

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/25/2023

1. Madhawa Mithuranga Withanachchi
No. 239/25, Pittugala, Malabe.
2. Pallege Hendric Chandima Ajith Kumara
G-04, Police Quarters, Maradana.
3. Samarasingha Hewage Samantha
Kumara, 03/03, Police Quarters,
Maligawaththa.
4. Ranasinghe Arachchilage Chaminda
Kumara Jayarathna, No. 122/1,
Debadagama, Dehiowita.
5. Herath Mudiyanseelage Vichithra
Dissanayaka, Bohandiya, Ilukhena,
Kuliyapitiya.
6. Dodangolle Gedara Dinusha Premanath,
No. 178/2, B.O.P. 316, Thalpatha,
Polonnaruwa.
7. Ranasinghe Arachchige Chamika Ushan
Ranasinghe, No. 1549/12/A,
Amuetamulla Road, Kottawa,
Pannipitiya.
8. Kahatadeniye Gedara Janashantha
Kahatadeniyage, 270/C, Negombo Road,
Dagonna.

9. Hitihamillage Nalin Sriyantha
No. 110/2, Anuragoda, Pepiliyawela.
10. Don Upul Dishantha Ranawaka
No. 504/1/E, Makola-North, Makola.
11. Aluthduwa Hewa Gunawardena Ruwan
Thushara Hemachandra, 1/170,
Manampita, Thalgaswala.
12. Aluth Arachchige Mahinda Udaya
Kumara, 1700, Padalangala.
13. Ranasinghe Arachchige Ruwan Prasad
Ranasinghe, 44/13A, Colombo Road,
Kurunagala.
14. Liyana Wannu Arachchige Lalith
No. 97/9/1A, Gogagama, Homagama.
15. Rathnayake Mudiyansele Chaminda
Janakar Rathnayaka, 662/1,
Bamunugama, Konwewa.
16. Nilantha Sanatha Bandara Abeywardena,
No. 197/85/B, Heerassagala, Kandy.
17. Dissanayake Mudiyansele Priyanga
Kelum Kumara Somaratne, 296/15,
Sakura Vilege, Kahantota, Malabe.
18. Igala Gamage Walter Lakmal,
386/C/6, Paramount Park, Ranaviru
Pradeep Kumara Mawatha, Eththiligoda.
19. Sooriyapperuma Widanale Chaminda
Chandrika Sooriyapperuma,
No. 194/3, Iddamaldeniya, Dompe.
20. Gangoda Gamage Chamindu Prasanna
Dodamgoda Waththa, Midigama,
Weligama.

21. Pradeep Priyadarshana Muhandiram
Wijesinghe, I/1, Anderson Flat,
Narahenpita, Colombo 5.
22. Rasikka Priyantha Manage
No. 92/12, Wickrama Mawatha, Horana
Road, Padukka.
23. Herath Mudiyanseelage Sasindu Thushan
Chandranath, 497/A/1/08,
Ranmuthugala, Kadawatha.
24. Jerad Malinda Preshan Abeyrathne
34/4, Samagi Mawatha, Depanama,
Pannipitiya.
25. Jayasinghe Arachchige Nuwan Pradeepa
Perera, No. D 338, Malwatta Road,
Kithulgala.
26. Liyana Arachchige Don Dilruk Sujeewa
35/1/4, Iriyagahadeniya, Hidellana,
Rathnapura.
27. Kachchi Mohamed Iqbal
206, 6th Cross lane, Punnakkuda Road,
Eravur-3.
28. Karannagoda Liyanage Sumedha
Priyanjith, No. 4/D, Horape Thuduwa
Road, Ragama.
29. Demuni Rohana Wijerathna Silva
No. 348/A, Godella Road Morawinna,
Panadura.
30. Rathmale Kapuge Himal Kithsiri
Kolambagama, 2nd Milepost, Maudalla,
Marapana, Rathnapura.
31. Raththaran Gedara Manoj Darshana
Harischandra, No. 24/6, Sir Richard
Aluvihare Mawatha, Matale.

32. Rajapaksha Disa Arachchilage Dickson
Kumara Yalkumbura, 505/12A,
Rithipana, Badulla.
33. Balanawewe Gedara Achidu Sampath
Balanawewa, 181/4, Katuwala Road,
Maduwala Ulpata, Mathale.
34. Bathgama Kankanamlage Chandana
Weerasiri, 1 Mile Post,
Monaragala Road, Bibile.
35. Adhikari Athukoralalage Prageeth
Nalinda Sirisoma, No. 05,
Near C.W.E. Stores, Newtown,
Embilipitiya.
36. Rathnayake Mudiyanse Udaya
Bandara Rathnayake, No. 34, Ranawana,
Pilimathalawa.
37. Kalugampitiya Appuhamilage Harendra
Prabashwara Kalugampitiya,
B-96, Nayapana Jana Padaya Gampola.
38. Rathnayake Mudiyanse Mamunuwe
Rallage Susantha Indika Kumara,
H1/5, Anderson Flat, Narahenpita,
Colombo 5.
39. Paskuwal Handi Mangala Krishantha de
Silva, No. 175/265, St. Retaas Road, 4th
Lane, Hapugoda.
40. Dilip Madushanka Weerasekara,
309/B, Galahitiyawa, Ganemulla.
41. Sampath Indika Samarakon,
2nd Lane, Wijekoon Mawatha,
Narammala.
42. Weerasinghe Kaan Samantha
Samantha, Kotalawela, Bandaragama.

