

IN 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/FR/196/2020

1. H.M. Duminda Nayanapriya
2nd Mile Post, Samagipura Mawatha,
Welimada Road, Bandarawela.
2. K.S. Perera, No.144/2D, Poramba,
Ambalangoda.
3. R.K. Rathnayake,
26/03, Ambagahawewa,
Parasangaswewa, Anuradhapura.
4. H.V.A.R.B. Dissanayake
B54/3, Udamakadawara,
Hingula, Mawanella.
5. K.L.A.S.U.K. Liyanaarachchi
Sisila, Kadawata Niwasa,
Dimbulkumbura,
Rikillagaskadawala.
6. D.R.S. Mahawatta,
No. 46, Weniwelkatiyagama,
Nagoda, Dhodangoda.
7. M.K. Nandana Kumara
26/C/9, Anandagama, Munghena,
Maggona.
8. N.W.D. Samarasinghe
1, Gal-oluwa, Weliweriya.

9. R.K. Rathanayaka
Yatipiyangala, Gampola.
10. G.D.C. Sagara
Government Quarters, Neboda.
11. E.G.G.T.L. Kumara,
5, Siri Niketharama Road,
Patabedhimulla, Ambalangoda.
12. S.H. Asanka,
61/A, Kopiyawatta, Delduwa, Wadduwa.
13. K.M.E.I. Jayasena,
School Lane, Kelimune, Mahakeliya.
14. T.M.W. Banadara,
62, Ambagahawattha, Kavudella, Bibila.
15. A.A.G.L.R. Alahakoon,
51/2, Siriketha, Hingurakgoda.
16. J.A.J.C. Jayasooriya,
Galoliyawa, Maharachchimulla, Alawwa.
17. R.M.A. Karunarathna,
243, Wathuherapitiya, Anghandiya,
Mawathagama.
18. D.M.D. Chandrathilaka,
18/11, Agala Oya, Giradurukotte.
19. I.G.J.K. Weerarathna
17, Keppetigala, Kanadeniyawala,
Rideegama.
20. K.M.R.K. Gunathilaka,
100 Mirahalgamuwa,
Ettampitiya, Bandarawela.
21. S.P.P.S. Siriwardana,
121/17, Warakamura, Ukuwela, Matale.
22. K.T.D.C. Lasantha,
310, Harman Watta II,
Gan-Ima, Dodangoda.

23. I.D.S.G. Karunadasa,
No. 462, Lake Road, Akuregoda,
Thanangama South.
24. W.M.A.P. Wijesinghe,
16, Nawayalathenna, Katugastota.
25. W.S. Chaminda,
Henyaya, Halmillawewa.
26. S.H.M.I.R. Prasanna,
Pahala Pihimbiya, Nagollagoda.
27. I.M.A. Rajarathne,
Polkotuwa watta, Mahawa.
28. G.A.P Rathnayake,
Katupathwewa, Pahala Maragahawewa.
29. M.A.D. P. Samaraweera,
C/O Peiris Stores, Amara Gedara,
Bulathsinghala.
30. A.G.D.S. Bandara,
Polonnaruwa Road,
Moragaswewa, Habarana.
31. R.M.G.R. Ranaweera,
601/72 R, Thammennakulama,
Anuradhapura.
32. E.G.S.M. Jayasinghe,
76, Sandun Uyana, Alwis Watta,
Kalutara.
33. K.M.C. Kumarasinghe,
37/8, 01st Lane, Kesbewa Road,
Bandaragama.
34. B.W.E.A. Bandara,
P/19. Nalanda, Matale.
35. W.D.C.K. Rathnayaka,
64/1, Wetakedeniya, Gampola.
36. J.H.N.R. Jayalath,

