

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/23/2023

1. Ranasingha Arachchilage Pavani
Madhubashini "Pavani",
Pitagaldeniya Junction, Pitagaldeniya.
2. Rajapakshage Samudika,
No. 182/B, First Lane,
Walgammulla, Veyangoda.
3. Madagodage Diluka Sanathani
Dharmarathna, No. 21/3,
Pulungasmulla, Serankada.
4. Thennakoon Mudiyanseelage Anushika
Hasanthi Ranasinghe,
No. 1417, Galkulama, Padavi Sri Pura.
5. Koruvage Tharanga Priyadarshani
Fernando, No. 293 B81, 4th Mawatha,
Navagampura Ampara.
6. Rasanjana Kaushalya Dissanayaka,
No. 201, Rathmalkadura, Siripura.
7. Wanigasooriyage Marukku Neranjala
Subashani, No. 2, Zoysa Mawatha,
Nagoda, Kalutara.
8. Dikwella Palavinnage Sewmi
Kanchanamala Prasanna Sewana,

- Nugagaha Asala, Aluthwela North,
Diyathalawa.
9. Meda Duwage Chithra Jayamini,
Opposite the School, Buduruwakanda,
Galgamuwa.
 10. Gonagala Withanage Devika
Madhubashini Karunarathne,
No. 2 B, Police Quarters,
Wahara, Kurunagala.
 11. Anguru Kankanamge Hasini Dinusha,
“Sandaluwa”, Aluthgoda, Dickwella.
 12. Gamini Kulathunga Pererage Dinushika
Dilrukshi, No. 2B/F4/U9, Lake Crest
Residence, Mandawila, Kotikawaththa.
 13. Jayasinghe Arachchige Melani
Priyanthika, No. 25 B, School Road,
Polwaththa, Minuwangoda.
 14. Liyanagee Dona Asanga Umayanganie,
No. 316/1, Meegahakumbura,
Bulathsinghala.
 15. Udatthawa Hiti Bandarlage Apsara
Himashi Lakmini Bandara
No. 539/1, Ranmuthugala, Kadawatha.
 16. Dammanthota Gedara Padmalatha
Malkanathi, No. 12 Police Quarters,
Bakamoona.
 17. Nawarathna Henayalage Nimasha
Prabodhani Jayaweera,
Seerangoda, Thambagalla.
 18. Wicramasingha Mudiyanseage Sasikala
Madhuwanthi Wicramasingha,
No. 502/47, Buduruwa Yaya,
Bakamoona.

19. Galaboda Kankanange Shalika
Madhuwanthi Kasun Niwasa,
Malwathugoda Kirinda, Puhulwala.
20. Rathnayakage Nishani Rathnayaka,
No. F/109, Yatiyewa Road, Randiwala,
Mawanella.
21. Meegolle Gurunnahelage Shayama
Premarathna, No. 64,
Danagamawaththa, Mawanella.
22. Samarakoon Mudiyansele Dilini
Wasana Sewwandi, No. C/88/1,
Dehimaduwa, Mawanelle.
23. Sri Ranga Aththanayaka Bamunu
Mudiyansele Sandareka Aththanayaka
Daya Sewana, Ihalagama, Nikawertiya.
24. Herath Mudiyansele Anusha
Priyadarshani Herath,
No. 43-B, Sirisethagama, Nikaweratiya.
25. Kumara Pathiranage Chandani,
No. 1, Kurudu Kubura, Hettipola.
26. Wickramanayakage Ruvini Uditha
Wickramanayaka Kitharammulla,
Nagollagoda, Hettipola.
27. Hewage Nethmi Rashmika
No. 135/2, Aluthgama, Gamapaha.
28. Pincha Devage Gimhani Dineshika
Jayawickrama, No. 137, Wewellagara,
Bollatha, Ganemulla.
29. Dikkumburage Niluka Sandamali
Dikkumbura, No. 128, Maliban Estate,
Palapathwala, Matale, Matale.
30. Walimini Arachchilage Minurandi
Wijesena, Katupilagolla, Dodamgaslanda.

