-2026

**P. PADMAN SURASENA, CJ**

At the commencement of the argument, all parties agreed to conduct a composite hearing of all the connected cases. Hence, this judgment must apply to the cases bearing numbers SC/FR/59/2020, SC/FR/60/2020, SC/FR/61/2020, and SC/FR/63/2020.

The Petitioners in all the above cases are Senior Superintendents of Police at the time they had filed these cases. In these Applications the Petitioners have challenged the RTM 1059 dated 27-01-2020 by which the Inspector General of Police has announced the backdating of promotions granted to three persons. These three persons are:

- (i). Superintendent of Police B. M. A. Bandaranayake
- (ii). Assistant Superintendent of Police A. R. P. J. De Alwis
- (iii). Superintendent of Police Manoj Ranagala.

The said announcement has backdated the promotions to the rank of Assistant Superintendent of Police previously given to the above three officers to take effect from 01-01-2008.

Further, in accordance with the above new effective date, the said announcement has also appointed the above three officers

- (i) to the rank of Superintendent of Police with effect from 01-01-2014,
- (ii) then to the rank of Senior Superintendent of Police with effect from 01-01-2018.

The Petitioners have produced the said RTM 1059 dated 27-01-2020 marked **P2** in SC/FR/59/2020; marked **P11** in SC/FR/60/2020; marked **P4** in SC/FR/61/2020, and marked **P2** in SC/FR/63/2020. For convenience, adopting the marking of SC/FR/59/2020, I will in the course of this judgment refer to the said RTM 1059 dated 27-01-2020 as **P2**.

The Petitioners in their Petitions have named as Respondents, those three Police Officers whose promotions were backdated by the issuance of RTM 1059 dated 27-01-2020 (**P2**) as follows. The Petitioners in SC/FR/59/2020 have named those three Police Officers as 12<sup>th</sup> to 14<sup>th</sup> Respondents; in SC/FR/60/2020 as 10<sup>th</sup> to 12<sup>th</sup> Respondents; in SC/FR/61/2020 as 9<sup>th</sup> to 11<sup>th</sup> Respondents and in SC/FR/63/2020 as 15<sup>th</sup> to 17<sup>th</sup> Respondents. For convenience, adopting the caption of SC/FR/59/2020, I will in the course of this judgment refer to them as 12<sup>th</sup> to 14<sup>th</sup> Respondents.

Let me at this juncture, turn to the basis upon which the Petitioners have challenged the said backdating of the promotions granted to the 12<sup>th</sup> to 14<sup>th</sup> Respondents as per **P2**. Since the factual positions with regard to the dates of relevant promotions of the Petitioners of each of those four cases are different, I will proceed to first set out below, these differences separately.

In **SC/FR/59/2020**, the Petitioners as well as the 12<sup>th</sup> to 14<sup>th</sup> Respondents had applied for promotions to the rank of Chief Inspectors of Police in 2003. However,

neither the Petitioners nor the 12<sup>th</sup> to 14<sup>th</sup> Respondents were selected for the said promotions. Later, the Petitioners as well as the 12<sup>th</sup> to 14<sup>th</sup> Respondents were promoted as Chief Inspectors of Police with effect from 01-01-2006.<sup>1</sup>

Thereafter, the Petitioners in SC/FR/59/2020 and the 12<sup>th</sup> to 14<sup>th</sup> Respondents had applied for promotions as Assistant Superintendent of Police in 2013. However, the Petitioners were not appointed but the 12<sup>th</sup> to 14<sup>th</sup> Respondents were appointed as Assistant Superintendent of Police with effect from 13-01-2014.

Thereafter, some of the Petitioners have challenged their non-appointment to the rank of Assistant Superintendent of Police in 2013 by way of filing FR Applications (SC/FR/128/2014 and SC/FR/74/2017). Some of the Petitioners have appealed to the Administrative Appeals Tribunal and obtained orders in their favour.

