

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

*In the matter of an Application under and
in terms of Article 17 and 126 of the
Constitution of the Democratic Socialist
Republic of Sri Lanka*

SC/FR/149/2020

1. Dolamulla Kankanamge Shanka Niranga,
Dolamulla,
No. 170/01/A, Kurukulawa,
Ragama.
2. Thalahiti Gamaralalage Nilantha
Pemarathne,
Ihala Muruthange, Nakkawatta.
3. Jagodage Prasanna Ruwan Kumara
Jagodage, No. 21, Chandana,
Rajanganya.
4. Asurappulige Thushara Priyantha,
Padagalawatta, Veniakula, Thelijjivila.
5. Ekanayake Mudiyanalage Nishshanka
Ekanayake,
No. 192, Valpala, Rambukwella West,
Hunnasgiriya.
6. Ashoka Hemantha Basnayaka,
No. 249, Batuvanhena, Elpitiya.
7. Rajapaksha Mudiyanalage Jayantha
Rajapaksha,
No. 247/1, Mahagalkadawala,
Galgamuva.

8. Patti Arachchillage Upul Thushara
Jayarathna,
No. 30/18 C, Old Rail Way,
Kospalavinna, Rathnapura.
9. Godayalage Nihal Premarathna,
No. 305/A, Elapara,
Udagama, Embilipitiya.
10. Haththaka Ranasinghage
Sanath Kumara, No. 214, Sampath
Uyana, Mihindu Mawatha, Elpitiya.
11. Kumaravadu Manjula De Silva,
No. 62/10, Dharmaraja Mawatha,
Kithulampitiya, Galle.
12. Kaluarachchige Don Neel
Upendra Kaluarachchi,
No. 214, Sampath Uyana,
Mihindu Mawatha, Elpitiya.
13. Weragalage Manjula Susantha
Subasingha,
“Lanka”, Keeranthidiya, Navuththuduva,
Mathugama.
14. Hapugaswatte Tharanga
Sampath Hapugaswatta,
No. 140/15, Rassagala Road,
Pallewala, Balangoda.
15. Sinhanayaka Mudiyanseelage Ashoka
Indunil Singhanayaka,
No. 4/59, Usmib Pedesa,
Polwagajanapadaya, Inginayagala,
Ampara.
16. Wijenayake Pathiranage
Sujith Pushpakumara,
Wijaya Niwasa, Siyambalagasvila South,

- Ruhunuridiyagama, Ambalanthota.
17. Wanniesinghe Mudiyansele
Dhanapala, Two-mile post, Dambagalla,
Monaragala.
 18. Jayaweera Pathiranalage Sumith
Bresil Kumara,
Heewalkandura, Wellawaya Road,
Uva Mawelagama.
 19. Adhikari Muhandiramlage Upul
Ravindra Jayathissa,
Lanka Parana Watta,
Dehigasthalawa, Balangoda.
 20. Udakalage Wickrama Nanda Shelton,
Megoda Kirindigala, Balangoda.
 21. Dissanayake Mudiyansele
Ashoka Samarakoon,
No. 616/20, Darangama,
Deltota.
 22. Malimbada Withanage Indika
Kularathna,
No. 259/3, Elawella,
Bellapitiya, Horana.
 23. Udukulage Don Leel Chathuranga,
No. 10/33, Galabandihena Road,
Watara, Meegoda.
 24. Ruwan Saranga Udukumburuge,
No. 445/1, Anguru Maduwa Road,
Station Town, Anuradhapura.
 25. Bandula Gaminige Chandana
Roshan Gunathilake,
No. 373/1, Kurunagala Road,
Arachchivilluva, Puttalam.
 26. Hapuarachchige Saman Kumara

- Jayarathne, Yatawara Stores,
Avariyaathaha, Galewala.
27. Heva Juvan Kankanamge
Nalin Sampath Wijerama,
Wimalathissa Mawatha,
Wattegama, Dikwella.
28. Rathnayake Mudiyansele Wijaya
Bandara Rathnayake, No. 35,
Walipathwala, Malisiripura.
29. Elgiriya Kumudu Prasana,
No. 504, Aluthwatta, Batapola.
30. Mallawa Arachchige
Thushara Mallawarachchi,
No. 124/4, Amila Pre School,
Kasun Mawatha, Ragama Road,
Kadawatha.
31. Thalpitiye Karunathilake Rajapaksha
Vasala Mudiyansele Saman Bandara,
No. 28, Bhogas Kumbura,
Ganepaana.
32. Happawana Withange Saman Thushara
Perera, No. 322/2, Ganihigama North,
Papiliyawala.
33. Sendanayake Kankanamlage Nalin
Sanjeewa,
No. 345-A5, Ardiyagara Road,
Nilpanagoda.

Petitioners

Vs.

1. K.W.E. Karalliyadda,
Chairman,

National Police Commission.