31. Vidhana Pathirana Chithra Kanthi
Opatha Gedara, Ihala Lelwala, Neluwa.
32. Sathkumara Mudiyanseelage Gayathri
Sandamali Sathkumara, No. 162/H2
Police Quarters, Slave Island.
33. Lelwala Vithana Durage Vidharshika
Vinodani, No. 21/5, Pokunawattha,
Dangedara, Galle.
34. Sooriya Mudiyanseelage Nayana
Sanjeevani Bandara, No. 446/3,
Ambaraluwa South, Weliveriya.
35. Dissanayaka Mudiyanseelage Shalika
Udayangani Dissanayaka
No. 43, Heenatipana, Udumulla,
Mawanella.
36. Aluthge Gedara Gayani Lakshmi Aluthge
alias Aluth Gedara Gayani Lakshmi
Aluthge, No. 2C, Dedunupitiya,
Ihalagama, Kandy.
37. Iroshani Shashiprabha Sundararaja,
B154, Kambiadiya, Panawala,
Eheliyagoda.
38. Nishadi Poornima Epa Kankanamge,
School Junction, Gammana, Yagirala.
39. Nagamu Ranathunga Arachchilage
Hasara Anuruddhika Ranathunga,
No. 2B/4F/2U, Lake Crest Residence,
Mandawila, Kotikawaththa.
40. Rabhukwella Herath Mudalige Shani
Udeshika Dilrukshi, No. 91/1,
Near the Police Station,
Walpola, Yatawatta,
Matale.

41. Weligamage Nishika Sanduni
Near the School, Dombawela, Mahawela,
Matale.
42. Jayakodi Mudiyanseelage Chandrika
Udayangani Disanayaka,
P45, Police Quarters, Sri Lanka Police
College, Kalutara.
43. Iluke Hene Gedara Latha Kumari
Jayarathna, No. 367/A,
Katukurudugahalanda, Pothuwila,
Payagala.
44. Mediwaka Bandaralage Aluth Gedara
Kanishka Gayani Mediwaka Bandara,
No. 195, New Laggala.
45. Achala Madhushani Abeygunasekara,
D/18/2, Udabaddewala, Mawanella.
46. Randunu Weeralage Supun
Shashiprabha Kithsiri,
Kadayaya, Panawewa Bingiriya.
47. Imiya Mudiyanseelage Ruwini Sewwandi
Meniksiri, No. 42, Parana Policiya
Idiripita, Katupotha.
48. Rajasinghe Dewage Windya Dilshani
Amararuwan, No. 10, Dewaragampala,
Mawanella.
49. Mohotti Bandara Rathnayaka
Mudiyanseelage Uppala Rupasinghe,
No. 68/B, Thudella East, Jaela.
50. Jayasinghe Arachchige Bandumala
Sarangi Jayasinghe, No. 73/A, Palagolla,
Makkanigoda, Pasyala.
51. Ramanayaka Mudiyanseelage Dushanthi
Inoka Ramanayaka Galweta Thenna,

Alawathugoda, Bogahakumbura,
Welimada.

52. Yakabe Wagapeedi Gedara Shyama
Manori Jayasinghe Peramune Niwasa,
Nahakadiya Lunuwatta, Uvaparanagama.
53. Bala Acharige Shehani Harshani
Sandesha Road, Thawaluvila,
Ambalantota.
54. Jayasinghe Dulmini Hemali Rajapaksha
Pathakada, Niwithigala.
55. Nammuni Arachchige Anoja Sanjeewani
No. 108, Siromi Niwasa, Siriyai Waththa,
Akurugoda, Sultanagoda.
56. Liyana Pedige Sharmila Damayanthi
Liyanaage, No. 28/1, Doranagama,
Madawala, Harispaththuwa.
57. Galhenage Sujani Priyadarshani Perera
No. 89/B, Kawudupitiya, Gampola.
58. Medagoda Herath Mudiyansele Thakshila
Kumari Medagoda, No. 41, Viyalewela,
Jambugahapitiya.
59. Ganewela Gamage Dilini Lakmali
No. 92A, Godamunna, Godamunna.
60. Piyadasage Anusha Priyadarshani
Rathnayaka, No. 122, Lagamuwa,
Kadugannawa.
61. Kalapathi Pathiranalage Chathurika
Harshani, No. 135/1, Dampagoda
Junction, Sangharajapura,
Hatharaliyadda.
62. Kalupage Iresha Dilhani
Mahagama, Ihala Puliyankulama
Puttlam.