- Jayalath Plan Nursery,
Kandy Road, Hasalaka.
37. M.S. Kumara,
216, Rajawella 02, Rajawella, Digana.
38. E.J.M.P.I. Ekanayaka,
100, Helabodhugama, Galnewa.
39. A.T.D. Perera,
267/37, Sandun Uyana,
Beruketiya, Kiriwatthuduwa.
40. H.M.J. Rathnayaka,
62/1, Kerawalapitiya, Hendala, Wattala.
41. G.K.M.D. Kaviraja,
155/1, Dinusha Vila, Hitiperagama,
Hatton.
42. S.A.S.D. Senadeera,
234/6/1/2, Police Quarters,
Sapugaskanda, Makola.
43. P.S.K. De Silva,
No. 88, Piyagama,
Heygalla, Kosgoda.
44. H.M.D.K. Herath,
Ranjith Hotel, No. 181/1, Narangedara,
Hurukaduwa, Manikhinna.
45. D.M.T.S. Wijerathna,
No. 157/1, Samanpaya, Minigamuwa,
Galagedara, Kandy.
46. Y.P.A.R. Amarasinghe
No. 1/10, Andreson Flats,
Colombo 05.
47. T. Sooriyarachchi,
9/1A, Playground Lane,
Elliot Road, Galle.
48. A.D. Alwis,

- No. 36/120/B, Thiththalupitigoda,
Yakkala.
49. M.M.S. Abeysekara,
No.193/39, Asiri Uyana, Kerawalapitiya,
Hendala, Wattala.
50. S.M.S. Abeysekara,
No.193/39, Asiri Uyana, Kerawalapitiya,
Hendala, Wattala.
51. P.S. Premarathna,
Nelugollewa, Medawachchiya.
52. P.K.D.T. Wijesekara,
No. 118/1, Tharanga, Jayamannna
Watta, Kotadhupe, Thilijjawala, Matara.
53. K.K.D.D.A. Chandana,
No. 11, Yaya 16, Tharuna Govipala,
Pahala Maragahawewa, Rajanganaya.
54. R.L. Gunambillawatta,
32, Gunambilla Watta Road, Wattegama.
55. W.M.M.B.B. Dissanayaka,
84/4, Hiripitiya, Pannipitiya.
56. W.K.D.M. Wickramasinghe,
No. 11/B, Attanagalla Road, Pasyala.
57. M. Dediwalage, 95, Galthude,
Bandaragama.
58. R.P.C.P. Wijesinghe,
201/1, Iddamalpitiya, Pahala Diyadara,
Kuliyapitiya.
59. T.N.C. Mendis,
No. 377, Idamthota, Madampagama,
Ambalangoda.
60. M.V.M. Chathuranga
No.357/1, Pahala Watta,
Wathawana, Imadhuwa.

61. S.M.C.L. Silva, Nawarathnagoda,
Ranapanadeniya, Rathgama.
62. K.P.D. Chandrasiri,
No. 113, Sri Dharmarama Road,
2nd Lane, Rathmalana.
63. A.P. Amarakoon,
Chandrani, Thihagoda, Matara.
64. K.M.M. Ravindra,
No. 9/1, Narawelketiya, Pituwala Road,
Elpitiya.
65. B.M.W.B. Beligammana,
No. 252/4 A, Kendaliyadda Paluwa,
Ganemulla.
66. H.D.J.R. Lakmal,
No.339/B, Galthuduwa, Gonagalapura,
Bentota.
67. G.K.M.P.N. Kaviraj,
No. 317/A, Katukithula, Lakshapana.
68. D.R.P.M. Dasanayaka,
Kammalawaththa, Mabopitiya,
Undugoda.
69. K.P.G.R. Kahatapitiya,
No. 230/C, Kadawaka, Mathugama.
70. S.D.P.N. Wijerathna
No. 120, Yaya 03, Rajanganaya.
71. B.M.U.P. Athapattu
Lake Road, Thennankuriyawa,
Anamaduwe.
72. R.M.N. Dakshina
Pallekagama, Maradankadawala.
73. A.M. Karunasinghe,
No. 10/2/A, II Lane, Sumanadasa
Mawatha, Udawalpola, Kurunagala.

74. L.P.S.J Karunarathne,
No. 197/3, Bandaranayake Mawatha,
Asgiriya, Gampaha.
75. M.D.S.R Jayathunaga,
“Lakmini” Pahalawatta, Idulgodakanda,
Kurunegala.
76. T.B.C. Pathum Kumara,
Mapawewa Junction, Demataluwa,
Kurunagala.
77. R.M Danushka Niroshan Rathnayaka
Rathmalgoda, Polgahawela.
78. L.G.H. Madusanka,
No. 126/10, N.C. Road, Trincomalee.
79. A.B. Nilantha,
No. 162/1/A, Henapola Road,
Makkangoda, Pasyala.