- 1A. S.C.S. Fernando,
Chairman,
National Police Commission.
- 1B. Hon. Mr. E.W.M. Lalith Ekanayake,
Chairman,
National Police Commission.
- 2. Savithtree D. Wijesekara,
Member,
- 2A. S. Liyangama,
Member,
- 2B. D. K. Renuka Ekanayake,
Member,
- 3. Y.L.M. Zawahir,
Member,
- 3A. A.S.P.S.P. Sanjeewa,
Member,
- 3B. Mr. K.Karunaharan,
Member,
- 4. Tilak Collure,
Member,
- 4A. Tilak Collure,
Member,
- 4B. Mr. P.G.S. Gamini De Silva,
Member,
- 5. Gamini Navarathne,
Member,
- 5A. M.P.P. Perera,
Member,
- 5B. Mr. D. Kapila Jayasuriya,
Member,
- 6. Ashoka Wijethilaka,
Member,

- 6A. Ashoka Wijethilaka,
Member,
- 6B. Mr. A.A.M. Illiyas P.C.,
Member,
- 7. J. Jeyakumar,
Member,
T.P. Paramaswaran,
Member,
- 8. Nishantha A. Weerasinghe,
Member,
- 8A. Nishantha A. Weerasinghe,
Member,
- 8B. Thamara D. Perera,
Secretary,
1st to 8th Respondents at Office of the
National Police Commission,
Block No. 9, BMICH,
Buddhaloka Mawatha,
Colombo 7.
- 9. Mr. Chandana D Wickramaratne,
Inspector General of Police,
Police Headquarters, Colombo 7.
- 9A. Mr. Chandana D Wickramaratne,
Inspector General of Police,
Police Headquarters, Colombo 1.
- 9B. Mr. Priyantha Weerasooriya,
Acting Inspector General of Police,
Police Headquarters, Colombo 1.
Maj. Gen. (Retd.) Kamal Gunaratne
Secretary – Minister of Defence
15/5, Baladaksha Mawatha,
Colombo 3.
- 9B(i). Maj. Gen. (Retd.) Jagath Alwis,

Ministry of Public Security,
14th Floor, "Suhurupaya"
Battaramulla.

- 9C. Mr. S. Hettiarachchi,
Secretary of Public Security,
Ministry of Public Security,
15th Floor, "Suhurupaya"
Battaramulla.
- 9D. Mr. P.V. Gunatillake,
Secretary of Public Security,
Ministry of Public Security,
15th Floor, "Suhurupaya"
Battaramulla.
- 9E. Mr. D.W.R.B. Seneviratne,
Secretary of Public Security,
Ministry of Public Security,
15th Floor, "Suhurupaya"
Battaramulla.
10. Hon. Attorney General,
Attorney Generals Department,
Colombo 11.
11. Minister of Defense, Minister of Finance,
Economic Stabilization & National
Policies, Minister of Technology, Minister
of Investment Promotions, Minister of
Women, Child Affairs and Social
Empowerment, Presidential Secretariat,
Old Parliament Building, Colombo 1.
12. Hon. Attorney General,
Attorney Generals Department,
Colombo 11.
13. Hon. Dinesh Gunawardena,

Prime Minister, Minister of Public
Administrator Home Affairs Provincial
Council and Local Government Prime
Minister's Office,
No. 58, Sir Earnest de Silva Mawatha,
Colombo 7.

14. Hon. Nimal Siripala de Silva,
Minister of Ports, Shipping and Aviation,
No. 19, Chaithya Road, Colombo 1.
15. Hon. Pavithra Devi Wanniarachchi,
Minister of Irrigation and Minister of
Wild Life & Forest Resources
Conservation, No. 1090, Sri
Jayawardenapura Mawatha, Rajagiriya.
16. Hon. Douglas Devananda,
Minister of Fisheries, Ministry of
Fisheries, New Secretariat, Maligawatte,
Colombo 10.
17. Hon. Susil Prema Jayantha,
Minister of Education,
Ministry of Education,
"Isurupaya", Battaramulla.
18. Hon. Bandula Gunawardena,
Minister of Transport and Highways,
Minister of Mass Media, Ministry of
Transport and Highways, 9th Floor,
"Maganeguma Mahamedura",
Denzil Kobekaduwa Mawatha.
Koswatta, Battaramulla.
19. Hon. Mahinda Amaraweera,
Minister of Agriculture and Plantation
Industries, Ministry of Agriculture,
80/5, Govijana Mandiraya,

- Rajamalwatta Lane, Battaramulla.
20. Hon. Dr. Wijayedasa Rajapaksha
Minister of Justice, Prison Affairs and
Constitutional Reforms, Ministry of
Justice, Prison Affairs and
Constitutional Reforms,
No. 19, Sri Sangaraja Mawatha,
Colombo 10.
21. Hon. Harin Fernando,
Minister of Tourism and Lands,
Minister of Sports and Youth Affairs,
Ministry of Tourism and Lands,
2nd Floor, Asset Arcade Building,
51/21, York Street, Colombo 1.
22. Hon. Ramesh Pathirana,
Minister of Health, Minister of
Industries, Ministry of Health,
“Suwasiripaya”, No. 385,
Rev. Baddegama Wimalawansa Thero
Mawatha, Colombo 10.
23. Hon. Prasanna Ranatunga,
Minister of Urban Development and
Housing, Ministry of Urban Development
and Housing, 17th Floor, Suhurupaya,
Subhuthipura Road, Battaramulla.
24. Hon. M.U.M. Ali Sabry,
Minister of Foreign Affairs, Foreign
Ministry, Republic Building, Sir Baron
Jayathilaka Mawatha, Colombo 1.
25. Hon. Vidura Wicrkamanayake,
Minister of Buddhasasana, Religious and
Cultural Affairs, No. 135, Srimath

Anagarika Dharmapala Mawatha,
Colombo 7.

