

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

*In the matter of an application under and in terms of
Articles 17 and 126 of the Constitution of the
Democratic Socialist Republic of Sri Lanka.*

SC/ FRA/169/2022

1. H.G.N. Thilakshi

No. 65, Maspotha Watta,
Maspotha.

2. W.I. Jayantha Sugath Kumara

No. 137/3, Old School Road,
Aluvihare, Matale.

3. N.T. Poodaluella

No. 209/F, Janaraja Mawatha,
Ranawana Road, Katugastota.

4. J.M.A.D. Jayasinghe

No. 92A, Kalukondayawa, Malwana.

5. R. Batagoda

No. 72, Ranathisara Uyana,
Kamuburugamuwa.

6. L.P.A. Meedeniya

No. 30, Akkara 20,
Galapitamulla, Hindagolla.

PETITIONERS

Vs.

1. P.D.D.S.Muthukumarana
Government Chief Valuer
Department of Valuation,
Valuation House
No. 748, Maradana Road,
Colombo 10.
2. A.S.W.K. Nanayakkara
Additional Chief Valuer
Department of Valuation,
Valuation House
No. 748, Maradana Road, Colombo 10.
3. Justice Jagath Balapatabendi,
Chairman,
4. Indrani Sugathadasa, Member,
5. T.R.C. Ruberu, Member,
6. Ahamod Lebbe Mohamed Saleem, Member,
7. Dian Gomes, Member,
8. Dilith Jayaweera, Member,
9. W.H. Piyadasa, Member,
10. Suntharam Arumainayaham, Member,

The 3rd to 10th Respondents all of:

Public Service Commission,
No 1200/9,
Rajamalwatta Road, Battaramulla.

11. Secretary,
Public Service Commission,
No 1200/9,
Rajamalwatta Road, Battaramulla.

12. Honourable Attorney General,
Attorney General Department,
Colombo 12.
13. W.M.S.K. Walisundara
14. G. Samarajeewa
15. H.W. Wimalasena
16. L.N.S. Fernando
17. K.K.C. Susantha
18. H.A.V.S. Indrajith
19. W.M.D. Ranasingha
20. Y.D.A.R. Samarathunga
21. S.U. Manthribaduge
22. E.P.P. Jayarathna
23. D.A. Rathnayaka
24. M.M. Ranmenike
25. W. Jayasingha
26. P. Ranathunga
27. W.M.A. Priyantha
28. D.M.M.G. Podibanda
29. C. Dissanayaka
30. A.H.S. Rodrigo
31. R.M. Shanthi
32. R.M.W.N.K. Chandrasekara
33. R.A.D.N. Rupasinghe
34. W.M.W. Wanninayake

35. W.H.M.J. Nalani
36. P.K.S. Kumara
37. W.S. Pemarathna
38. K.D.A.Nimalsiri
39. M.A.K. Marasinghe
40. R.D.S. Weerasinghe
41. N. Senadheera
42. A.G.J. Bandara
43. W.R.H. Alwis
44. H.G.K.U. Kularathna
45. G.M.G. Senevirathna
46. A. Yogarathnam
47. I. Wimalarathna
48. N.B.S.A. Nanayakkara
49. R.M.G. Rathnayaka
50. K.P.M. Perera
51. W.M.P.N. Warnakulasooriya
52. A.M. Nandawathie
53. D.R.P. Nayani
54. A.A.N.S. Senevirathna
55. T.A.N.K.R. Manike
56. T.G.P. Devika
57. K.M.U. Dissanayaka
58. P. Shobhani
59. W.A.M.K. Pushpalatha
60. T.D.M.M. Samaradasa

61. R.R.A.C. Kumari
62. M.A.W.L.B. Chandrasiri
63. U.N. Somachandra
64. A.A. Dhammika
65. R.M.C.K. Rathnayaka
66. G. W. Sunil
67. H.M.N. Herath
68. J.D. Kumara
69. H.M.S. Thilakarathna
70. P.G.R. Premararthna
71. R.M. Gunarathna
72. Y.M.P. Nilmani
73. L.P.A. Kanthi
74. D.M.K.H. Dasanayaka
75. T.G.A.D. Shriyanjani

The 13th to 75th Respondents all of:

C/O Chief Valuer,
Department of Valuation,
Valuation House
No. 748, Maradana Road,
Colombo 10.