In **SC/FR/60/2020**, the Petitioners were appointed as Chief Inspectors of Police with effect from 01-01-2003 based on seniority. They state that the 12<sup>th</sup> to 14<sup>th</sup> Respondents were not among those who secured promotions as Chief Inspectors of Police with effect from 01-01-2003 based on seniority and merit.<sup>2</sup>

Thereafter, the Petitioners in SC/FR/60/2020 were promoted as Assistant Superintendent of Police with effect from 09-05-2010. The 12<sup>th</sup> to 14<sup>th</sup> Respondents were later promoted as Assistant Superintendent of Police with effect from 13-01-2014. Later, the promotions as Assistant Superintendent of Police given to the 12<sup>th</sup> to 14<sup>th</sup> Respondents were backdated to take effect from 15-07-2013.<sup>3</sup>

In **SC/FR/61/2020**, the Petitioners were appointed as Assistant Superintendent of Police after they passed a limited competitive examination with effect from 01-01-2008. Prior to facing the said limited competitive examination which led to their appointments as Assistant Superintendent of Police, these Petitioners (the Petitioners

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<sup>1</sup> Paragraph 9 of the Petition in SC/FR/59/2020.

<sup>2</sup> Paragraph 7 of the Petition in SC/FR/60/2020.

<sup>3</sup> Paragraph 13 of the Petition in SC FRA 60/2020.

in SC/FR/61/2020) had held the ranks of Sub Inspectors of Police, Inspectors of Police and Chief Inspectors of Police.

In **SC/FR/63/2020**, the Petitioners as well as the 12<sup>th</sup> to 14<sup>th</sup> Respondents were promoted to the rank of Chief Inspectors of Police with effect from 01-01-2006. Thereafter, all of them were promoted as Assistant Superintendent of Police with effect from 13-01-2014. Subsequently, the said appointments as Assistant Superintendent of Police (the whole batch) were backdated to take effect from 15-07-2013 without affecting the seniority of the Petitioners as well as the 12<sup>th</sup> to 14<sup>th</sup> Respondents. <sup>4</sup>

#### Promotions as Chief Inspectors of Police:

Above factual positions indicate that the Petitioners in SC/FR/59/2020 and Petitioners in SC/FR/63/2020 are persons who have got appointments as Chief Inspectors of Police on 01-01-2006. That is the same date on which the 12<sup>th</sup> to 14<sup>th</sup> Respondents also got appointments to the rank of Chief Inspectors of Police.

The Petitioners in SC/FR/60/2020 have got their appointments as Chief Inspectors of Police on 01-01-2003. That was well before 01-01-2006.

#### Promotions as Assistant Superintendent of Police:

The 12<sup>th</sup> to 14<sup>th</sup> Respondents have got their appointments as Assistant Superintendent of Police with effect from 13-01-2014 which was later backdated to take effect from 15-07-2013.

The Petitioners in SC/FR/60/2020 have got their appointments as Assistant Superintendent of Police with effect from 09-05-2010. The Petitioners in SC/FR/61/2020 have got their appointments as Assistant Superintendent of Police with

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<sup>4</sup> Paragraph 7 of the Petition in SC FRA 63/2020.

effect from 01-01-2008 (after passing the Limited Competitive Examination). The Petitioners in SC/FR/63/2020 have got their appointments as Assistant Superintendent of Police with effect from 13-01-2014 which was later backdated to take effect from 15-07-2013.

Thus, it is clear that the 12<sup>th</sup> to 14<sup>th</sup> Respondents are persons who have got their appointments as Assistant Superintendent of Police either on the same date as many of the Petitioners or well after the date of some of the Petitioners have got their appointments as Assistant Superintendent of Police.

Therefore, on the face of it there seems to be no justification for backdating the promotions of only 12<sup>th</sup> to 14<sup>th</sup> Respondents.

Let me now consider the position taken up by the Respondents. The Chairman of the National Police Commission (NPC) in his affidavit dated 31-07-2025 has categorically denied that that the action of backdating the promotions of the 12<sup>th</sup> to 14<sup>th</sup> Respondents as per the RTM 1059 dated 27-01-2020 (**P2**), was wrongfully, illegally or unjustifiably done. Paragraph 2 of the afore-said affidavit read with its caption shows that the Chairman of the National Police Commission has filed this affidavit in respect of all the connected cases: i.e., the cases bearing Nos. SC/FR/59/2020, SC/FR/60/2020, SC/FR/61/2020, SC/FR/63/2020 and SC/FR/64/2020. In the backdrop of the above denial, let me first reproduce the whole text contained in the body of the impugned RTM (**P2**). It is as follows:

"ජාතික පොලිස් කොමිෂන් සභාවේ අංක NPC/ED/GO/PR/03/81/19 දරණ 2020.01.17 සහ 2020.01.24 දිනැති ලිපි වල සඳහන් අනුමැතිය පරිදි ශ්‍රේෂ්ඨාධිකරණයේ මූලික අයිතිවාසිකම් අයදුම්පත් අංක 125/2009 දරණ පෙත්සමෙහි පෙත්සම්කරුවන් වූ පහත සඳහන් නිලධාරීන් එම පෙත්සමේ අවසන් නියෝගය සලකා එම නිලධාරීන්ට 2013.07.15 දිනට ලද සහකාර පොලිස් අධිකාරී තනතුරේ උසස්වීම, 2008.01.01 දිනට පෙරදානම කර ඊට අනුරූපීව 2014.01.01 දිනට පොලිස් අධිකාරී තනතුරටත්, 2018.01.01 දිනට ජ්‍යෙෂ්ඨ පොලිස් අධිකාරී තනතුරටත් උසස් කිරීමට මෙයින් නියෝග කරමි.

1. පො. අ. බී. එම්. ඒ. බණ්ඩාරනායක මහතා - කොළඹ දකුණ කොට්ඨාසය
2. ස. පො. අ. ඒ. ආර්. පී. ජේ. ද අල්විස් මහතා - ත්‍රස්ත මර්ධන හා විමර්ශන කොට්ඨාසය
3. පො. අ. මනෝජ් රණගල මහතා - කොළඹ මධ්‍යම කොට්ඨාසය

ඉහත පෙරදාතම කිරීම අනුව නිලධාරීන් වෙත හිඟ වැටුප් හෝ දීමනා ගෙවීමකින් තොරව අදාළ වැටුප් පියවරෙහි පිහිටුවා ලබාදීමටත්, 2008.01.01 දිනට සහකාර පොලිස් අධිකාරී තනතුරට උසස් කිරීම සඳහා පැවති සම්මුඛ පරීක්ෂණයේදී උසස් කරන ලද සහකාර පොලිස් අධිකාරී ජ්‍යෙෂ්ඨතා ලේඛණයේ පහලින්ම ස්ථාන ගත කිරීමටත් නියෝග කරමි.”

The plain reading of the above text shows clearly, two reasons which can be taken as the basis for the decision contained therein. These two reasons can be listed as follows:

- (i) The National Police Commission having considered the Final Order pronounced by the Supreme Court in SC/FR/125/2009, has approved the the proposed action of backdating the promotions of the afore-said three Police Officers;
- (ii) It did so as those three Police Officers were the Petitioners of that case i.e., SC/FR/125/2009; this also indicates that the Supreme Court in SC/FR/125/2009 has pronounced its Final Order in favour of its Petitioners (the three Police Officers).

However, contrary to the above reasoning, the Chairman of the National Police Commission in his affidavit dated 31-07-2025 has categorically denied that the action of backdating the promotions of the 12<sup>th</sup> to 14<sup>th</sup> Respondents as per the RTM 1059 dated 27-01-2020 (**P2**) was carried out based on the Final Order in SC/FR/125/2009. The Chairman of the NPC has positively asserted this position in Paragraph 16 of his affidavit dated 31-07-2025, which I will reproduce below:

*"Answering the averments contained in Paragraphs 22 and 23 of the said Affidavit, I categorically deny that the decision marked in P2 had been based on the final order of SC FR 125/2009. I state further there is reference in P2 to the final order in the said case which has been taken into consideration but the decision of the NPC had not been based on the same."*

I observe that the position of the Chairman of the National Police Commission has also been clearly set out in 8<sup>th</sup> and 15<sup>th</sup> Paragraphs of his affidavit dated 31-07-2025. It is his position that that *"...the ante-dation of the promotions of the 12<sup>th</sup>, 13<sup>th</sup> and 14<sup>th</sup> Respondents had been granted after an impartial, unbiased and after a very careful consideration of the facts and circumstances of each of their cases, with the concurrence of the then Inspector General of Police..."*.