26. Hon. Kanchana Wijesekara,
Minister of Power and Energy,
Ministry of Power and Energy,
No. 437, Galle Road, Colombo 3.
27. Hon. Manusha Nanayakkara,
Minister of Labour and Foreign
Employment, Ministry of Labour and
Foreign Employment,
6th Floor, “Mehewara Piyasa”.
28. Hon. Tiran Alles,
Minister of Public Security,
Ministry of Public Security,
14th Floor, Suhurupaya,
Battaramulla.
29. Hon. Nalin Fernando,
Minister of Trade Commerce and Food
Security, Ministry of Trade Commerce
and Food Security,
No. 492, L.H. Piysena Building,
R.A. De Mel Mawatha, Colombo 3.
- 11A. Minister of Defense, Minister of Finance,
Planning & Economic Development,
Minister of Digital Economy.
Presidential Secretariat,
Old Parliament Building, Colombo 1.
- 12A. Hon. Harini Amarasuriya,
Prime Minister, Minister of Education,
Higher Education and Vocational
Education, Prime Ministers Office,
No. 58, Sir Ernest de Silva Mawatha,
Colombo 7.

- 13A. Hon. Viitha Herath,
Minister of Foreign Affairs, Foreign
Employment and Tourism,
Ministry of Foreign Affairs,
Republic Building, Sir Baron Jayathilaka
Mawatha, Colombo 1.
- 14A. Hon. K.D. Lai Kantha,
Minister of Agriculture, Livestock, Land
and Irrigation, 80/5,
“Govijanamandiraya”, Rajamalwatta
Lane, Battaramulla.
- 15A. Hon. Bimal Rathnayake,
Minister of Transport, Highways, Ports
and Civil Aviation, Ministry of Transport,
Highways, Ports and Civil Aviation,
“Maganeguma Mahamedura” No. 216,
9th Floor, Denzil Kobbekaduwa Mawatha,
Koswatte, Battaramulla.’
- 16A. Hon. Sunil Handunneththi,
Minister of Industry and
Entrepreneurship, Ministry of Industry
and Entrepreneurship Development,
No. 73/1, Galle Road, Colombo 3.
- 17A. Hon. Ramalingam Chandrasekar,
Minister of Fisheries, Aquatic and Ocean
Resources, Ministry of Fisheries, Aquatic
and Ocean Resources, New Secretariat,
Maligawatta, Colombo 10.
- 18A. Hon. Anil Jayantha Fernando,
Minister of Labour, Ministry of Labour,
Mehewara Piyesa,
Narahenpita, Colombo 5.
- 19A. Hon. Samantha Viddyarathna,

Minister of Plantation and Community
Infrastructure, 11th Floor,
Sethsiripaya Stage II, Battaramulla.

- 20A. Hon. Anura Karunathilaka,
Minister of Urban Development,
Construction and Housing,
Ministry of Urban Development,
Construction and Housing,
2nd Floor, “Sethsiripaya”,
Sri Jayawardenapura Kotte,
Battaramulla.
- 21A. Hon. (Dr.) Nalinda Jayatissa,
Minister of Health and Mass Media,
Ministry of Health and Mass Media,
163, Adi Disi Medura, Kirulapone
Mawatha, Polhengoda Colombo 5.
- 22A. Hon. (Dr.) A.H.M.H. Abayarathna,
Minister of Public Administration,
Provincial Councils and Local
Government, Ministry of Public
Administration, Provincial Councils and
Local Government, Independence
Square, Colombo 7.
- 23A. Hon. Wasantha Samarasinghe,
Minister of Trade, Commerce, Food
Security and Cooperative Development,
Ministry of Trade, Commerce, Food
Security and Cooperative Development,
No. 492, R.A. De Mel Mawatha, Colombo.
- 24A. Hon. Harshana Nanayakkara,
Attorney-at-Law, Minister of Justice and
National Integration,
Ministry of Justice,

No. 19, Sri Sangaraja Mawatha,
Colombo 12.

- 25A. Hon. Mrs. Saroja Savithri Paulraj,
Minister of Women and Child Affairs,
Ministry of Women and Child Affairs,
5th Floor, Sethsiripaya Stage II,
Battaramulla.
- 26A. Hon. (Dr.) Upali Pannilage,
Minister of Rural Development, Social
Security and Community Empowerment,
Ministry of Rural Development,
Social Security and Community
Empowerment, 1st Floor,
Sethsiripaya Stage II, Battaramulla.
- 27A. Hon. K.M. Ananda Wijepala,
Minister of Public Security and
Parliamentary Affairs,
Ministry Public Security and
Parliamentary Affairs,
18th Floor, "Suhurupaya", Battaramulla.
- 28A. Hon. (Dr.) Hiniduma Sunil Senevi,
Minister of Buddhasana, Religious and
Cultural Affairs, Ministry of
Buddhasana, Religious and Cultural
Affairs. 135 Srimath Anagarika
Dharmapala Mawatha, Colombo 7.
- 29A. Hon. Sunil Kumara Gamage,
Minister of Youth Affairs and Sports,
Ministry of Youth Affairs and Sports,
No. 9, Philip Gunawardana Mawatha,
Colombo 7.
30. S. Amarasekara,
Secretary to the Cabinet of Ministers,

Office of the Cabinet of Ministers,
Republic Building Sir Baron Jayatilaka
Mawatha, Colombo 1.

