

**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/30/2023**

1. Supun Chinthaka Abeysooriya  
No.71/2, Daduyaya, Galewala.
2. Madurage Gayan Buddhika  
Abeywardhana, No. 41/2,  
Colombo Road, Awissawella.
3. Alahakoon Mudiyanseelage Kulathilaka  
Alahakoon Boragaskatiya, Pahala  
kadurugamuwa, Diyathalawa.
4. Aluthgedara Dilip Prasanna  
No. 12, Karadagolla, Elahera.
5. Ponnampereuma Arachchige Manoj  
Rasika Ariyaratna, No. 114, Rajamaha  
Vihara Mw, Elpitiya.
6. Bogaha Kanaththe Gedara Nalaka  
Suneth Ariyasinghe Manori,  
Puranpottha, Batuwita, Via-Ruwanwella.
7. Wijesooriya Arachchige Buddhie Aroshan  
No. 13, Police Qrts, Mt.Lavinia.
8. Koonara Mudiyanseelage Nimal  
Ranatunga Bandara, No. 51-A,  
Gomaragoda, Payagala.

9. Rajapaksha Mudiyanseelage Prasad  
Madushanka Bandara  
Sithnila, Kosgoda, Uragasmanhandiya
10. Punchage Dasun Chathuranga,  
No. 528/57, Dewana Maradana,  
Colombo 10.
11. Rathnaweera Patabendige Eshan  
Chathuranga, Muhudu Mv, Mawella,  
Nakulugamuwa.
12. Koranchige Dilip Lakmal De Silva  
Hathpokuna, Polpithigama.
13. Pettagam Vimukthi Sahan Hasantha De  
Silva, No. 30, Wimalagama Helamada,  
Kegalle.
14. Dissanayake Mudiyanseelage Jeewan  
Ayeshmantha Dissanayaka Anukkana,  
Periyakadunelawa, Ibbagamuwa.
15. Don Prabhath Sanjaya Edirisinghe,  
No. 11 B, Horape, Ragama.
16. G.R.U. Fernando,  
No. 2/B, Government Village,  
Dikumpitiya, Getahetta.
17. Pradeep Hemantha Galabadaarachchi  
Bakinigaha, Andarawatta, Yalagama,  
Induruwa.
18. Disanayaka Mudiyanseelage Surendra  
Ghanakumara, No. 134/1,  
Meegahawatta, Delgoda.
19. Hewa Kirindage Eranda Harshaka,  
Araliya Beach Rd, Meddawatta, Matara.
20. Paththiniya Marakkala Iran, No. 199,  
Ladduwa, Meegama, Dharga town.
21. Bakmeewadanage Saman Jayarathna

- No. 224, Diddeniya North, Hanwella.
22. Kele Koralalage Duminda Kasuga  
Karunarathna, No. 285/1,  
Waluwa watta, Karamada, Gelioya.
23. Hewa Nambikandage Upali Kodikaragoda  
Mangala, Neththipola, Pothuhera.
24. Dandeniya Kankanamge Nishantha  
Ruwan Kumara, No. 136/2, Bedewatta,  
Welipitiya, Middeniya.
25. Welikadage Gayan Kumara  
Maithree, Mahena, Horana.
26. Abeysinghe Mudiyanseelage Nuwan  
Kumara, No. 5/151, Uva,  
Gemunupura, Mapakadawewa.
27. Kalahe Kankanamge Nilantha Kumara  
Pothuwilhena Road, Thalagaspe, Pitigala.
28. Samarasinghe Halpitage Sanjaya  
Thusitha Kumara Kahagalla, No. 71/1,  
Koholana, Alawwa.
29. Lokupathirage Manjula Udaya Kumara  
No. 202/A, Ihala Mabala, Waga.
30. Senanayaka Gamage Prasanna Anil  
Kumara, No. 18, Kadawara (S),  
Koggalla, Ambalantota.
31. Wahagoda Gedara Janaka Ajith Kumara,  
No. 36, Sirikadura Watta, Weeraketiya.
32. Nanayakkara Pitigalage Lakmal  
Sri Nandarama Mawatha,  
Galbada, Induruwa.
33. Pradeep Suranga Liyanagama  
No. 38, Deusirigama, Pategama,  
Kottagoda.
34. Ramaiya Madhukumar