Petitioners

Vs.

1. Mr C.D. Wickramaratne,
Inspector General of Police (Acting),
Police Head Quarters,
Colombo 01.
- 1A. Mr C.D. Wickramaratne,
Inspector General of Police,
Police Head Quarters,
Colombo 01.
- 1B. Mr Deshabandu Thennakoon,
Inspector General of Police,
Police Head Quarters,
Colombo 01.
2. Mr. C.D. Wickramaratne,

Senior-Deputy Inspector General,
Sri Lanka Police, Administration,
Police Head Quarters,
Colombo 01.

- 2A. Mr. Mr. D.G.N. Jayawardane,
Senior-Deputy Inspector General,
Sri Lanka Police, Administration,
Police Head Quarters,
Colombo 01.
3. Mr. S.P. Prasad Ranasinghe,
Director – Personnel, Sri Lanka Police,
Police Head Quarters,
Colombo 01.
4. Mr. K.W.E. Karalliyadda,
Chairman,
- 4A. Mr. A.C.S Fernando
Chairman,
5. Mrs. Savithri D. Wijesekera
Member,
- 5A. Mr. M.P.P Perera
Member,
6. Mr. Y.L.M Zawahir
Member,
- 6A. Mr. S Liyanagama
Member,
7. Mr. Gamini Nawarathne
Member,
- 7A. Mr. G. Wikramage
Member,
8. Mr. Thilak Collure
Member,
- 8A. Mr. A.S.P.S.P Sanjeewa
Member,

9. Mr. Ashoka Wijethilaka
Member,
- 9A. Mr. T.P. Parameswaran
Member,
10. Mr. G. Jeyakumar
Member,
- 10A. Mr. N.S.M. Samsudeen
Member,
11. Mr. Nishantha A. Weerasinghe
Secretary,
- 11A. Mrs. Thamara D. Perera
Secretary,
All of, BMICH Premises, Block 9,
Colombo 7.
12. Mr. Kamal Gunaratne
Secretary, Ministry of Defence, Law and
Order, No. 15/5, Baladaksha Mawatha,
Colombo 3.
13. Hon. Prime Minister Mahinda
Rajapaksha, Minister of Finance and
Economy & Policy Development,
Buddasasana and Cultural and Religious
Affairs, Urban Development and Water
supply and Housing Facilities.
Ministry of National Policies
Miloda, Old Times Building
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Ministry of Buddasasana,
Srimath Anagarika Dharmapala
Mawatha, Colombo 07.
Ministry of Urban Development and
Water Supply and Housing Facilities,

No. 35, New Parliament Road,
Baththaramulla.

14. Hon. Nimal Siripala De Silva,
Minister of Justice and Human Rights &
Legal Reform, Ministry of Justice and
Prison Reforms, Superior Court Complex,
Colombo 12.
15. Hon. Arumugan Thondaman,
Minister of Community Empowerment
and Estate Infrastructure Development,
No. 45, St Michaels Road,
Colombo 03.
16. Hon. Dinesh Gunawardhana,
Minister of Foreign Relations,
Ministry of Foreign Affairs,
Republic Building, Sir Baron Jayathilaka
Mawatha, Colombo 01.
17. Hon. Douglas Devananda,
Ministry of Fisheries and Aquatic
Resources, Maligawatta Road,
Colombo 10.
18. Hon. Pavithra Devi Wanniarachchi
Minister of Healthcare and Indigenous
Medicine, Ministry of Health, Nutrition
and Indigenous Medicine, Women and
Child Affair & Social Security.
Ministry of Health, Nutrition and
Indigenous Medicine,
No. 385, Ven. Baddegama Wimalawansa
Mawatha, Colombo 10.
Ministry of Women and Child Affair &
Social Security,
Ministry of Women & Child Affairs,

5th Floor, Sethsiripaya Stage III,
Battaramulla.