30A. Mr. W.M.D.J. Fernando,
Secretary to the Cabinet of Ministers,
Office of the Cabinet of Ministers,
Republic Building, Sir Baron Jayatilaka
Mawatha, Colombo 1.

30B. Hon. (Prof.) Chrishantha Abeysena,
Minister of Science and Technology,
Ministry of Science and Technology,
3rd Floor, Sethsiripaya Stage I,
Battaramulla.

31. Hon. (Eng.) Kumara Jayakody,
Minister of Energy,
Ministry of Energy, No. 80,
Sir Ernest De Silva Mawatha,
Colombo 7.

32. Hon. (Dr.) Dammika,
Patabendi, Minister of Environment,
Ministry of Environment,
Sobadam Piyasa, 416/C/I, Robert
Gunawardana Mawatha, Battaramulla.

Respondents

Before: Hon. Chief Justice P. Padman Surasena
Hon. Justice Mahinda Samayawardhena
Hon. Justice Sampath K.B. Wijeratne

Counsel: Harsha Fernando, P.C., with Pasindu De Silva, Chamith
Senanayake, Yohan Cooray, Thenura Samarasuriya for
the Petitioners in SC/FR/149/2020, SC/FR/155/2020,
SC/FR/158/2020, SC/FR/159/2020 and
SC/FR/167/2020.

J.M. Wijebandara for the Intervenant Petitioners in
SC/FR/155/2020.

S.N. Vijith Singh for the Petitioners in SC/FR/101/2021.
Fazly Razik, D.S.G., for the Respondents.

Argued on: 30.06.2025

Written submissions:

By the Petitioners on 11.08.2025.

Decided on: 08.09.2026

Samayawardhena, J.

Thirty-three Petitioners, who are Chief Inspectors of Police, filed this application on 02.06.2020 naming the Inspector General of Police, the Chairman and Members of the National Police Commission, the Cabinet of Ministers, and the Attorney General as Respondents, alleging that their fundamental rights guaranteed under Articles 12(1) and 14(1)(g) of the Constitution have been infringed by RTM 255 (CRTM 325) dated 07.05.2020 (P11) issued by the Inspector General of Police, whereby it was communicated that the Cabinet of Ministers had decided to promote Inspectors of Police and Women Inspectors of Police who had completed ten years of service in that rank as at 08.02.2020 to the rank of Chief Inspector of Police with effect from the same date.

Promotions in the Police Department constitute a complex and complicated issue. There is no proper and comprehensive policy in place regarding promotions, and various schemes have been adopted on an *ad hoc* basis from time to time to address grievances arising within the service. Unless and until a sound promotion policy is formulated, taking into account the views of all stakeholders, disputes of this nature are likely to recur. A large number of fundamental rights applications relating to police promotions are presently pending before this Court.

The longstanding stagnation in promotions within the Police Department has been acknowledged by the Inspector General of Police in his affidavit and is also reflected in several Cabinet Memoranda presented by the relevant Ministers, including Cabinet Memoranda No. 4/2020 dated 12.02.2020, No. 11/2020 dated 02.03.2020, and No. 32/2022 dated 03.10.2022, seeking one-off promotions in order to address this issue.

Where officers remain stagnant in the same rank for extraordinarily lengthy periods without realistic prospects of advancement, it is natural for frustration, disillusionment, and uncertainty to develop within the service. Such conditions inevitably affect morale and, in turn, the efficiency and productivity of the institution. It is in that context that the competent authorities have, from time to time, resorted to temporary and one-off measures in an attempt to alleviate accumulated grievances and ensure the continued functioning of the Police Department at an acceptable level.

I observe that new cases concerning police promotions continue to be filed in the Supreme Court, indicating that a comprehensive promotion policy has yet to be formulated and that promotions continue, to a considerable extent, to be made on an *ad hoc* basis. In such cases, learned Counsel for petitioners frequently request this Court to direct the relevant authorities to formulate and implement a proper promotion policy. This Court has, on several occasions, issued directions to that effect. However, for various reasons, those directions have not resulted in the formulation of a comprehensive and workable policy. When this issue is raised during the hearing of such cases, this Court is invariably informed on behalf of the National Police Commission that steps are being taken to introduce appropriate measures within a short period of time.

The Inspector General of Police, the National Police Commission and the other relevant authorities should take these recurring disputes seriously and take meaningful steps towards the formulation and implementation

of a comprehensive, transparent and workable promotion policy capable of commanding the confidence of all stakeholders.

It is, however, encouraging that this Court has been informed that the National Police Commission has recently approved several recruitment and promotion schemes intended to address these longstanding issues. It is hoped that these measures will lead to the formulation and implementation of a transparent, workable and sustainable promotion policy that will minimise uncertainty, reduce litigation and promote confidence in the promotion process within the Police Department.