43. Wathuthanthrige Lalana Shilendra Alwis
554/10, 3rd Lane, Bandaranayake
Mawatha, Eldeniya, Kadawatha.
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 and Plantation
Industries,
9. Wijayadasa Rajapaksha,

- Minister of Justice, Prison Affairs and
Constitutional Reforms,
10. Nalaka Jude Hareen Fernando,
Minister of Tourism and Lands,
Minister of Sports and Youth Affairs,
 11. Ramesh Pathirana,
Minister of Industries and Minister of
Health,
 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 Zeinulabdeen 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 21st 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.
- 22A. Viyani Gunathilaka,
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,
The Secretariat, Colombo 1.
25. S. Senarathna,
Director, Department of National Budget,
Ministry of Finance, Economic
Stabilization and National Policies
Ministry of Finance, The Secretariat,
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,
- 28A. D.K. Renuka Ekanayake,
Member,
- 29. A.S.P.S.P. Sanjeewa,
Member,
- 30. N. S. M. Samsudeen,
Member,
- 30A. P.G.S. Gamini De Silva
Member,
- 31. M P Premasiri Perera,
Member,
- 31A. Dilshan Kapila Jayasuriya
Member,
- 32. Gunapala Wickramage
Member,
- 32A. A.A.M. Illeyas
Member,
- 33. T. P. Parameswaran,
Member,
- 33A. Thamara D. Perera,
Member,
27th to 33A Respondents all C/O,
National Police Commission,
Block 9, BMICH Premises, Baudddhaloka
Mawatha, Colombo 7.
- 34. Attorney General,
Attorney General's Department,
Colombo 12.

35. Pavithra Devi Wanniarachchi,
Minister of Wildlife and Forest Recourses
Conservation and Minister of Irrigation,
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.
Respondents

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

Counsel: Boopathi Kahathuduwa for the Petitioners.
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.

Forty-eight Petitioners, who are Police Inspectors, have filed this application on 19.01.2023 against the Inspector General of Police, the National Police Commission, the Cabinet of Ministers and the Attorney General, seeking declarations that their fundamental rights guaranteed under Articles 12(1) and 14(1)(g) of the Constitution have been infringed by the Respondents through Cabinet Decision No. 22/2056/626/005-1

dated 21.12.2022 marked P7 and RTM 584 (CRTM 398) dated 23.12.2022 marked P8, on the basis that those decisions unjustifiably narrowed the seniority gap between the Petitioners and their junior officers.

The said Cabinet Decision was taken pursuant to Cabinet Memorandum No. 32/2022 dated 03.10.2022 marked P5 and the Report of the Committee marked P6 appointed to study and make recommendations on the issues identified therein. Both P5 and P6 set out in considerable detail the reasons which necessitated the introduction of further one-off promotion schemes within the Police Department as a temporary measure to address longstanding stagnation affecting police officers in several ranks.

It is well known that promotions within the Police Department have for many years been irregular and inconsistent and that there has been no proper and comprehensive promotion policy governing promotions across the service. Various *ad hoc* measures and one-off schemes have therefore been introduced from time to time in order to address stagnation and frustration within different ranks of the Police Department.

Promotions in the Police Department constitute a complex and complicated issue. 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 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 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 in the same manner in which it has functioned for years, namely with prolonged stagnation in promotions followed by occasional *ad hoc* measures introduced to alleviate frustration within the service. Until a proper promotion scheme is formulated and implemented, temporary and one-off measures may therefore become necessary from time to time in order to address accumulated stagnation and ensure the continued functioning of the Department at an acceptable level.

The Petitioners themselves are beneficiaries of one such earlier one-off promotion scheme. By RTM 639 (CRTM 1194) dated 18.09.2019 marked P3, the Petitioners were promoted to the rank of Inspector of Police on a one-off basis after having completed more than twelve years of service in the rank of Sub Inspector of Police as at 31.12.2018.

RTM 639 itself makes it abundantly clear that the said scheme constituted only the first stage of a broader process intended to address stagnation within the rank of Sub Inspector of Police. Item 6 of RTM 639 expressly states that further stages of the promotion scheme would be implemented subsequently. RTM 639 further records that the said promotions were effected pursuant to approvals granted by the National

Police Commission by its letter bearing reference No. NPC/ED/NG/PR/07/Time Pro/2019 dated 19.08.2019 and the Department of Management Services by its letter bearing reference No. DMS/1184/Temp2 dated 18.09.2019.