Moreover, in his affidavit dated 31-07-2025, the Chairman of the National Police Commission has stated that the 12<sup>th</sup> to 14<sup>th</sup> Respondents remained promoted as Chief Inspectors of Police with effect from 01-01-2006, but continuously challenged their non-appointment as Chief Inspectors of Police with effect from 01-01-2003, the date they believed they should have been appointed to that post.<sup>5</sup> The date 01-01-2003 is the date on which the Petitioners in SC/FR/60/2020 got their appointments as Chief Inspectors of Police.

Furthermore, the Paragraph 10(m) of the affidavit dated 31-07-2025 filed by the Chairman NPC states that the 12<sup>th</sup> to 14<sup>th</sup> Respondents had later withdrawn the case SC/FR/125/2009 when they received the promotions as Assistant Superintendents of Police. It must be remembered that according to the RTM 1059 dated 27-01-2020 (**P2**), the approval of the backdating of the promotions of the 12<sup>th</sup> to 14<sup>th</sup> Respondents was done by the National Police Commission on the strength of the Final Order pronounced by the Supreme Court in SC/FR/125/2009.

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<sup>5</sup> Paragraph 10(l) of the affidavit dated 31-07-2025 filed by the Chairman NPC.

However, the above positions taken up by the Respondents points unequivocally to the fact that the promotions of the 12<sup>th</sup> to 14<sup>th</sup> Respondents as per **P2** has not been carried out according to any scheme that was applicable at the relevant time.

Let me now turn to the case SC/FR/125/2009. The Petitioners have submitted a copy of the Final Order made by this Court in the case SC/FR/125/2009. That is the Order dated 19-05-2014 which states as follows:

*"Learned Deputy Solicitor General informs Court that the Petitioners have been promoted to the rank of Assistant Superintendent of Police with effect from 13.01.2014."*

*In view of these promotions, these proceedings are terminated."*

Thus, it is clear from the above Order, that the Supreme Court in SC/FR/125/2009 has not pronounced its Final Order in favour of its Petitioners (the 12<sup>th</sup> to 14<sup>th</sup> Respondents) as claimed by **P2**.

I further observe that while the above Order of the Supreme Court in SC/FR/125/2009 was pronounced on 19-05-2014, the National Police Commission has decided to back date the promotions of 12<sup>th</sup> to 14<sup>th</sup> Respondents in 2020. This is manifest from the letter dated 12-01-2020 sent to the Inspector General of Police by the NPC,<sup>6</sup> and the minutes of the NPC on 16-01-2020.<sup>7</sup> I must also mention here that the said minutes of the NPC on 16-01-2020 has merely recorded only the decision without assigning any reason for the said decision.

Let me now consider the arguments relied upon by the learned Counsel on behalf of the 12<sup>th</sup> to 14<sup>th</sup> Respondents. They state that Sri Lanka Police took steps to amalgamate two lists: one containing Special Task Force and the other containing Police regular Service. This was on the eve of making promotions to the rank of Chief

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<sup>6</sup> Marked **R-22** in SC FR 59/2020.

<sup>7</sup> Marked **R-23** in SC FR 59/2020.

Inspector of Police in 2004. It is their position that due to the creation of the said single list they were placed lower than they should have been on the list of seniority of the Police regular Service if the lists had been kept separate. It is as a result of the above loss of seniority in the said created single list that the 12<sup>th</sup> to 14<sup>th</sup> Respondents have complained that they failed to secure the promotions to the rank of Chief Inspector of Police in 2004.

Admittedly, a number of other Inspectors of Police were aggrieved and such aggrieved persons had filed cases in this Court to challenge their non-promotion. Case bearing No. SC/FR/600/2003 is said to be one such case where one of the 12<sup>th</sup> to 14<sup>th</sup> Respondents had stood as the 1<sup>st</sup> Petitioner.

However, the 12<sup>th</sup> to 14<sup>th</sup> Respondents during the pendency of those cases received promotions as Chief Inspectors of Police with effect from 01-01-2006. This was on the basis of their period of service based on a general scheme of promotion introduced as a policy.

According to the 12<sup>th</sup> to 14<sup>th</sup> Respondents, they were also called for a fresh interview but were not successful that time as well. The 12<sup>th</sup> to 14<sup>th</sup> Respondents attribute their failure this time for the NPC's failure to award them due marks. Admittedly they took this complain to the Administrative Appeals Tribunal but failed to get any order in their favour.