Just as prolonged stagnation in promotions may generate frustration among deserving officers, repeated reliance on purely time-based promotions without adequate regard to merit, competence, and performance may also create dissatisfaction among dedicated and efficient officers who distinguish themselves through their service. A proper promotion policy must therefore strike a fair balance between seniority and merit. The one-off promotion schemes considered by this Court in recent years were tolerated as exceptional measures intended to address an acute and longstanding problem of stagnation within the Police Department. They cannot, however, become a permanent substitute for a properly structured promotion policy.

In the instant case, the subject Minister, in Cabinet Memorandum No. 4/2020 dated 12.02.2020 marked 9R7, candidly acknowledges that there is no proper and comprehensive promotion policy in place within the Police Department and that various *ad hoc* measures had been adopted from time to time in an attempt to address the growing frustration among police officers arising from prolonged stagnation in promotions. The issue that arises in the present case emanates from one such policy decision adopted as a temporary, one-off measure to address that problem.

Accordingly, in an attempt to address issues relating to promotions and stagnation within the Police Department, the Cabinet of Ministers, acting

on Cabinet Memorandum No. 4/2020 dated 12.02.2020 marked 9R7, took policy decision No. 20/0373/203/036 dated 15.02.2020 marked 9R8 to grant one-off promotions from the rank of Inspector of Police to the rank of Chief Inspector of Police in several stages, namely:

- (1) Those who had completed sixteen years in the rank of Inspector of Police as at 31.12.2018 to be promoted to the rank of Chief Inspector of Police with effect from 01.01.2019.
- (2) Those who had completed twelve years in the rank of Inspector of Police as at 31.12.2018 to be promoted to the rank of Chief Inspector of Police with effect from 01.07.2019.
- (3) Those who had completed ten years in the rank of Inspector of Police as at 31.12.2018 to be promoted to the rank of Chief Inspector of Police with effect from 01.01.2020.

This special, one-off, time-based promotion scheme was approved by the National Police Commission. The justification for the said scheme is amply demonstrated in Cabinet Memorandum 9R7. The Inspector General of Police communicated the said Cabinet decision by RTM 636 dated 19.02.2020 marked P10.

The Petitioners themselves are beneficiaries of this one-off promotion scheme. They fall within the third category referred to above, namely, Inspectors of Police who had completed ten years of service in that rank as at 31.12.2018 and who were accordingly promoted to the rank of Chief Inspector of Police with effect from 01.01.2020. Significantly, there is no challenge before this Court to Cabinet Decision 9R8 or to the promotion scheme implemented thereunder.

The dispute arises in the following manner. Shortly after Cabinet Decision No. 20/0373/203/036 dated 15.02.2020 marked 9R8, a further Cabinet Memorandum No. 09/2020 dated 02.03.2020 marked 9R11 was presented to the Cabinet of Ministers in order to address the grievances of another category of Inspectors of Police who had completed

ten years of service in that rank as at 08.02.2020 but who did not fall within any of the three categories covered by Cabinet Decision 9R8.

The proposal contained in Cabinet Memorandum 9R11 was that those officers too should be promoted to the rank of Chief Inspector of Police, subject to the satisfaction of the other prescribed requirements, with effect from 08.02.2020. The significance of the date 08.02.2020 is explained in Cabinet Memorandum 9R11 itself and is also reflected in several documents tendered by both parties in these police promotion cases. Certain batches of officers had been promoted to the rank of Inspector of Police with effect from 08.02.2010 under earlier special promotion schemes. Accordingly, they completed ten years of service in the rank of Inspector of Police on 08.02.2020.

Having considered the said proposal, the Cabinet of Ministers took a policy decision to give effect to it. The said decision, namely Cabinet Decision No. 20/0593/203/055 dated 26.03.2020, was marked 9R10. The said Cabinet decision was thereafter approved by the National Police Commission by letter No. NPC/ED/NG/PR/07/Time Pro/2019 dated 30.04.2020 marked 9R12. The Inspector General of Police communicated the said decision by RTM 255 dated 07.05.2020 marked P11. RTM 255 was subsequently corrected by RTM 309 dated 09.05.2020 marked P12.

This constituted the fourth stage of promotions from the rank of Inspector of Police to the rank of Chief Inspector of Police. The first, second, and third stages have already been referred to earlier in this judgment.

The Petitioners' complaint is that, although the Inspectors of Police who had completed ten years of service in that rank as at 08.02.2020 were promoted to the rank of Chief Inspector of Police pursuant to Cabinet Decision 9R10, those officers were junior to the Petitioners in service. According to the Petitioners, the seniority gap previously maintained between the two groups was not preserved because the effective dates of

promotion assigned to the third and fourth batches reflected a gap of only one month and seven days.

The Petitioners contend that this would adversely affect their future prospects of promotion from the rank of Chief Inspector of Police to Assistant Superintendent of Police. By reference to documents marked P6 and P6A, the Petitioners submit that, unless a minimum seniority gap of six months is maintained, they would be placed at a disadvantage when competing for promotion to the rank of Assistant Superintendent of Police together with officers belonging to the fourth batch. They therefore contend that the impugned decision amounts to a violation of their fundamental rights guaranteed under Articles 12(1) and 14(1)(g) of the Constitution.

In essence, the Petitioners' complaint is not that the officers belonging to the fourth batch were unqualified for promotion or that Cabinet Decision 9R10 lacked a rational basis. Their complaint is that the promotion of those officers with effect from 08.02.2020 had the effect of narrowing the seniority gap previously existing between the Petitioners and the fourth batch, thereby affecting the Petitioners' perceived advantage in future promotions.