19. Hon. Bandula Gunawardhana,
Minister of Higher Education Technology
and Innovation, Information and Mass
Media, Ministry of Information and Mass
Media, No. 163, Asi Disi Madura,
Kirulapone Mawatha, Polhengoda,
Colombo 05.
Ministry of Higher Education,
No: 35, 'Lak Diya Medura', New
Parliament Road, Pelawatta,
Battaramulla.
20. Hon. Janaka Bandara Thennakoona,
Minister of Public Administration, Home
Affairs, Provincial Councils and Local
Government, Ministry of Home Affairs,
Independence Square, Colombo 07.
21. Hon. Chamal Rajapaksha,
Minister of Mahaweli, Agriculture,
Irrigation and Rural Development.
No.80/5, Govijana Mandiraya,
Rajamalwatte Lane, Baththaramulla.
22. Hon. Doullas Alahapperuma,
Minister of Sports & Youth Affairs,
Ministry of Youth Affairs,
15/A Alfred Place, Colombo 03.
Minister of Education, Ministry of
Education, Isurupaya, Pelawatta,
Battaramulla.
23. Hon. Johnston Fernando,
Minister of Road and Highways, Ports
and Shipping, "Maganaguma

Mahamedura” No. 216, 9th Floor, Denzil
Kobbekaduwa Mw., Koswatta,
Battaramulla.

24. Hon. Wimal Weerawansa,
Minister of Industries and Chain
Management, Ministry of Industries and
Chain Management, No. 73/1, Galle
Road, Colombo 03.
25. Hon. Mahinda Amaraweera.
Minister of Power & Energy,
Ministry of Power and Energy,
No. 72, Ananda Coomaraswamy
Mawatha, Colombo 07.
Minister of Transport Services
Management, Ministry of Transport
Services Management,
7th Floor, Sethsiripaya, Stage II,
Battaramulla.
26. Hon. S.M. Chandrasena,
Minister of Environment and Wildlife
Resources, Ministry of Wildlife
No. 1090, Sri Jayawardenapura
Mawatha, Rajagiriya,
Ministry of Land and Land Development.
Mihikatha Madura,
Land Secretariat, No. 1200/6
Rajamalwatte Rd, Battaramulla.
27. Hon. Ramesh Pathirana,
Minister of Plantation Industries and
Export Agriculture, 11th Floor,
Sethsiripaya, 2nd Stage, Battaramulla.
28. Hon. Prasanna Ranathunga,
Minister of Tourism and Civil Aviation,

Ministry of Tourism Development,
53 Vauxhall Lane, Colombo 02.

- 28A. Hon. Ranil Wikramasinghe,
Minister of Defence, Minister of Finance,
Economic Stabilization and National
Policies, Minister of Technology
Minister of Women, Child Affairs and
Social Empowerment, Minister of
Investment Promotion, Ministry of
Defence, Law and Order,
No. 15/5, Baladaksha Mawatha,
Colombo 3.
- 28B. Hon. Dinesh Chandra Rupasingha,
Gunawardena (Hon. Prime Minister)
Minister of Public Administration, Home
Affairs, Provincial Councils and Local
Government, Ministry of Home Affairs,
Independence Square, Colombo 07.
- 28C. Hon. Nimal Siripala de Silva, Minister of
Ports, Shipping and Aviation
No. 19, Chaithya Rd, Colombo 1.
- 28D. Hon. Douglas Devananda,
Minister of Fisheries, Ministry of
Fisheries and Aquatic Resources,
Maligawatta Road, Colombo 10.
- 28E. Hon. Bandula Gunawardena,
Minister of Transport and Highways,
Ministry of Transport Services
Management, 7th Floor, Sethsiripaya,
Stage II, Battaramulla.
Minister of Mass Media,