63. Herath Mudiyanseelage Ishara Dilhani
Herath, No. 77/1/17, Police Quarters,
Asgiriya, Kandy.
64. Rakina Wasam Madhavi Madhubhani
No. 311, Harman Estate, 1st Lane,
Dodangoda, Kalutara South.
65. Pettagan Salika Madhumali Silva
No. 76/4, Galmangoda, Balapitiya.
66. Lande Kumbura Mudiyanseelage Roshini
Nilushika Siriwardana, No. K25,
Anderson Flat, Narahenpita, Colombo 05.
67. Thenuwara Hennadige Nadeesha
Jayamalee, No. 74/44, 4 Patumaga,
Singhapura, 4 Kanuwa, Trincomalee.
68. Omalpe Vitharanage Anusha Kumuduni
Semarathna, No. 81, Pansala Para,
Melegama, Wadduwa.
69. Thakshila Kumari Udawela
No. 536/3, Bodhiya Asala, Morathota,
Pelmadulla.
70. Liyana Arachchige Shyamali Kumari
Liyana Arachchi,
Darmapala Road, Pelmadulla
71. Gamlassage Sumudu Shankha Bhashini
Senevirathna, No. 477, Elapatha South,
Rathnapura.
72. Marasingha Mudiyanseelage Ganga
Shyamali Marasingha, No. 11/5, 2nd
Lane, Rock Hill, Kegalle.
73. Kurupanawe Gamage Shashikalani
Madhushika, No. 108/3,
Nondiyawaththa, Nakanda, Ahangama.
74. Uhanovitage Maheesha Sandamini

“Sugath”, Dikkumbura, Ahangama.

75. Senanayaka Dasili Liyanage Nayana
Dilhari Senanayaka, No. 35/02/A,
Happitiya, Neluwa.

76. Panambara Mudiyanseelage Vindya
Udayangani Pahalagama,
Thuththiripitigama.

77. Abesinghe Mudiyanseelage Thilini
Sadakalum Abesingha
Athuruwala, Dambadeniya.

78. Mathes Hewa Chandra Kumari
Hemaratne Ella Road, Weththewa,
Mathugama.

79. Udeni Priyangika Senanayaka
Bandaranayakapura, Udalamaththa,
Galle.

Petitioners

Vs.

1. C.D. Wickramaratne,
Inspector General of Police,
Police Head Quarters, Colombo 1.

1A. T.M.W.D. Thennakoon,
Inspector General of Police,
Police Head Quarters, Colombo 1.

2. Dinesh Chandra Rupasingha
Gunawardena, Prime Minister,
Minister of Public Administration, Home
Affairs, Provincial Councils and Local
Government,

3. Nimal Siripala de Silva,
Minister of Ports, Shipping and Aviation,

4. Douglas Devananda,
Minister of Fisheries,
5. Achchige Don Susil Premajayanth,
Minister of Education,
6. Bandula Gunawardena,
Minister of Transport and Highways,
Minister of Mass Media,
7. Keheliya Rambukwella,
Minister of Health,
8. Amaraweera Mahinda,
Minister of Agriculture,
9. Wijayadasa Rajapaksha
Minister of Justice, Prison Affairs and
Constitutional Reforms,
10. Nalaka Jude Hareen Fernando,
Minister of Tourism and Lands,
11. Ramesh Pathirana,
Minister of Plantation Industries and
Minister of Industries,
12. Prasanna Ranatunga,
Minister of Urban Development and
Housing,
13. M.U.M. Ali Sabri,
Minister of Foreign Affairs,
14. Vidura Wikramanayaka,
Minister of Buddhasasana, Religious and
Cultural Affairs,
15. Kanchana Wijesekera,
Minister of Power and Energy,
16. Ahamed Zenulabdeen Naseer,
Minister of Environment,