I am unable to agree with this argument. The six-month seniority gap relied upon by the Petitioners is not founded upon any permanent or immutable policy decision. A consideration of P6 (RTM 1233 dated 31.01.2020) demonstrates that, for promotions from the rank of Chief Inspector of Police to Assistant Superintendent of Police, one year of active service in the rank of Chief Inspector of Police carried 3.04 marks per year, subject to a maximum of 50 marks, whereas a period exceeding six months but less than one year carried 1.52 marks.

However, by P6A (RTM 591 dated 18.02.2020), those criteria were revised. Under P6A, one year of active service in the rank of Chief Inspector of Police carried 3 marks per year, subject to a maximum of 40

marks, whereas a period exceeding six months but less than one year carried 1.5 marks.

These documents demonstrate that qualifications and requirements relating to promotions are revised from time to time by administrative decisions. This is understandable, as it cannot be expected that one fixed formula for awarding marks on seniority would continue indefinitely. In those circumstances, the apprehension expressed by the Petitioners is speculative and unfounded.

Matters relating to promotions necessarily depend on a variety of factors, including the availability of vacancies in the higher rank, changes in evaluation criteria, service exigencies, cadre expansions, budgetary allocations, institutional changes within different branches of the Police Department, and other administrative considerations. Accordingly, such criteria are bound to change from time to time depending on prevailing circumstances.

No police officer possesses a vested right to insist that promotional criteria, evaluation methods, or the relative weight assigned to seniority should remain permanently fixed. At most, an officer may claim a right to be considered in accordance with the framework applicable at the relevant time.

In *Roop Chand v. Delhi Development Authority* AIR 1989 SC 307, an appeal was preferred against the decision of the High Court holding that the prescription of different standards of service experience as eligibility criteria for promotion to higher engineering cadres was unconstitutional. Allowing the appeal, the Supreme Court of India observed at page 314:

Unless the provision as to promotion is shown to be arbitrary, capricious or to bring about grossly unfair results, judicial policy should be one of judicial restraint. The prescriptions may be somewhat cumbersome or produce some hardship in their

application in some individual cases, but they cannot be struck down as unreasonable, capricious or arbitrary.

Likewise, in *State of Madhya Pradesh v. Nandlal Jaiswal* AIR 1987 SC 251, which arose from writ petitions under Article 226 of the Constitution of India challenging the State Government's excise policy, the Supreme Court reiterated the limits of judicial review of executive policy in the following terms:

The Court cannot strike down a policy decision taken by the State Government merely because it feels that another policy decision would have been fairer or wiser or more scientific or logical. The Court can interfere only if the policy decision is patently arbitrary, discriminatory or mala fide.

Similar principles were reaffirmed in *State of Jammu & Kashmir v. Shiv Ram Sharma* AIR 1999 SC 2012, where the Supreme Court held that a government servant has no vested or indefeasible right to promotion under the conditions of service existing at the time of entry into service. The Court observed that it is open to the Government to prescribe or alter the qualifications and other eligibility criteria for promotion, and that there is no guarantee that such rules will always be favourable to existing employees. The Court further held that the principle of avoiding stagnation applies to the service as a whole and not to individual employees.

These authorities establish that the formulation of eligibility criteria for promotion is primarily a matter of executive policy. Courts shall exercise judicial restraint in reviewing such policies and should not interfere merely because another policy may appear fairer, wiser or more beneficial. Judicial intervention is warranted only where the policy or its implementation is shown to be arbitrary, discriminatory, *mala fide* or otherwise contrary to law. Mere hardship to individual officers or dissatisfaction with the prescribed criteria does not furnish a valid ground for judicial interference.

Cabinet Decision 9R10 is fully justified by Cabinet Memorandum 9R11. The said Cabinet Memorandum highlights, *inter alia*, the following matters:

- (a) By an earlier Cabinet decision, the Police Reserve Service was abolished and those officers were absorbed into the Police Regular Service with effect from 01.02.2006.
- (b) Women Sub-Inspectors of Police who had initially joined the Police Reserve Service on 16.04.1996 were subsequently absorbed into the Police Regular Service consequent to the abolition of the Police Reserve Service.
- (c) Both male and female Sub-Inspectors of Police who had completed more than ten years of service after absorption were promoted to the rank of Inspector of Police with effect from 08.02.2010.
- (d) After 08.02.2010, no interviews were held for promotions to the rank of Chief Inspector of Police.
- (e) By Cabinet Decision 9R8, a special three-stage promotion scheme was introduced to address stagnation in promotions. However, the officers subsequently considered under the fourth stage did not fall within any of those three categories.
- (f) Consequently, unless a further special arrangement was made for those officers, they would have had to remain in the rank of Inspector of Police for a considerable further period without promotion to the rank of Chief Inspector of Police.
- (g) As at 08.02.2020, there were 61 Women Inspectors of Police and 557 male Inspectors of Police who fell within this category.

These facts demonstrate that Cabinet Decision 9R10 was not an arbitrary decision but a considered policy response to a genuine and longstanding problem of stagnation affecting a substantial category of police officers. The impugned decision was conceived as a temporary and exceptional administrative measure intended to address that accumulated stagnation.