RESPONDENTS

Before: Janak De Silva, J

Dr Sobhitha Rajakaruna, J

Sampath B. Abayakoon, J

Counsel: Chamara Nanayakkarawasam for the Petitioners

Hashini Opatha, SSC, for the 1st - 12th Respondents

Written Submissions: Petitioners: 11 March 2024 & 11 December 2025

01st - 12th Respondents: 24 October 2024 & 01 October 2025

Argued on: 27 August 2025

Decided on: 15 May 2026

Dr Sobhitha Rajakaruna, J

The Petitioners claim that they are Assistant Valuers in Class II Grade I of the Sri Lanka Valuation Service. The appointments and promotions in the Sri Lanka Valuation Service were originally governed by the Service Minute published on 29 October 1998 (marked 'P6'). This Minute was amended on 6 November 2000 (marked 'P7'), whereby Class III Grade IV and Class III Grade III were merged into a single grade, Class III Grade III. Consequently, the Petitioners, who had initially been appointed to Class III Grade IV, were absorbed into Class III Grade III.

Thereafter, the 1998 Service Minute was repealed and replaced by a new Service Minute dated 28 May 2007 (marked 'P8'). Under the 2007 Service Minute, Class III Grade III was merged with Class III Grade II, placing the Petitioners in Class III Grade II, with their next promotion being to Class III Grade I. A further new Service Minute for the Sri Lanka Valuation Service was introduced on 27 September 2019 and marked 'P16' (herein after sometimes referred to as 'current Service Minute'). According to this current Service Minute, the grades are structured as follows:

- Special Grade — Chief Valuer, Additional Chief Valuer
- Class I Grade I — Deputy Chief Valuer
- Class I Grade II — Senior Valuer
- Class I Grade III — Valuer
- Class II Grade I — Assistant Valuer
- Class II Grade II — Assistant Valuer

Clause 14 of the said current Service Minute governs the absorption of existing officers into the new grading structure and is central to the issues in this case. Clause 14 reads:

14.1 It is applicable only for those who are in service as at the date on which this procedure takes effect. All officers drawing salaries under the salary scale of MN 5 - 2006 - A as provided by the Public Administration Circular No. 06/2006 and the Circulars incidental thereto on the due date will be absorbed as follows subject to the provisions of Section 04 of Chapter VII of the Establishments Code.

Period of service will be calculated on the basis of the date appointed to each post. However, due to absorption, the date of increment of the person concerned should not be changed and such date should continue to be effective as the increment date that remained prior to the absorption. Likewise, due to reason that the salary step of the person concerned was drawing last corresponds to the new salary step, he should not be placed on the next higher salary step either in terms of Section 4.4 of Chapter VII of the Establishments Code.

(i) Class II Grade II

- a) Officers who have not completed at least ten (10) years of service in the post of Assistant District Valuer of Class III Grade II.
- b) Officers who have not fulfilled qualifications for promotion to Class III Grade I in terms of the existed Service Minute despite the completion of at least ten (10) years of service in the post of Assistant District Valuer of Class III Grade II will be absorbed into the post of Assistant Valuer of Class II Grade II.

(ii) Class II Grade I

- a) Officers who have completed at least ten (10) years of service in the post of Assistant District Valuer of Class III Grade I and earned a minimum of ten (10) salary increments during the period concerned and fulfilled qualifications for promotion to Class III Grade 1 in terms of the Service Minute that was effective before the new Service Minute came into force, and
- b) Officers who are engaged in service in the post of Assistant District Valuer of Class III Grade I, will be absorbed into the post of Assistant Valuer of Class II Grade I.

(iii) To SL- 1

- a) Officers who are in Class II Grade II under the Salary Code SL-1 as at the effective date of this Service Minute will be absorbed into Class I Grade III of the Service.
- b) Officers who are in Class II Grade I under the Salary Code SL-1 as at the effective date of this Service Minute will be absorbed into Class I Grade II of the Service.
- c) Officers who are in Class I Grade II under the Salary Code SL-1 as at the effective date of this Service Minute will be absorbed into Class I Grade I of the Service.

(iv) To SL- 03

- a) Officers who are in Class I Grade I under the Salary Code SL-3 as at the effective date of this Service Minute will be absorbed into the Special Grade of the Service.

NOTE 1:

The excess period of active and satisfactory service in addition to the period of service required to absorb into each grade under the provisions of absorption will be reckoned as the period of active and satisfactory service in the grade into which the absorption is made.