- No. 115, 12<sup>th</sup> Lane, Wilgodawatta,  
Kurunegala.
35. Gamage Sanjeewa Wasana Perera  
No. 06, Sri Dharmaruch Mw, Wadduwa.
36. Singappuli Muiyanselage Piyaruwan  
Anuruddha Polwatta, Udagaladeniya,  
Rambukkana.
37. Jayasinghe Arachchige Dimuthu Pradeep  
Kithalagoda West, Thihagoda.
38. Kaluarachchige Thilina Premamal  
Parana Polisiya Watta, Dawatagaha  
Watta, Nagoda, Kalutara.
39. Ilankoon Mudiyanseelage Dilum  
Rashmendra, No. 88,  
Ihalagama, Pilessa.
40. Rathnayaka Mudiyanseelage Nishantha  
Dilruksha Kumara Rathnayaka  
Udawalugama, Mahakubure Gedara,  
Rikilagskada.
41. Thommaya Dewa Gayan Sampath  
Rathnayaka, Pethum Bakary,  
Mailagama, Sella Rd, Kataragama.
42. Kudagodage Niranjana Pradeepa Rohana  
No. 52, Walpita South, Mulana, Poddala.
43. Berugoda Arachchige Dulindu Sameera  
No. 15/10, Kandewatta, Hittatiya  
Central, Matara.
44. Welikalage Don Jeevana Chathura  
Sampath, Udawela Road, Nayathota,  
Agalawatta.
45. Habarakada Liyanage Thushara  
Sampath, Dikwatta, Agaliya, Baddegama.

46. Ranasinghe Thuppaahige Sameera  
Sasantha, Ranmali, Makavita,  
Navimana, Matara.
47. Theligama Gamaralalage Ravin  
Sumanarathna, No. B16, Police Qrts,  
Maradana Road, Colombo 10.
48. Widanagamage Suranga  
No. 127/1, Seewali Lane, Colombo 08.
49. Mapalagama Hewage Nuwan Tharaka  
No. 7/F/40, N H S, Raddolugama.
50. Chathuranga Wedisinghe  
Ruwanetha, Puswelthuduwa,  
Walagedara.
51. Wijekoon Bandara Mudiyanseelage Asela  
Wijekoon, No. 389, Hamparawa,  
Bandarawela.
52. Vitharana Gedara Rasika Kumara  
Wijerathna, No. 84, Gathatuwa,  
Hewawissa, Marassana.
53. B.M.S.S. Balasinghe, No. C147/1,  
Technical Place, Ampara.
54. K.G.W. Kumara, Sipagedara,  
Pahala Maliduwa, Akuresssa.
55. D.M.G.P.K. Dissanayake,  
Dodamgollegama, Sirisethagama,  
Nikaweratiya.
56. P.G.J.S. Yasarathna, No. 78/2,  
Ihalagama, Medawala, Harispattuwa.
57. W.D.J.S. Prabath,  
No. 441/3, Galagedra, Wariyapola.
58. M.R.M.A. Rathnayaka,  
No. 90, Dodamwaththa, Kiulegedara,  
Narammala.

59. I.M.L.U.M. Bandara,  
No. 289, Ilahalagama, Olekade,  
Konwewa, Maho.
  60. S.P. Koholdeniya,  
Panamgammana, Kalukithula, Kothmale.
  61. L.K.M.M.B. Alawala, Alawala Walawwa,  
Ambakote, Kurunegala.
  62. K.N. Madushanka,  
No. 317/22, Bothale, Pahalagama,  
Ambepussa.
- Petitioners

Vs.