The fourth-stage promotions were not introduced to confer an undue or selective advantage upon a few identified officers. Rather, they were intended to accommodate a large category of officers who had remained outside the earlier three-stage scheme despite having completed ten years of service in the rank of Inspector of Police as at 08.02.2020. Indeed, had such a decision not been taken, those officers who fell within the fourth category may themselves have been entitled to contend that they had been subjected to unequal treatment contrary to Article 12(1) of the Constitution.

In *Wickremasinghe v. Ceylon Petroleum Corporation and Others* [2001] 2 Sri LR 409 at 416 to 417, Sarath Silva C.J. held that in order to assess the reasonableness as opposed to arbitrariness of a decision it has to be judged from an objective basis:

The question of reasonableness of the impugned decision has to be judged in the aforesaid state of facts. The claim of each party appears to have merit when looked at from the particular standpoint of that party. But, reasonableness, particularly as the basic component of the guarantee of equality, has to be judged from an objective basis which stands above the competing claims of parties.

The principal element in the basic standard as stated above is reasonableness as opposed to being arbitrary. In respect of legislation where the question would be looked at more in the abstract, one would look at the class of persons affected by the law in relation to those left out. In respect of administrative or executive action one would look at the person alleging infringement and the extent to which such person is affected or would be affected. But, the test once again is one of being reasonable and not arbitrary. Of particular significance to the facts of this case, the question arises as to the perspective or standpoint from which such reasonableness should be judged. It certainly cannot be judged only from a subjective basis of hardship to one and benefit to the other.

Executive or administrative action may bring in its wake hardship to some, such as deprivation of property through acquisition, taxes, disciplinary action and loss of employment. At the same time, it can bring benefits to others, such as employment, subsidies, rebates, admission to universities, schools and housing facilities. It necessarily follows that reasonableness should be judged from an objective basis.

According to paragraphs 4 and 6 of the post-argument written submissions of the Petitioners dated 11.08.2025, the Petitioners joined the Police Department as Sub-Inspectors of Police between 1995 and 2001 and were promoted to the rank of Inspector of Police on 01.11.2007. It appears that those promotions were made following a structured interview process.

In contrast, certain officers who subsequently fell within the fourth stage had joined the Police Department as Sub-Inspectors of Police as early as 16.04.1996 but were promoted to the rank of Inspector of Police only with effect from 08.02.2010. This circumstance itself illustrates the complexity of the issues relating to promotions within the Police Department and the extent to which different batches of officers were affected by stagnation in different ways. It also appears that a considerable number of officers who fell within the fourth stage were senior in age to the Petitioners and are likely to retire earlier than the Petitioners. Viewed in that context, the decision reflected in Cabinet Memorandum 9R11 and Cabinet Decision 9R10 cannot be regarded as irrational or devoid of a reasonable basis.

Let me consider this issue from another angle. According to the special one-off promotion scheme introduced by Cabinet Decision marked 9R8 (communicated by RTM 636), of which the Petitioners themselves are beneficiaries, there was no strict or proportionate maintenance of seniority gaps.

To illustrate, under that scheme, Inspectors of Police who had completed more than sixteen years of service in that rank as at 31.12.2018 were promoted to the rank of Chief Inspector of Police with effect from 01.01.2019, whereas Inspectors of Police who had completed more than twelve years of service in that rank as at 31.12.2018 were promoted with effect from 01.07.2019. Thus, although there existed a seniority gap of four years between those two categories, only a six-month gap was maintained in the effective dates of promotion.

Similarly, when Inspectors of Police who had completed more than ten years of service in that rank as at 31.12.2018 were promoted to the rank of Chief Inspector of Police, the effective date of promotion was fixed as 01.01.2020. Therefore, although there existed a seniority gap of two years between the second and third categories, only a six-month gap was maintained in the effective dates of promotion.

Thereafter, when Inspectors of Police who had completed ten years of service in that rank as at 08.02.2020 were promoted to the rank of Chief Inspector of Police pursuant to Cabinet Decision 9R10, the effective date of promotion was fixed as 08.02.2020. The seniority gap between the third batch and the fourth batch was one year, one month, and seven days, whereas the gap maintained in the effective dates of promotion was only one month and seven days.

In those circumstances, the Petitioners cannot validly complain that, when the fourth batch was promoted pursuant to Cabinet Decision 9R10, a proportionate seniority gap was not maintained and that they would thereby be placed at a disadvantage in future promotions. The maintenance of seniority gaps had never been mathematically or proportionately reflected throughout the promotion scheme itself. Indeed, the Petitioners themselves had previously benefited from the same scheme despite the fact that the differences in their service seniority were not proportionately reflected in the effective dates of their promotions.

If the Petitioners' argument is to be accepted, those officers who had completed more than sixteen years of service in the rank of Inspector of Police as at 31.12.2018 and who were promoted under the first stage may equally contend that their fundamental rights were infringed when officers who were four years junior to them in service were promoted only six months later under the second stage. Likewise, officers promoted under the second stage may complain that officers who were two years junior to them were promoted only six months later under the third stage. Such a position would inevitably lead to an endless chain of grievances and challenges to every stage of the promotion scheme. The law does not require such a result.