NOTE II:

The officers who received/will receive promotions pursuant to the approval of the Public Service Commission in terms of the former Service Minute will be absorbed into the same grade to which they received their promotions according to the new titles of posts, grades and number of posts of the cadre approved by the letter No. DMS/1166/111 dated 17.05.2017 of the Department of Management Services.

NOTE III:

The provisions referred to in (i), (ii), (ii) and (iv) of 14 above are applicable to the other officers

The Petitioners state that the 1st, 3rd, 4th and 5th Petitioners had completed more than ten years of service in Class III Grade II under the 2007 Service Minute, earned the requisite increments, and satisfied all qualifications for promotion to Class III Grade I. However, their promotions had not been effected by the time the 2019 Service Minute

came into operation. Accordingly, they were absorbed into Class II Grade I under Clause 14 of the 2019 Minute. The 2nd Petitioner, who had already been promoted to Class III Grade I under the 2007 Minute (though later cancelled and subsequently regularised), was also absorbed directly into Class II Grade I.

The Petitioners' primary grievance relates to the promotion process that followed the impugned interview held pursuant to the newspaper advertisement dated 16 November 2020 (marked 'P18'). They contend that the process is unlawful because the relevant Respondents failed to correctly determine the date on which candidates fulfilled all qualifications and eligibility criteria for promotion to Class III Grade I under the 2007 Service Minute (P8), as required for the proper award of seniority marks under the marking scheme (P20/P21 – newspaper advertisements dated 17 July 2021).

The Petitioners' principal arguments are as follows:

1. *Incorrect Service Examination taken into account for seniority-* They assert that the only examination that qualifies a candidate for promotion from Class III Grade II to Class III Grade I under the 2007 Minute is the examination stipulated in Schedule III of P8 (originally the 3rd Service Examination under the 1998 Minute and redesignated as the 1st Service Examination under P8), with the syllabus covering Applied Valuation and preparation of documents for appeals to the Land Acquisition Board of Review and Rating Objection Inquiries. The Petitioners allege that the mark sheets were wrongly accepted as completing earlier or lower-grade examinations under the 1998 Service Minute (the 1st and 2nd Service Examinations, which were repealed or rendered inapplicable by the 2000 and 2007 amendments), thereby incorrectly advancing the date of fulfilment of qualifications for several candidates.
2. *Specific instances of alleged erroneous credit-*
 - a.) Candidates who joined in 1996 (including the 24th, 34th, 38th, 22nd, 37th, 20th and 29th Respondents) were credited with passing the relevant examination in 1997, when they were still in Class III Grade IV. The Petitioners argue that the 1997 examination could only have

been the (now-repealed) examination for promotion from Grade IV to Grade III.

b.) The 62nd Respondent was credited with passing an examination in 2005, said to be applicable to a lower grade. A letter dated 27 December 2007 (P34) is relied upon to show there was no exemption from the required Service Examination.

c.) The 24th Respondent is alleged to have failed Part I and the 33rd Respondent Part II of the relevant examination in 2007, yet both were given earlier passing dates (1997 and 2005, respectively).

3. *Treatment of the 2nd Petitioner and similarly placed officers-* The 2nd Petitioner and certain other officers (including the 60th, 44th and 52nd Respondents) were promoted to Class III Grade I in 2012, but those promotions were cancelled in 2014 following SC(FR) Applications No. 105/2012 and 283/2012 on the ground that they had not completed the Service Examination stipulated in Schedule III of the 2007 Minute. The 2nd Petitioner passed the correct examination only in 2014. The Petitioners claim the mark sheets treat the 2nd Petitioner as having passed in 2014 while inconsistently treating the other reverted officers as having passed the earlier (inapplicable) 1998 examinations.

4. *Disparate treatment of the 41st Respondent-* According to the Seniority List (P35/P36), the 41st Respondent received a fresh promotion to Class II Grade I under the 2019 Minute, whereas the 1st and 3rd–6th Petitioners were absorbed into Class II Grade I after satisfying all 2007 qualifications. Nevertheless, the mark sheets allegedly awarded the 41st Respondent full 25 marks for seniority as though he had been absorbed, thereby inflating his position.

5. *Resulting in alleged injustice-* Due to the above errors in computing seniority marks, the 1st, 3rd and 5th Petitioners (ranked 65th, 66th and 67th respectively) were denied promotion, while the 75th Respondent (ranked 68th) and other lower-ranked candidates were promoted. The Petitioners further complain that

candidates were required to produce proof of the 2007 Service Examination at the interview, yet the selection disregarded that requirement.