17. Anuruddha Ranasinghe Arachchige
Roshan, Minister of Sports and Youth
Affairs, Minister of Irrigation,
18. Maligaspe Koralege Nalin Manusha
Nanayakkara, Minister of Labour and
Foreign Employment,
19. Tiran Alles,
Minister of Public Security,
20. Kachchakaduge Nalin Ruwanjiwa
Fernando, Minister of Trade, Commerce
and Food Security,
21. W.M.D.J. Fernando,
Secretary to the Cabinet of Ministers,
Above 2nd to 23rd Respondents,
All C/O, Office of the Cabinet of
Ministers, Lloyd's Building, Sir Baron
Jayathilaka Mawatha, Colombo 1.
22. S. Hettiarachchi,
Secretary to the Ministry of Public
Security, Ministry of Public Security,
14th Floor, "Suhurupaya", Battaramulla.
23. Chandana Kumarasinghe,
Director General, Ministry of Public
Administration, Home Affairs, Provincial
Councils and Local Government,
Independence Square, Colombo 7.
24. A.G. Nishantha, Director,
Department of Management Services
Ministry of Finance, Colombo 1.
25. S. Senarathna, Director,
Department of National Budget,
Ministry of Finance, Economic
Stabilization and National Policies

- Ministry of Finance, Colombo 1.
26. M.N. Sisira Kumara
Deputy Inspector General (Human Resources), Department of Police,
Police Head Quarters, Colombo 1.
27. S.C.S. Fernando,
Chairman,
- 27A. E.W.M. Lalith Ekanayake,
Chairman,
28. S. Liyanagama,
Member,
29. A.S.P.S.P. Sanjeewa,
Member,
30. N.S.M. Samsudeen,
Member,
31. M.P. Premasiri Perera,
Member,
32. Gunapala Wickramage,
Member,
33. T.P. Parameswaran,
Member, National Police Commission,
27th to 33rd Respondents all C/O
National Police Commission,
Block 9, BMICH Premises,
Buddhaloka Mawatha, Colombo 7.
34. Attorney General,
Attorney General's Department,
Colombo 12.
35. Pavithra Devi Wanniarachchi,
Minister of Wildlife and Forest Recourses
Conservation,
36. Jeevan Thondaman,

Minister of Water Supply and Estate
Infrastructure Development,
Above 35th to 36th Respondents all C/O
Office of the Cabinet of Ministers
Lloyd's Building, Sir Baron Jayathilaka
Mawatha, Colombo 1.

37. K. Karunabharan,
Member,
38. P.G.S. Gamini De Silva,
Member,
39. D.K. Renuka Ekanayake
Member,
40. D.K. Jayasooriya,
Member,

37th to 40th Respondents all C/O
National Police Commission,
Block 9, BMICH Premises,
Buddhaloka Mawatha, Colombo 7.
Respondents

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

Counsel: Boopathi Kahathuduwa for the Petitioners in
SC/FR/23/2023, SC/FR/24/2023 and SC/FR/27/2023.
Yuresha De Silva, D.S.G. with Sabrina Ahmed, S.S.C. for
the Respondents.

Argued on: 30.06.2025

Written submissions:

By the Petitioners on 07.08.2025.

By the Respondents on 25.08.2025.

Decided on: 08.09.2026

Samayawardhena, J.

Seventy-nine Petitioners who are Women Sub Inspectors of Police filed this application on 12.02.2022 naming the Inspector General of Police, the Cabinet of Ministers, the National Police Commission, and the Attorney General as Respondents, seeking a declaration that their fundamental rights guaranteed under Articles 12(1) and 14(1)(g) of the Constitution have been infringed by the Respondents by Cabinet Memorandum No. 32/2022 dated 03.10.2022 marked P3 and Cabinet Decision No. 22/2056/626/005-1 dated 21.12.2022 marked P5 and the communication made by the Inspector General of Police by RTM 584 (CRTM 398 dated 23.12.2022).