The fact that, in an earlier one-off promotion scheme, the competent authorities adopted particular qualifying dates and effective dates owing to prevailing institutional, administrative, financial, or other practical considerations does not mean that the same approach must necessarily be maintained indefinitely. On the contrary, there is much to be said for fixing the qualifying date and the effective date of promotion as the same date whenever circumstances permit. Such an approach promotes clarity, certainty, transparency, and administrative consistency.

Promotion schemes are not designed solely to secure individual advantages or preserve existing differences in seniority. They must also promote fairness, efficiency, morale, operational continuity, and the smooth functioning of the Police Department as a whole. In a large and hierarchical institution such as the Police Department, promotion policies must necessarily take into account broader institutional realities and practical administrative considerations affecting the service as a whole. Particularly in the context of one-off promotion schemes introduced to address longstanding stagnation, the competent authorities are required to balance competing interests and grievances affecting different categories of officers.

Until a comprehensive and stable promotion policy is put in place, temporary and one-off measures may become necessary from time to time to address accumulated stagnation and institutional grievances. So long as such measures are lawful, founded upon objective criteria, and uniformly applied to the relevant category of officers, a reduction in a pre-existing seniority gap does not, by itself, amount to arbitrariness or discrimination warranting constitutional intervention.

In *A.S. Sangwan, Col. v. Union of India* AIR 1981 SC 1545, the petitioner challenged the Government's departure from an earlier, non-statutory executive policy governing promotions to the post of Brigadier in the Directorate of Military Farms. His principal contention was that, since his name had been included in a select list prepared under the earlier policy, the Government was not entitled to alter that policy before promotions were made. Rejecting the challenge, the Supreme Court of India held that an executive policy relating to promotions is not immutable and may be revised or modified by the Government where there are good and weighty reasons for doing so. Krishna Iyer J. observed:

A policy formulated with regard to promotions is not good forever. It is, therefore, within the competence of Government to change or re-change, adjust or re-adjust it according to compulsion of circumstances and the imperatives of material considerations, when there are good and weighty reasons for doing so.

The Petitioners also invoke the doctrine of legitimate expectation. They contend that they had a legitimate expectation that the seniority gap between themselves and their junior officers would be maintained throughout their service career. I am unable to accept that submission. In the first place, even after the implementation of the impugned one-off promotion scheme, the Petitioners continue to remain senior to the officers in the fourth batch. Secondly, the evidence before Court demonstrates that there was no settled, consistent, or established

practice governing police promotions. On the contrary, the material placed before Court shows that promotions were repeatedly dealt with through *ad hoc* arrangements and temporary measures adopted to address particular circumstances. In those circumstances, the Petitioners cannot establish the existence of a sufficiently clear and established representation or practice capable of giving rise to a legitimate expectation in law.

The formulation of promotion policies and the management of cadre structures within the Police Department primarily fall within the province of the competent administrative authorities, subject to the policy-making authority vested in the Cabinet of Ministers under Article 55(1) of the Constitution. While such decisions remain subject to constitutional scrutiny, this Court shall exercise restraint and shall not interfere with policy choices made by the executive unless they are shown to be arbitrary, irrational, *mala fide*, discriminatory, or otherwise unconstitutional. The present case discloses no such infirmity.

The question before this Court is not whether some alternative formula could have been devised to preserve wider seniority gaps between different batches of promotees. The question is whether the policy reflected in Cabinet Decision 9R10 and RTM 255 is so arbitrary or discriminatory that it warrants constitutional intervention under Article 12(1) of the Constitution.

Equality under Article 12(1) of the Constitution does not require that all officers, irrespective of differing factual circumstances and service histories, be treated identically for all purposes. What the Constitution prohibits is arbitrary, irrational, or hostile discrimination. In the instant case, the distinctions introduced by the impugned decisions were founded upon service-related considerations directly connected to the policy objective sought to be achieved, namely the alleviation of prolonged stagnation in promotions within the Police Department.

The Constitution does not require the competent authorities, when implementing a temporary measure intended to alleviate stagnation, to preserve every historical gap in seniority with mathematical precision. What is required is that the measure be based on a rational and objective foundation and applied uniformly to the category of officers for whom it was designed. In my view, that requirement has been satisfied in the present case.

For all the aforesaid reasons, I hold that the Petitioners have failed to satisfy this Court that their fundamental rights guaranteed under Articles 12(1) and 14(1)(g) of the Constitution have been infringed by any of the Respondents. Accordingly, I dismiss the Petitioners' application, but without costs.

The parties in SC/FR/155/2020, SC/FR/158/2020, SC/FR/159/2020, SC/FR/167/2020, and SC/FR/101/2021 who challenge RTM 255 (subsequently corrected by RTM 309 dated 09.05.2020) on substantially the same basis, shall abide by this judgment.

By motion dated 03.09.2025, the Attorney-at-Law for the 1st Petitioner in SC/FR/155/2020 has informed this Court that, since the Administrative Appeals Tribunal has already granted the relief sought by the 1st Petitioner in that case, no further relief is sought from this Court. Accordingly, nothing contained in this judgment shall affect any decision made by the Administrative Appeals Tribunal in favour of the said Petitioner.

Judge of the Supreme Court

P. Padman Surasena, C.J.

I agree.

Chief Justice

Sampath K.B. Wijeratne, J.

I agree.

Judge of the Supreme Court