- Ministry of Information and Mass Media,
No. 163, Asi Disi Madura, Kirulapone
Mawatha, Polhengoda, Colombo 05.
- 28F. Hon. Keheliya Rambukwella,
Minister of Health, Ministry of Health,
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Mawatha, Colombo 10.
Minister of Water Supply, 1st Floor,
Lakdiya Medura, No. 35, New Parliament
Rd, Battaramulla.
- 28G. Hon. Amaraweera Mahinda,
Minister of Agriculture
80/5, “Govijana Mandiraya”,
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- 28H. Hon. Wijayadasa Rajapaksha,
Minister of Justice, Prison Affairs and
Constitutional Reforms,
No 19, Sri Sangaraja Mw, Colombo 10.
- 28I. Hon. Nalaka Jude Harin Fernando,
Minister of Tourism and Lands
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- 28J. Hon. Ramesh Pathirana,
Minister of Plantation Industries
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Battaramulla, Minister of Industries
No. 73/1, Galle Road, Colombo 03.
- 28K. Hon. Prasanna Ranatunga,
Minister of Urban Development
and Housing, 8th, 17th & 18th Floors
“SUHURUPAYA”, Subhuthipura Road,

Battaramulla.

- 28L. Hon. M.U.M. Ali Sabri,
Minister of Foreign Affairs,
Ministry of Foreign Affairs, Republic
Building, Sir Baron Jayathilaka
Mawatha, Colombo 01.
- 28M. Hon. Vidura Wikramanayaka, Minister of
Buddhasasana, Religious and Cultural
Affairs, Ministry of Buddhasasana,
Srimath Anagarika Dharmapala
Mawatha, Colombo 07.
- 28N. Hon. Kanchana Wijesekera,
Minister of Power and Energy
No 80, Sir Erenest De Silva Mawatha,
Colombo 07.
- 28O. Hon. Ahamed Zenulabdeen Naseer,
Minister of Environment, Sobadam
Piyasa, No. 416/C/1, Robert
Gunawardana Mawatha, Battaramulla.
- 28P. Hon. Anuruddha Ranasinghe Arachchige
Roshan, Minister of Sports and Youth
Affairs, Ministry of Youth Affairs
15/A, Alfred Place, Colombo 03.
- 28PA. Hon. Harin Fernando,
Minister of Sports and Youth Affairs
Ministry of Youth Affairs
15/A Alfred Place, Colombo 03,
- 28Q. Hon. Maligaspe Koralege Nalin,
Manusha Nanayakkara,
Minister of Labour and Foreign
Employment,
6th Floor, Mehewara Piyasa,
Narahenpita, Colombo 05.

- 28R. Hon. Tiran Alles,
Minister of Public Security,
14th Floor, “Suhurupaya”,
Battaramulla.
- 28S. Hon. Kachchakaduge Nalin Ruwanjiwa
Fernando, Minister of Trade, Commerce
and Food Security.
- 28T. Mrs Pavithra Devi Wanniarachchi,
Minister of Wildlife and Forest
Resources Conservation,
Ministry of Wildlife, No. 1090,
Sri Jayawardenapura Mawatha,
Rajagiriya.
- 28U. Mr. Jeevan Thondaman,
Minister of Water Supply and Estate
Infrastructure Development,
No. 45, St Michaels Road
Colombo 03.
29. Mr. S. Amarasekara,
Office of Cabinet of Ministers,
Republic Building,
Sir Baron Jayathilaka Mawatha,
Colombo 01.
- 29A. Mr. W.M.D.J. Fernando,
Office of Cabinet of Ministers,
Republic Building,
Sir Baron Jayathilaka Mawatha,
Colombo 01.
30. Hon. Attorney General,
Attorney General’s Department,
Colombo 12.

Respondents

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

Counsel: Saliya Pieris, P.C., with Anjana Rathnasiri for the
Petitioners in SC/FR/196/2020 and SC/FR/197/2020.
Viraj Dayaratne, P.C., S.G., for the Respondents.

Argued on: 30.06.2025

Written submissions:
By the Petitioners in SC/FR/196/2020 on 30.07.2025.

Decided on: 08.09.2026

Samayawardhena, J.

Eighty Petitioners, who are Inspectors of Police, filed this application in this Court on 03.07.2020 naming the Inspector General of Police, the National Police Commission, the Cabinet of Ministers, and the Attorney General as Respondents, seeking declarations that their fundamental rights guaranteed under Articles 12(1) and 14(1)(g) of the Constitution have been infringed by the Respondents.