By the said Cabinet Decision, the Cabinet of Ministers, *inter alia*, took a policy decision to grant a one-off promotion to the rank of Inspector of Police to Sub Inspectors of Police who had completed eight years of service in that rank as at 08.02.2020, subject to the satisfaction of the prescribed conditions stated therein.

The Petitioners have no complaint against Cabinet Memorandum marked P3 or Cabinet Decision marked P5 *per se*. Their actual complaint relates to the cut-off date adopted therein. According to the impugned Cabinet decision, only those Sub Inspectors of Police who had completed eight years of service in that rank as at 08.02.2020 became eligible for the one-off promotion to the rank of Inspector of Police.

The Petitioners state that, although they had not completed eight years of service as at 08.02.2020, they had completed more than eight years of service by the date on which Cabinet decision marked P5 was taken on 21.12.2022. The Petitioners contend that, by that date, they had completed approximately ten years and ten months of service in the rank of Sub Inspector of Police and therefore satisfied the required eligibility criteria. Accordingly, they submit that the competent authorities ought to have reckoned the period of eight years with reference to the date of the Cabinet decision and not with reference to 08.02.2020.

It is on that basis the Petitioners contend that the adoption of 08.02.2020 as the cut-off date is arbitrary and violative of Articles 12(1) and 14(1)(g) of the Constitution and that the Petitioners ought to have been included within the said one-off promotion scheme.

Promotions in the Police Department constitute a complex and complicated issue. There is no proper and comprehensive promotion policy in place, and various *ad hoc* measures and one-off schemes have been introduced from time to time in order to address grievances arising from prolonged stagnation within the service. Unless and until a proper and workable promotion policy is formulated taking into account the views of all stakeholders, these disputes are likely to recur. Even at present, a number of fundamental rights applications relating to police promotions continue to come before this Court.

During submissions in such cases, learned counsel for the Petitioners frequently request this Court to direct the Inspector General of Police and the National Police Commission to formulate and implement a proper promotion policy. Although this Court has, in previous cases, issued observations and directions in that regard, those efforts have not yet culminated in a comprehensive and workable framework acceptable to all concerned parties. Whenever this issue is raised, this Court is generally informed that steps are being taken by the National Police Commission and the relevant authorities to introduce appropriate policy measures.

It is, however, encouraging that the Court was informed that the National Police Commission has recently approved several recruitment and promotion schemes intended to address these longstanding issues. It is hoped that the implementation of these schemes will streamline the promotion process, provide a more systematic and sustainable solution to the problem of stagnation in promotions, and reduce the recurrence of disputes of this nature.

Against this backdrop, one cannot realistically expect the Police Department to continue functioning indefinitely under conditions of prolonged stagnation in promotions. Until a proper and workable promotion policy is formulated and implemented, the competent authorities may from time to time be compelled to resort to temporary and one-off measures in order to address accumulated stagnation, maintain morale within the service, and ensure the continued functioning of the Police Department.

The material placed before Court demonstrates that the one-off promotion scheme reflected in Cabinet Decision marked P5 was introduced in order to address longstanding stagnation affecting Sub Inspectors of Police and to alleviate the grievances arising therefrom. The date 08.02.2020 had already formed part of a series of previous one-off promotion schemes introduced within the Police Department in relation to promotions affecting women police officers and other categories of officers who had stagnated in their respective ranks for lengthy periods of time.

It has also been brought to the notice of this Court that several fundamental rights applications had previously been filed challenging earlier one-off promotions granted with effect from 08.02.2020 to Women Inspectors of Police and other officers who had stagnated in those ranks for considerable periods. One such case is SC/FR/254/2019. This Court did not hold in those cases that the relevant Cabinet decisions violated the fundamental rights of other police officers. Hence the selection of 08.02.2020 as the relevant cut-off date was not arbitrary or accidental.

It is noteworthy that the Petitioners themselves are beneficiaries of earlier Cabinet decisions and one-off promotion schemes introduced within the Police Department in order to alleviate stagnation and frustration within the service. Having accepted the benefits flowing from those schemes, the Petitioners cannot legitimately contend that the competent

authorities were precluded from introducing further temporary measures to address similar grievances affecting another category of officers.