1. C.D. Wickramarathne,  
Inspector General of Police,  
Office of Inspector General of Police,  
Church Street, Colombo 01
2. Nandana Munasinghe,  
Senior Deputy Inspector of Police –  
Administration,  
Police Head Quarters, Colombo 01.
3. Sisira Kumara,  
Deputy Inspector General of Police –  
Human Resource Management,  
Police Head Quarters, Colombo 01.
4. Mr. S.P. Prasad Ranasinghe,  
Director – Personnel, Sri Lanka Police,  
Police Head Quarters, Colombo 01.
5. Mr. S.C.S. Fernando,  
Chairman,
6. Mrs. Thamara D. Perera,  
Secretary,

7. Mr. M.P.P. Perera,  
Member,
8. Mr. S. Liyanagama,  
Member,
9. Mr. G. Wickramage,  
Member,
10. Mr. A.S.P.S.P. Sanjeewa,  
Member,
11. T.P. Paramaswaran,  
Member,
12. Mr. N.S.M. Samsudeen,  
Member, 5<sup>th</sup> to 12<sup>th</sup> Respondents all of;  
National Police Service Commission,  
Block 9, BMICH Premises, Baudhaloka  
Mawatha, Colombo 07.
13. Mr. P. Viyani Gunathilaka  
Secretary, Ministry of Public Security,  
14<sup>th</sup> Floor Suhurupaya, Battaramulla.
14. Hon. Dinesh Gunawardena,  
Hon. Prime Minister,  
Minister of Public Administrations, Home  
Affairs, Provincial Councils and Local  
Government, Prime Minister's Office,  
No. 58, Earnest de Silva Mawatha,  
Colombo 07.
15. Hon. Nimal Siripala de Silva,  
Minister of Ports, Shipping and Aviation,  
Ministry of Ports, Shipping and Aviation,  
No. 19, Chaithya Road, Colombo 01.
16. Hon. Douglas Devananda,  
Minister of Fisheries, Ministry of  
Fisheries, New Secretariat, Maligawatte,  
Colombo 10.

17. Hon. Susil Premajayantha,  
Minister of Education, Ministry of  
Education, Isurupaya, Pelawatta,  
Battaramulla.
18. Hon. Bandula Gunawardena,  
Minister of Transport and Highways,  
Minister of Mass Media, Ministry of  
Transport and Highways, 7<sup>th</sup> Floor,  
Sethsiripaya, Stage II, Battaramulla.
19. Hon. Keheliya Rambukwella,  
Minister of Health, Minister of Water  
Supply, Ministry of Health, Health &  
Nutrition Division, No. 385, Ven.  
Baddegama Wimalawansa Mawatha,  
Colombo 10.
20. Hon. Amaraweera Mahinda,  
Minister of Agriculture, Minister of  
Wildlife and Forest Resources  
Conservation, Ministry of Agriculture,  
No. 80/5, Govijana Mandiraya,  
Rajamalwatte Lane, Battaramulla.
21. Hon. Wijayadasa Rajapaksha,  
Minister of Justice, Prisons Affairs and  
Constitutional Reforms, Ministry of  
Justice, Prisons Affairs and  
Constitutional Reforms, Supreme Court  
Complex, Colombo 12.
22. Hon. Hareem Fernando,  
Minister of Tourism and Lands,  
Ministry of Tourism and Lands, 6th  
Floor, No. 21, Rakshana Mandiraya,  
Vauxhall Street, Colombo 02.
23. Hon. Romesh Pathirana,



Minister of Plantation Industries,  
Minister of Industries, Ministry of  
Plantation Industries, 11<sup>th</sup> Floor, Stage II,  
Sethsiripaya, Battaramulla.

24. Hon. Prasanna Ranatunga,  
Minister of Urban Development and  
Housing, Ministry of Urban Development  
and Housing, 17<sup>th</sup> Floor, Suhurupaya,  
Sri Subhuthipura Road, Battaramulla.
25. Hon. M.U.M. Ali Sabri, Minister of  
Foreign Affairs, Ministry of Foreign  
Affairs, Republic Building, Sir Baron  
Jayathilake Mawatha, Colombo 01.
26. Hon. Vidura Wickramanayaka,  
Minister of Buddhasasana, Religious and  
Cultural Affairs, Ministry of  
Buddhasasana, Religious and Cultural  
Affairs, No. 135, Srimath Anagarika  
Dharmapala Mawatha, Colombo 07.
27. Hon. Kanchana Wijesekera,  
Minister of Power and Energy, Ministry of  
Power and Energy, No. 72, Ananda  
Coomarswamy Mawatha, Colombo 07.
28. Hon. Ahamad Zenulabdeen Naseer,  
Minister of Environment, Ministry of  
Environment, 416/C/1, Sobadam Piyasa,  
Robert Gunawardana Mawatha,  
Battaramulla.
29. Hon. Anuruddha Ranasinghe Arachchige  
Roshan, Minister of Sports and Youth  
Affairs, Minister of Irrigation, Ministry of  
Sports and Youth Affairs, No. 09, Philip  
Gunawardana Mawatha, Colombo 07.