The 12<sup>th</sup> to 14<sup>th</sup> Respondents complain that they lost their eligibility to apply for the promotions to the rank of Assistant Superintendent of Police in 2008 batch due to the same reason: i.e., due to their being not promoted as Chief Inspector of Police with effect from 01-01-2003.

According to the 12<sup>th</sup> to 14<sup>th</sup> Respondents, they filed SC/FR/125/2009 in the Supreme Court to challenge the action of the Inspector General of Police in not calling them for the interview for the promotion to the rank of Assistant Superintendent of Police in 2008 batch. In SC/FR/125/2009 the order the 12<sup>th</sup> to 14<sup>th</sup> Respondents had sought

from the Supreme Court was to promote them as Chief Inspector of Police with effect from 01-01-2003. As has been already mentioned above, this Court has terminated proceedings subsequent to the promotions of the 12<sup>th</sup> to 14<sup>th</sup> Respondents as Assistant Superintendent of Police (subsequently). Thus, although that was their primary grievance, the 12<sup>th</sup> to 14<sup>th</sup> Respondents had failed to pursue this grievance any longer in that case.

According to the 12<sup>th</sup> to 14<sup>th</sup> Respondents, it was thereafter that a committee comprising of three: Director Legal; Director HRM; and Director Administration had recommended the impugned backdating of their promotion. The 12<sup>th</sup> to 14<sup>th</sup> Respondents themselves have stated that one of the members of the three-member panel now stands as one of the Petitioners in SC/FR/61/2020: i.e., the 3<sup>rd</sup> Petitioner in SC/FR/61/2020 who functioned as Director Legal in the afore-said three-member panel. This assertion itself is a factor indicative of the degree of independence the said three-member panel had exercised at that time.

The above facts when taken together would only point clearly to the fact that the 12<sup>th</sup> to 14<sup>th</sup> Respondents at several times had taken their grievance to various fora but did not either succeed or pursued them to the end. Although the Respondents have taken up the position that the ante-dation of the promotions granted to the 12<sup>th</sup> to 14<sup>th</sup> Respondents was done *after an impartial, unbiased and after very careful consideration of the facts and circumstances of each of their cases*, the material they have placed before Court does not warrant upholding such a view.

I must note that even the Respondents have admitted that the 12<sup>th</sup> to 14<sup>th</sup> Respondents are not the only three persons in this category. If so what was the basis for the NPC to order backdating the promotions of only these three Officers. There is no explanation forthcoming from the Respondents. The only justification they put forward is that this was done *pursuant to an impartial, unbiased and after very careful consideration of the facts and circumstances of each of their cases*. I must also mention here that this ground: i.e., the fact that this was decided after an impartial inquiry only came for the first time in the affidavit filed by the present Chairman of

the NPC. Such basis is not mentioned in the decision of the NPC when it made this decision on 16-01-2020.

In the above circumstances and for the foregoing reasons, I am unable to uphold the decision of the Inspector General of Police to backdate several promotions granted to the 12<sup>th</sup> to 14<sup>th</sup> Respondents as per RTM 1059 dated 27-01-2020 (**P2**).

For the foregoing reasons, I declare that the decision of the National Police Commission to backdate the promotions granted to the 12<sup>th</sup> to 14<sup>th</sup> Respondents and also the decision of the Inspector General of Police to implement the said decision as per RTM 1059 dated 27-01-2020 (**P2**) are illegal and hence are infringing upon the Fundamental Rights of the Petitioners guaranteed under Article 12(1) of the Constitution.

I proceed to quash the decision contained in the letter dated 12-01-2020 sent to the Inspector General of Police by the National Police Commission, and in the minutes of the National Police Commission on 16-01-2020. I also proceed to quash the decision of the Inspector General of Police to implement the said decision as per RTM 1059 dated 27-01-2020 (**P2**).

**CHIEF JUSTICE**

**MAHINDA SAMAYAWARDHENA, J.**

I agree.

**JUDGE OF THE SUPREME COURT**

**M. SAMPATH K.B. WIJERATNE, J.**

I agree.

**JUDGE OF THE SUPREME COURT**