In essence, the Petitioners submit that the entire selection process is vitiated by the failure to apply the correct Service Examination under the 2007 Service Minute when awarding seniority marks, resulting in an arbitrary denial of their promotions. They allege that the 1st to 12th Respondents have thereby violated their fundamental rights under Article 12(1) and/or Article 14(1)(g) of the Constitution.

However, leave to proceed was granted only in respect of the alleged violation of Article 12(1).

The 1st to 12th Respondents maintain that the selection process was conducted lawfully and strictly in accordance with the approved marking scheme and the relevant Service Minutes. Only officers in Class II Grade I were eligible to apply. Seniority marks were awarded on the basis of service in Class II Grade I, together with antecedent service under the previous Service Minute.

The said Respondents state that the absorption provisions under Section 14(ii)(a) of the current Service Minute created two categories of officers eligible for absorption into Class II Grade I: (i) those already in Class III Grade I under the old Minute, and (ii) those in Class III Grade II who had completed 10 years of active and satisfactory service and fulfilled all qualifications for promotion to Class III Grade I, with excess service in Grade II (beyond 10 years) being counted towards the new grade in terms of Note 1. According to these Respondents, awarding identical marks for service in both Grade I and Grade II would have been unfair to officers who had reached the promotional Grade I through selection and who performed higher responsibilities. To resolve this anomaly, the Chief Valuer proposed, and the Public Service Commission ('PSC') approved (vide letter dated 24 March 2021 marked '11R2'), a differentiated weightage: 25 marks (out of the original 60 for seniority) for antecedent service in Class III Grade II after completion of all qualifications for promotion to Class III Grade I, with the balance allocated to service in Class III Grade I. This gave Grade I service 1.4 times higher weightage. The said Respondents claim that it is significant that the learned Counsel for the Petitioners expressly agreed that this formula is fair and reasonable.

It is observed that the Petitioners' argument is strictly confined to the allegation that, for the batch of officers who joined on 02 October 2000, seniority marks were awarded without regard to the date of passing the Service Examination under the old Service Minute. Under Section 08.05.01(a) of the 2007 Service Minute, promotion from Class III Grade II to Class III Grade I required 10 years' experience in that grade, passing the Efficiency Bar Examination, and passing the 1st Service Examination. Clause 14.2 of the current Service Minute requires fulfilment of all such qualifications for absorption into Class II Grade I. The Respondents state that the date of completion of all qualifications was correctly taken as the date on which the last of the three requirements was satisfied. A detailed table of seniority mark calculations, supported by certified documents, has been produced as '11R3' in the affidavit of the 11th Respondent.

It is not disputed that the subject recruitment was carried out in terms of the current Service Minute ('P16'). In view of there being four Service Minutes from 1998 to 2019, which contained different gradation schemes, and in view of the lowest grade being successively suppressed by each new Minute, the marking scheme ('P21') introduced two different methodologies to calculate seniority for the subject promotion.

The detailed calculations furnished by the Respondents (particularly '11R3') demonstrate that seniority was determined based on the actual date of completion of all qualifications, and not merely on the date of appointment. Based on the overall circumstances of this case, I take the view that the differentiated weightage formula, which was approved by the PSC and allegedly accepted as fair by Petitioners' Counsel, was reasonably applied. The specific allegations regarding individual Respondents, including the 75th Respondent, were adequately addressed and not pursued further by the Petitioners.

As observed above, certain Service Examinations had been consecutively repealed or amended, and the relevant Respondents properly accounted for the examination applicable to each officer at the relevant time. It is my view that accepting the Petitioners' rigid interpretation would have caused undue prejudice to many officers who had sat for and passed the examinations that were prevailing requirements when they became eligible.

Having carefully considered the pleadings, affidavits, annexures and submissions of both parties, I hold that the Petitioners have failed to establish any violation of their

fundamental rights. Accordingly, I hold that the 1st to 12th Respondents have not violated the fundamental rights of the Petitioners. Thus, I proceed to dismiss the Application of the Petitioners.

Judge of the Supreme Court

Janak De Silva, J

I agree.

Judge of the Supreme Court

Sampath B. Abayakoon, J.

I agree.

Judge of the Supreme Court