30. Hon. Nalin Manusha Nanayakkara,  
Minister of Labour and Foreign  
Employment, Ministry of Labour and  
Foreign Employment, 6<sup>th</sup> Floor,  
Mehewara Piyesa, Narahenpita,  
Colombo 05.
31. Hon. Tiran Alles, Minister of Public  
Security, Ministry of Public Security, 14<sup>th</sup>  
Floor, Suhurupaya, Battaramulla.
32. Hon. Nalin Ruwanjiwa Fernando,  
Minister of Trade, Commerce and Food  
Security, Ministry of Trade, Commerce  
and Food Security, No. 27, CWE  
Secretariat Building, Colombo 02.
33. Hon. Jeewan Thondaman  
Minister of Water Supply and Estate  
Infrastructure Development,  
1<sup>st</sup> Floor, Lakdiya Medura, No. 35, New  
Parliament Road, Battaramulla.
34. Hon. Pavithra Wanniarachchi  
Minister of Wildlife & Forest Resource  
Conservation, Ministry of Wildlife &  
Forest Resource Conservation, No. 1090,  
Sri Jayawardenepura Mawatha, Sri  
Jayawardenepura Kotte.
35. Mr. W.M.D.J. Fernando  
Secretary, Office of Cabinet of Ministers,  
Republic Building, Sir Baron Jayathilaka  
Mawatha, Colombo 01.
36. 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 Geeth Karunaratne, Rukshan Mendis and Dhimarsha Marso for the Petitioners in SC/FR/30/2023 and SC/FR/31/2023.

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 of SC/FR/30/2023 on 31.07.2025 and  
Petitioners of SC/FR/31/2023 on 01.08.2025.

By the Respondents of SC/FR/30/2023 and  
SC/FR/31/2023 on 26.08.2025.

Decided on: 08.09.2026

**Samayawardhena, J.**

Sixty-two Petitioners, who are Police Inspectors, have filed this application on 23.01.2023 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 violated by the Respondents by the issuance of RTM 584 (CRTM 398) dated 23.12.2022 marked P3.

According to paragraph 1 of RTM 584, the said communication was issued pursuant to the Cabinet decision No. 22/2056/626/005-1 dated 19.12.2022 and the approval of the Ministry of Public Security bearing No. 02/08/02/06/21(1) dated 22.12.2022.

By the said RTM 584, Sub Inspectors of Police who had completed more than eight years of service in the rank of Sub Inspector of Police as at

08.02.2020 were promoted to the rank of Inspector of Police with effect from the same date, namely 08.02.2020, subject to the fulfilment of the prescribed conditions.

The Petitioners tendered RTM 636 (CRTM 1247) dated 19.02.2020 marked P2, under which the Petitioners themselves were promoted to the rank of Inspector of Police in accordance with stage 3 of the promotion scheme referred to therein. The material before Court demonstrates that the said scheme was introduced in order to address longstanding stagnation within several ranks of the Police Department, including the rank of Sub Inspector of Police, and to alleviate the resulting frustration among police officers. Under that scheme, one-off promotions on an *ad hoc* basis were granted in several stages according to a prescribed formula.

Under stage 3 of the said scheme, Sub Inspectors of Police who had completed 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, subject to the fulfilment of the prescribed conditions.

The Petitioners state that, although their eligibility was assessed as at 31.12.2018, the effective date of promotion was fixed as 01.01.2020, thereby requiring them to remain in the rank of Sub Inspector of Police for a further period of approximately one year before obtaining the benefit of promotion. The Petitioners further state that, since they were recruited as Sub Inspectors of Police with effect from 05.04.2009, they in fact had to complete a cumulative period of approximately ten years and eight months before being promoted to the rank of Inspector of Police.