The Petitioners were enrolled in the Police Department as Sub Inspectors of Police on 22.07.2007. Their grievance arises out of the implementation of a one-off promotion scheme introduced pursuant to Cabinet Decision No. 20/0373/203/036 dated 15.02.2020 and communicated by the Inspector General of Police by RTM 636 (CRTM 1247) dated 19.02.2020.

The material before Court demonstrates that the said scheme was introduced as a special one-off measure intended to address longstanding stagnation within the Police Department. The Inspector General of Police, the National Police Commission, the subject Minister, and the Cabinet of Ministers had all recognised that promotions within the Police Department had for many years been affected by delays,

stagnation, and the absence of a comprehensive and workable promotion policy.

Accordingly, under the impugned scheme, Sub 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 Inspector of Police with effect from 01.07.2019. Sub Inspectors of Police who had completed more than eight years of service in that rank as at 31.12.2018 were promoted to the rank of Inspector of Police with effect from 01.01.2020.

The Petitioners admittedly fell within the category of officers who benefited from that scheme.

However, the Petitioners complain that other batches of officers who were junior to them in service were also promoted under the same scheme and that the seniority gap between the respective batches was thereby reduced.

The Petitioners state that officers who were recruited as Sub Inspectors of Police on 20.04.2008 and 21.09.2008 were promoted to the rank of Inspector of Police with effect from 01.07.2019 although they possessed less service than the Petitioners as at 31.12.2018. They further complain that officers recruited on 05.04.2009 were promoted to the rank of Inspector of Police with effect from 01.01.2020, thereby narrowing the seniority gap previously existing between the Petitioners and those officers.

The Petitioners seek, *inter alia*, a declaration that the effective date of their promotion to the rank of Inspector of Police should be 22.07.2013, being the date on which they completed six years of service in the rank of Sub Inspector of Police. In the alternative, they seek a declaration that the effective date of their promotion should be 22.07.2015, being the date on which they completed eight years of service in the rank of Sub Inspector of Police, or such other date as this Court may deem fit.

I am unable to accept these submissions.

The purpose of the impugned scheme was not to preserve historical seniority gaps with mathematical precision. The purpose of the scheme was to address a longstanding institutional problem affecting large numbers of police officers who had remained stagnated in the same rank for prolonged periods.

Promotions within the Police Department have for many years presented a recurring challenge. Various temporary measures and one-off promotion schemes have been introduced from time to time in an attempt to address accumulated stagnation and frustration within the service. While such measures may provide temporary relief, they cannot substitute for a coherent and sustainable promotion framework. Unless and until a proper and workable promotion policy is formulated, taking into account the views of all stakeholders, disputes of this nature are likely to continue.

Every phased promotion scheme necessarily creates situations where officers perceive that previously existing seniority advantages have narrowed. Such consequences are often unavoidable where the objective of the scheme is to address institutional stagnation affecting a large number of officers. Article 12(1) of the Constitution does not guarantee the perpetual preservation of every historical seniority advantage enjoyed by one batch of officers over another.

The Petitioners themselves are beneficiaries of the very one-off promotion scheme they now seek to challenge. They accepted the benefits flowing from that scheme and the promotions granted thereunder. Having accepted the benefits of an exceptional measure introduced to alleviate stagnation within the service, it is not open to the Petitioners to challenge the same scheme merely because its implementation has affected the seniority structure in a manner they perceive to be disadvantageous.

The Petitioners further rely on RTM 650 issued in 2003 and RTM 252 issued in 2010. According to the Petitioners, those circulars contemplated promotions to the rank of Inspector of Police after six years and eight years of service respectively in the rank of Sub Inspector of Police. On that basis, the Petitioners seek backdating of their promotions either to 22.07.2013 or, alternatively, to 22.07.2015.

I am unable to accept this contention.

Neither RTM 650 nor RTM 252 provided for automatic promotion merely upon the completion of the prescribed period of service. The completion of six years or eight years of service merely rendered an officer eligible to apply or be considered for promotion. Promotions under those schemes were subject to the applicable criteria, evaluation processes, interviews, and administrative requirements prevailing at the relevant time. The completion of the prescribed period of service did not confer a vested or accrued right to promotion.