The Petitioners further elaborate in their written submissions that the inclusion of the specific date of 08.02.2020 is arbitrary and unnecessary, and that the promotions ought to have taken effect from the date of the Cabinet decision. According to the Petitioners, the Respondents ought merely to have determined the policy, namely the period of service required for a time-based promotion, without prescribing a specific cut-off date. They further contend that the adoption of specific cut-off dates has historically given rise to anomalies in police promotions, as evidenced by the large number of fundamental rights applications filed before this Court challenging the effective dates adopted under various promotion schemes.

I am unable to agree with these submissions.

A policy decision of this nature necessarily requires the identification of a particular point in time by reference to which eligibility is to be determined. Without the adoption of a cut-off date, it would be impossible to identify the category of officers intended to be covered by the one-off promotion scheme. The determination of a cut-off date is therefore an inherent and unavoidable component of any time-based promotion scheme.

Merely because the adoption of cut-off dates may result in some officers falling outside the relevant category does not render such a decision arbitrary or irrational. Every cut-off date inevitably creates a distinction between those who fall within the selected category and those who fall outside it. That circumstance alone cannot invalidate the policy decision unless the selected date is shown to be wholly capricious, devoid of any rational basis, or unrelated to the policy objective sought to be achieved.

In *Ramrao & Ors v. All India Backward Class Bank Employees Welfare Association* AIR 2004 SC 1459 at 1465, the Indian Supreme Court stated

that fixing a cut-off date for promotion eligibility is not arbitrary under Article 14 as follows:

It is now well-settled that for the purpose of effecting promotion, the employer is required to fix a date for the purpose of effecting promotion and, thus, unless cut-off date so fixed is held to be arbitrary or unreasonable, the same cannot be set aside as offending Article 14 of the Constitution of India...

In University Grants Commission v. Sadhana Chaudhary & Ors., (1996) 10 SCC 536 it has been observed: It is settled law that the choice of a date as a basis for classification cannot always be dubbed as arbitrary even if no particular reason is forthcoming for the choice unless it is shown to be capricious or whimsical in the circumstances. When it is seen that a line or a point there must be and there is no mathematical or logical way of fixing it precisely, the decision of the legislature or its delegate must be accepted unless it can be said that it is very wide off the reasonable mark. (See: Union of India v. Parameswaran Match Works (1975) 1 SCC 305: (1975) 2 SCR 573 at p. 579 and Sushma Sharma (Dr) v. State of Rajasthan (1985 Supp SCC 45: 1985 SCC (L&S) 565: (1985) 3 SCR 243) at p. 269.)

If a cut-off date can be fixed, indisputably those who fall within the purview thereof would form a separate class. Such a classification has a reasonable nexus with the object which the decision of the Bank to promote its employee seeks to achieve. Such classifications would neither fall within the category of creating a class within a class or an artificial classification so as to offend Article 14 of the Constitution of India.

Whenever such a cut-off date is fixed, a question may arise as to why a person would suffer only because he comes within the wrong side of the cut-off date but, the fact that some persons or a section of society would face hardship, by itself cannot be a ground for

holding that the cut-off date so fixed is ultra vires Article 14 of the Constitution.

In the instant case, as already observed, the date 08.02.2020 had formed part of a broader series of one-off promotion measures and policy decisions introduced within the Police Department in order to address longstanding stagnation affecting different categories of officers. The adoption of the same date of 08.02.2020 in the present scheme therefore demonstrates administrative consistency rather than arbitrariness.

Further, if the submission of the Petitioners is accepted and the date of the Cabinet Decision itself is treated as the relevant date for determining eligibility, that would merely shift the line of demarcation to another point in time, creating a fresh category of officers who fall marginally outside the revised date and who would then have a complaint similar to that of the Petitioners in the present case. Such an approach would not eliminate anomalies or grievances. On the contrary, it would perpetuate uncertainty and render the implementation of one-off schemes administratively unmanageable.