The Petitioners contend that the subsequent scheme introduced by RTM 584, whereby officers who had completed eight years of service in the rank of Sub Inspector of Police as at 08.02.2020 were promoted with effect from the same date, without maintaining a distinction between the date of assessment of eligibility and the effective date of promotion,

violates the Petitioners' fundamental rights guaranteed under Articles 12(1) and 14(1)(g) of the Constitution.

According to the Petitioners, since the seniority gap between themselves and the officers promoted under the impugned scheme has been substantially reduced, their future prospects of promotion to the rank of Chief Inspector of Police would be adversely affected. The Petitioners state that, under the existing marking schemes applicable for future promotions, marks are awarded on the basis of the period served in the rank of Inspector of Police and not merely on the basis of the total period of service in the Police Department. The Petitioners therefore seek, *inter alia*, a declaration that they too are entitled to be treated as having been promoted to the rank of Inspector of Police immediately upon completion of eight years of service in the rank of Sub Inspector of Police or, in the alternative, that their promotions be backdated so as to preserve the earlier seniority gap.

I am unable to agree with these submissions.

Promotions in the Police Department constitute a complex and complicated issue. Admittedly, 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, disputes of this nature will recur. Even at present, 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.

Against this backdrop, until a proper promotion scheme is formulated and implemented, temporary and one-off measures may become necessary from time to time in order to address accumulated stagnation and ensure the continued functioning of the Police Department at an acceptable level. However, this observation should not be understood as an endorsement of the indefinite continuation of such *ad hoc* arrangements. Temporary and one-off measures are, by their very nature, exceptional responses to exceptional circumstances. They cannot be permitted to evolve into a permanent substitute for a coherent, transparent, and sustainable promotion policy. Nor can the Court be expected indefinitely to justify departures from a proper promotion framework on the basis of administrative necessity. The long-term solution lies in the formulation and implementation of a comprehensive promotion policy capable of commanding the confidence of all stakeholders.

It is 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 these measures will contribute towards the formulation and implementation of a transparent, workable and sustainable promotion policy which would minimise uncertainty, reduce litigation and promote confidence in the promotion process within the Police Department.

The Petitioners themselves are beneficiaries of one such one-off promotion scheme introduced in order to address stagnation within the Police Department. The Petitioners accepted the benefits flowing from that scheme and the promotions granted thereunder. At that time, the Petitioners did not challenge the scheme on the basis that, although

eligibility for promotion had been assessed as at 31.12.2018, the effective date of promotion was fixed as 01.01.2020, thereby requiring them to remain in the rank of Sub Inspector of Police for a further period before receiving the benefit of promotion. Having accepted the benefits of that scheme without challenge, it is not open to the Petitioners, several years later, to contend that the adoption of a different methodology in a subsequent one-off promotion scheme gives rise to a violation of their fundamental rights.

The material before Court demonstrates that the subsequent scheme introduced by RTM 584 was likewise intended to address accumulated stagnation affecting another category of Sub Inspectors of Police who had not been accommodated under the earlier stages of the scheme.

The Petitioners' principal complaint is not directed against the concept of one-off promotions itself. Rather, their grievance is directed against the fact that the subsequent scheme adopted a different methodology in relation to the operative date of promotion and thereby reduced the seniority gap between themselves and the officers promoted under the impugned scheme.

I am unable to accept that contention. In principle, there is much to be said for adopting the same date both as the qualifying date for determining eligibility and as the effective date of promotion. Such an approach promotes clarity, certainty, transparency, and administrative consistency. The fact that an earlier one-off promotion scheme adopted different dates for those two purposes does not mean that the same practice must be perpetuated indefinitely.

The material before Court demonstrates that the different dates adopted under the earlier scheme were the product of particular administrative and institutional considerations prevailing at that time and were not intended to discriminate against any category of officers. If the competent authorities subsequently decided to adopt what is, in principle, a more logical and consistent approach by fixing the same date both for

determining eligibility and for the effective date of promotion, the Petitioners cannot legitimately complain merely because that decision had the incidental effect of reducing a pre-existing seniority gap.