Chaudhari & Chaturvedi's Law of Fundamental Rights, 4th edition (Delhi Law House, 2001) at page 426 states:

No one can claim a right to promotion. The right extends merely to being considered for promotion on just and equitable principles, without unfair discrimination against him, unless there is some statutory rule giving right to any person to be promoted, because in the absence of any such rule, the Government can keep any due promotion in abeyance, provided the Government has acted fairly, reasonably and in public interest: and, then again, this simple right to being considered for promotion is only when the aspirant possesses the minimum qualifications for the post.

Accordingly, the Petitioners cannot legitimately contend that they became entitled to promotion automatically upon completing six years of service on 22.07.2013 or eight years of service on 22.07.2015.

I must also observe that the Petitioners filed this application only on 03.07.2020. If, as now contended, they became entitled to promotion six years or eight years of service in the rank of Sub Inspector of Police, it is difficult to understand why no challenge was brought for several years thereafter. This delay further undermines the contention that any accrued legal right to promotion arose on those dates.

The relief sought by the Petitioners, namely the backdating of their promotions, is untenable.

The Petitioners were promoted in accordance with the criteria and policies applicable at the relevant time. The subsequent introduction of a one-off promotion scheme does not retrospectively entitle them to claim earlier effective dates for their own promotions.

Indeed, the very scheme under which the Petitioners themselves obtained promotion was introduced as an exceptional measure to address stagnation within the Police Department. Such schemes are intended to operate prospectively and for a specific purpose. They are not designed to create retrospective entitlements or to permit historical restructuring of seniority.

If retrospective adjustments are to be made whenever a subsequent one-off promotion scheme is introduced, the result would be perpetual instability in the seniority structure within the Police Department and an endless chain of competing claims for retrospective promotions. Such an approach would render the administration of temporary promotional measures practically unworkable.

In *State of Jammu & Kashmir v. Shiv Ram Sharma* AIR 1999 SC 2012 at 2014, the Supreme Court of India emphasised that the State possesses the authority to prescribe qualifications and conditions governing appointment and promotion to public posts in accordance with administrative exigencies and that employees do not acquire a vested

right to be considered for promotion under a particular set of rules existing at the time of their entry:

The law is well settled that it is permissible for the Government to prescribe appropriate qualifications in the matter of appointment or promotion to different posts. The case put forth on behalf of the respondents is that when they joined the service the requirement of passing the matriculation was not needed and while they are in service such prescription has been made to their detriment. But it is clear that there is no indefeasible right in the respondents to claim for promotion to a higher grade to which qualification could be prescribed and there is no guarantee that those rules framed by the Government in that behalf would always be favourable to them.

In Roshan Lal Tandon vs. Union of India, 1968(1) SCR 185, it was held by this Court that once appointed an employee has no vested right in regard to the terms of service but acquires a status and, therefore, the rights and obligations thereto are no longer determined by consent of parties, but by statute or statutory rules which may be framed and altered unilaterally by the Government. The High Court has also noticed that there was an avenue provided for promotion but the prescription of the qualification was not favourable to respondents.

The principle of avoiding stagnation in a particular post will not be with reference to a particular individual employee but with reference to the conditions of service as such. As long as rules provide for conditions of service making an avenue for promotion to higher grades the observations made in T.R. Kothandaramans case stand fulfilled.

The formulation of promotion policies and the management of cadre structures within the Police Department are matters which primarily fall within the competence of the executive and administrative authorities and involve considerations of public policy, operational requirements,

budgetary allocations, institutional efficiency, and the overall needs of the service. While such decisions remain subject to constitutional scrutiny, courts are generally slow to interfere with policy decisions taken by the competent authorities. The Court's concern is not whether a different policy choice might have been preferable, but whether the impugned measure is arbitrary, irrational, *mala fide*, discriminatory, or otherwise inconsistent with constitutional guarantees.

Having considered the material placed before Court, I am unable to conclude that the impugned one-off promotion scheme suffers from any such infirmity.

For 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 issue arising in SC/FR/197/2020 is substantially similar to that considered in the present application. Accordingly, the parties in SC/FR/197/2020 shall be bound by this judgment.

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