The Petitioners accepted the benefit of the said one-off promotion scheme introduced to alleviate stagnation within the Police Department. Thereafter, more than three years later, the subject Minister presented Cabinet Memorandum marked P5 in order to address the subsequent stages of stagnation affecting Sub Inspectors of Police who had not been accommodated under the earlier scheme. The Cabinet of Ministers or the subject Minister referred the matter to a Committee appointed for that purpose, and the Report of the said Committee marked P6 was also taken into consideration.

Having considered the Cabinet Memorandum and the Committee Report, the Cabinet of Ministers took the impugned policy decision marked P7, whereby Sub Inspectors of Police who had completed more than eight years of service in that rank as at 08.02.2020 were granted one-off promotions to the rank of Inspector of Police, subject to the satisfaction of the prescribed conditions. The said decision was thereafter communicated by RTM 584 (CRTM 398) dated 23.12.2022 marked P8.

The Petitioners' complaint is essentially this. They state that, when they were promoted by RTM 639, they were required to complete twelve years of service in the rank of Sub Inspector of Police in order to qualify for promotion to the rank of Inspector of Police. However, by the impugned Cabinet Decision marked P7, officers who had completed only eight years of service in the rank of Sub Inspector of Police became eligible for promotion to the same rank. According to the Petitioners, this results in injustice and disturbs the seniority structure between themselves and the officers promoted under the impugned scheme.

The Petitioners therefore contend that either the earlier requirement of twelve years should continue to apply to subsequent batches as well or,

alternatively, the Petitioners themselves should now be granted retrospective promotions with effect from a date four years earlier so as to maintain the earlier seniority gap.

I am unable to agree with these submissions.

In *A.S. Sangwan, Col. v. Union of India* AIR 1981 SC 1545, the Supreme Court of India 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.

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.

No police officer possesses a vested right to insist that the criteria governing temporary one-off promotion schemes should remain permanently fixed and immutable. At most, an officer may claim a right to be considered in accordance with the framework applicable at the relevant time. Such frameworks necessarily remain subject to revision and modification by the competent authorities in response to administrative exigencies, institutional realities, cadre management

considerations, budgetary allocations, and evolving service requirements.

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 and the Cabinet of Ministers. Such matters involve considerations of public policy, institutional requirements, and the efficient functioning of the service. While decisions of that nature remain subject to constitutional scrutiny, this Court shall exercise restraint and shall not interfere unless the impugned measure is shown to be arbitrary, irrational, *mala fide*, discriminatory, or otherwise unconstitutional.

The question before this Court is not whether another promotional arrangement could also have been devised or whether wider seniority gaps could have been maintained between different batches of promotees. The question is whether the policy reflected in Cabinet Decision marked P7 and RTM 584 is so arbitrary or discriminatory that it warrants constitutional intervention under Article 12(1) of the Constitution.

The material placed before Court adequately justifies the impugned decision. Both Cabinet Memorandum marked P5 and Committee Report marked P6 demonstrate the seriousness of the stagnation prevailing within the rank of Sub Inspector of Police and the necessity of introducing further temporary measures to alleviate the resulting frustration within the service.

The impugned one-off promotion scheme was not introduced in order to confer an undue or selective advantage upon a few identified individuals. Rather, it was intended to address accumulated stagnation affecting another category of Sub Inspectors of Police who had not been accommodated under the earlier stages of the promotion scheme.

Having themselves benefited from an earlier one-off promotion scheme introduced to alleviate stagnation, the Petitioners cannot validly contend that the competent authorities were precluded from introducing similar temporary measures to address stagnation or comparable grievances affecting another category of police officers.

The Petitioners' further contention that the earlier twelve-year criterion shall continue indefinitely for all future promotions also cannot be accepted. The earlier one-off scheme communicated by RTM 639 was itself intended only as a temporary measure to address a particular category of officers who had stagnated in the rank of Sub Inspector of Police for lengthy periods. It was never represented to be a permanent or immutable policy applicable to all future promotions.

Similarly, the alternative submission of the Petitioners that their own promotions should now be retrospectively backdated by four years in order to preserve the earlier seniority gap is also untenable.

The Petitioners were promoted in accordance with the criteria and policies applicable at the relevant time. The subsequent introduction of another temporary one-off scheme intended to alleviate stagnation affecting a different category of officers does not retrospectively entitle the Petitioners to claim earlier effective dates for their own promotions.

If such 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.

It shall also be borne in mind that these one-off schemes are not intended to operate as permanent and universally applicable promotion frameworks. They are temporary administrative measures introduced in exceptional circumstances in order to address accumulated stagnation

and maintain operational continuity, service morale, and the effective functioning of the Police Department pending the formulation of a comprehensive promotion policy.

Promotion schemes within a large and hierarchical institution such as the Police Department cannot be viewed solely from the perspective of individual expectations or personal advantage. Such schemes must 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 distinctions introduced by the impugned decisions were founded upon objective service-related considerations directly connected to the policy objective sought to be achieved, namely the alleviation of prolonged stagnation within the Police Department.

In those circumstances, I am unable to hold that Cabinet Decision marked P7 or RTM 584 marked P8 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.

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