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

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*, 4<sup>th</sup> 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.*



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, subject to the policy-making authority vested in the Cabinet of Ministers under Article 55(1) of the Constitution. While such decisions remain amenable to constitutional scrutiny, the role of this Court is not to determine the wisdom or desirability of a particular policy choice. Judicial intervention is warranted only where the impugned measure is shown to be arbitrary, irrational, *mala fide*, discriminatory, or otherwise inconsistent with the Constitution.

The question before this Court is not whether another promotional arrangement could also have been devised or whether the earlier methodology ought to have been retained indefinitely. The question is whether the policy reflected in RTM 584 is so arbitrary or discriminatory that it warrants constitutional intervention under Article 12(1) of the Constitution.

In my view, the Petitioners have failed to satisfy this Court that the adoption of a different operative date under the impugned scheme lacks a rational basis or bears no nexus to the policy objective sought to be achieved.

The fact that the competent authorities previously adopted one methodology in relation to stage 3 of the earlier one-off scheme does not mean that the same methodology must necessarily continue unchanged for all future schemes. The methodology adopted in stage 2 was not identical to that adopted in stage 1, and the methodology adopted in stage 3 was likewise not identical to that adopted in stage 2. The maintenance of seniority gaps also varied from stage to stage and, in certain instances, the seniority gap became narrower with the implementation of subsequent stages of the scheme. Temporary promotion measures introduced to address stagnation within the Police

Department are not intended to operate as permanent and immutable frameworks.

The Petitioners' contention that their future promotional prospects may be adversely affected because of the reduction in the seniority gap also cannot be accepted as a sufficient basis to invoke the jurisdiction of this Court under Article 126 of the Constitution. Promotion schemes necessarily involve broader administrative considerations, including operational continuity, cadre management, institutional realities, morale within the service, and the need to alleviate accumulated stagnation affecting large categories of officers, rather than the interests or expectations of individual officers. The maintenance of seniority gaps is not an inflexible mathematical exercise.

Future promotion criteria, evaluation methods, and marking schemes are themselves subject to revision and modification from time to time depending on prevailing administrative requirements and policy considerations. Accordingly, the apprehension expressed by the Petitioners in relation to future promotions remains speculative.

The alternative relief sought by the Petitioners, namely the backdating of their own promotions to the rank of Inspector of Police, 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 promotion scheme does not retrospectively entitle the Petitioners to claim earlier effective dates for their own promotions.

Indeed, the very one-off promotion scheme communicated by RTM 636, under which the Petitioners themselves obtained the benefit of promotion, was approved by the National Police Commission by letter bearing reference No. NPC/ED/NG/PR/07/Time Pro/2019 dated 18.02.2020 subject to several conditions. One of the express conditions imposed by the National Police Commission was that backdating of

promotions would not be permissible. Having accepted the benefits flowing from that scheme, the Petitioners cannot now seek to disregard one of the very conditions upon which the scheme was approved and implemented.

If retrospective adjustments are to be made whenever a subsequent one-off promotion scheme is introduced on different criteria, 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 fact, the more acceptable and rational approach is that the date of assessment of eligibility and the effective date of promotion should ordinarily coincide. The adoption of two separate dates is itself an *ad hoc* device resorted to in certain situations in an attempt to accommodate competing administrative considerations including financial constraints and to manage stagnation within the service. Such temporary adjustments, introduced to address exceptional circumstances, cannot thereafter be relied upon to demand the continued perpetuation of the same methodology in future promotion schemes.

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 scheme 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 *Roop Cand v. Delhi Development Authority* AIR 1989 SC 307 at 314, the Indian Supreme Court stated:

*Unless the provision as to promotion is shown to be arbitrary, capricious or to bring about grossly unfair results, judicial policy should be one of judicial restraint. The prescriptions may be somewhat cumbersome or produce some hardship in their application in some individual cases, but they cannot be struck down as unreasonable, capricious or arbitrary.*

In those circumstances, I am unable to hold that RTM 584 marked P3 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 issue in SC/FR/31/2023 is substantially the same as that arising in the present case (SC/FR/30/2023), except that the present case relates to Male Inspectors of Police, whereas SC/FR/31/2023 relates to Women Inspectors of Police.

The parties in SC/FR/31/2023 shall abide by this decision.

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