It is also important to consider this issue from another perspective. Ideally, the cut-off date, the date of the policy decision, and the effective date of promotion may coincide. However, in practice, the implementation of a large-scale promotion scheme within an institution such as the Police Department involves numerous administrative, financial, and operational considerations. The adoption of a cut-off date serves the purpose of identifying the category of officers intended to benefit from the scheme, whereas the effective date of promotion may sometimes be fixed at a later date having regard to budgetary allocations, cadre management considerations, salary adjustments, arrears, administrative preparations, and other practical requirements. The implementation of such a scheme is therefore not merely a matter of taking a policy decision. It is a complex administrative exercise requiring the balancing of several competing considerations. In those

circumstances, the mere fact that the cut-off date does not coincide with the date of the relevant Cabinet Decision cannot, by itself, render the scheme arbitrary or unconstitutional.

In *Government of Andhra Pradesh & Ors. v. N. Subbarayudu & Ors.* 2008 (14) SCC 702, the Indian Supreme Court observed as follows:

In a catena of decisions of this Court it has been held that the cut-off date is fixed by the executive authority keeping in view the economic conditions, financial constraints and many other administrative and other attending circumstances. This Court is also of the view that fixing cut off dates is within the domain of the executive authority and the Court should not normally interfere with the fixation of cut-off date by the executive authority unless such order appears to be on the face of it blatantly discriminatory and arbitrary. (See State of Punjab & Ors. Vs. Amar Nath Goyal & Ors., (2005) 6 SCC 754)

It must be remembered that these one-off promotion schemes are not intended to operate as permanent and universally applicable promotion frameworks. They are temporary administrative measures adopted in exceptional circumstances in order to address accumulated stagnation and maintain the operational functioning and morale of the Police Department.

No police officer possesses a vested right to insist that the competent authorities adopt a particular cut-off date or extend the benefit of a temporary one-off scheme up to the date of the relevant Cabinet decision. At most, an officer may claim a right to be considered in accordance with the framework lawfully adopted by the competent authorities.

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 as follows:

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.

Matters relating to promotion policies and the management of cadre structures within the Police Department involve questions of public policy and administration which are entrusted, in the first instance, to

the competent authorities and the Cabinet of Ministers. While the exercise of those powers remains subject to constitutional scrutiny, this Court shall exercise restraint and shall not interfere unless the impugned decision is shown to be arbitrary, irrational, *mala fide*, discriminatory, or otherwise unconstitutional.

In *A.S. Sangwan, Col. v. Union of India* AIR 1981 SC 1545, the Supreme Court of India reaffirmed that the Government is competent to revise or alter its promotion policy where justified by changing circumstances or other weighty administrative considerations. 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 core issue before this Court is not whether some alternative cut-off date could also have been selected. The question is whether the adoption of 08.02.2020 as the relevant cut-off date is so arbitrary or irrational that it warrants constitutional intervention under Article 12(1) of the Constitution.

The Petitioners have failed to satisfy this Court that the selection of 08.02.2020 as the operative date lacks a rational basis or bears no nexus to the policy objective sought to be achieved. On the contrary, the material before Court demonstrates that the impugned decision formed part of a broader series of temporary measures introduced to address longstanding stagnation and frustration within the Police Department.

The Petitioners appear to view the issue primarily from the standpoint of their individual entitlement and personal disadvantage. However, promotion schemes within a large and hierarchical institution such as the Police Department cannot be assessed solely from the perspective of individual benefit. Such schemes shall necessarily take into account broader institutional realities, service morale, operational continuity,

cadre management considerations, and the necessity of alleviating accumulated stagnation affecting large categories of officers.

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 cut-off date introduced by the impugned decision was founded upon objective service-related considerations directly connected to the policy objective sought to be achieved.

In those circumstances, I am unable to hold that Cabinet Memorandum marked P3 or Cabinet decision marked P5 violates Articles 12(1) or 14(1)(g) of the Constitution.

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 issues arising in SC/FR/24/2023 and SC/FR/27/2023 are substantially similar to those considered in the present application. Accordingly, the parties to SC/FR/24/2023 and SC/FR/27/2023 shall abide 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