

**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 Article 126 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

**S.C.F.R. Application No: 327/2015**

1. W. Sunil Abeysiri,
2. M.M. Chandrika Jayakanthi,
3. I.M.T. Ihalagama,
4. T.P.G. Sudharmika Alwis Wijeratne,
5. Sujatha Karunaratne,
6. A. Gamage Priyanthini Yahampath,
7. Nishanthi Kariyapperuma,
8. J. Chandralal Dissanayake,  
  
1<sup>st</sup> to 8<sup>th</sup> Petitioners of Sri Lanka  
Broadcasting Corporation,  
Colombo 7.
9. Sri Lanka Nidahas Sevaka Sangamaya,  
No. 493/1, T.B. Jayah Mawatha,  
Colombo 10.
10. P.P.S. Pathmasiri,  
The Secretary,  
Sri Lanka Nidahas Sevaka Sangamaya,  
Sri Lanka Broadcasting Corporation,  
Colombo 7.

11. Sri Lanka Broadcasting Corporation  
Engineers' Association,  
P.O. Box 574, Torrington Square,  
Colombo 7.

12. Mudith Siriwardena,  
The Secretary,  
Sri Lanka Broadcasting Corporation  
Engineers' Association,  
P.O. Box 574, Torrington Square,  
Colombo 7.

13. Sri Lanka Broadcasting Corporation  
Technical Officers' Union,  
Sri Lanka Broadcasting Corporation,  
Colombo 7.

14. A.H.J.D. Aluthwatta,  
Assistant Secretary,  
Sri Lanka Broadcasting Corporation  
Technical Officers' Union,  
Sri Lanka Broadcasting Corporation,  
Colombo 7.

15. Radio Broadcasters Union,  
Sri Lanka Broadcasting Corporation,  
Colombo 7.

16. Sujeewa Priyashantha,  
President,  
Radio Broadcasters Union,  
Sri Lanka Broadcasting Corporation,  
Colombo 7.

**Petitioner**

**Vs.**

1. Sri Lanka Broadcasting Corporation,  
Colombo 7.

2. Nanda Muruththettuwegama,  
Former Chairman,  
Sri Lanka Broadcasting Corporation,  
Colombo 7.

2A. Malaka Thalwatta,  
Former Chairman,  
Sri Lanka Broadcasting Corporation,  
Colombo 7.

2B. Rohana Dewa Perera,  
Former Chairman,  
Sri Lanka Broadcasting Corporation,  
Colombo 7.

2C. Jagath Wickramasinghe,  
Former Chairman,  
Sri Lanka Broadcasting Corporation,  
Colombo 7.

2D. Hudson Samarasinghe,  
Chairman,  
Sri Lanka Broadcasting Corporation,  
Colombo 7.

3. Deepika Priyadarshini Peiris,  
Former Board Member,  
Sri Lanka Broadcasting Corporation,  
Colombo 7.

3A.W.A.B. Wimalasiri,  
Former Board Member,  
Sri Lanka Broadcasting Corporation,  
Colombo 7.

3B.Gamini Wijayawardena,  
Former Board Member,  
Sri Lanka Broadcasting Corporation,  
Colombo 7.

3C.D.C.W. Hapugoda,  
Board Member,  
Sri Lanka Broadcasting Corporation,  
Colombo 7.

4. W. Jayasiri,  
Former Board Member,  
Sri Lanka Broadcasting Corporation,  
Colombo 7.

4A.Dr. Asanga Gunawansa,  
Former Board Member,  
Sri Lanka Broadcasting Corporation,  
Colombo 7.

4B.Sisira Munasinghe,  
Board Member,  
Sri Lanka Broadcasting Corporation,  
Colombo 7.

5. Keerthi Samarasinghe,  
Former Board Member,  
Sri Lanka Broadcasting Corporation,  
Colombo 7.

5A.A.M.P.T. Abeysinghe,  
Former Board Member,  
Sri Lanka Broadcasting Corporation,  
Colombo 7.

5B.Sanjeewani Weerasinghe,  
Former Board Member,  
Sri Lanka Broadcasting Corporation,  
Colombo 7.

5C.N.S.P. Wahala Thantrige,  
Former Board Member,  
Sri Lanka Broadcasting Corporation,  
Colombo 7.

5D. P.K. Rathnayake,  
Board Member,  
Sri Lanka Broadcasting Corporation,  
Colombo 7.

6. Chandrika Kulathilaka,  
Former Board Member,  
Sri Lanka Broadcasting Corporation,  
Colombo 7.

6A. Helald Senadheera,  
(Working Director)  
Former Board Member,  
Sri Lanka Broadcasting Corporation,  
Colombo 7.

6B. M.P.S.R. Somasiri,  
Former Board Member,  
Sri Lanka Broadcasting Corporation,  
Colombo 7.

6C. J. Yogaraj,  
Board Member,  
Sri Lanka Broadcasting Corporation,  
Colombo 7.

7. Arundathi Sri Renganathan,  
Former Board Member,  
Sri Lanka Broadcasting Corporation,  
Colombo 7.

7A.G.M.J.K. Gunawardena,  
Former Board Member,  
Sri Lanka Broadcasting Corporation,  
Colombo 7.

7B.D. Heiyanthuduwa,  
Board Member,  
Sri Lanka Broadcasting Corporation,  
Colombo 7.

8. E. Hettiarachchi,  
Former Director General,  
Sri Lanka Broadcasting Corporation,  
Colombo 7.

8A.Chandrapala Liyanage,  
Former Director General,  
Sri Lanka Broadcasting Corporation,  
Colombo 7.

8B.N.A.I. Nalin Kumara Nissanka,  
Director General,  
Sri Lanka Broadcasting Corporation,  
Colombo 7.

9. D. Bhatiya Jayathilaka,
10. N.M.D.Y. Aluthge,
11. C.R. Kodithuwakku,
12. K.A. Nimal Premasiri,
13. C. Kumari Kalubowila,
14. M.D. Madawala,
15. A.D. Ferny Roshini,
16. W.P. Thushari Welagedara,
17. K.A.K.M. Vajira Perera,
18. D. Ihalagamage,
19. W.M. Chandrasiri,
20. L.N. Mallika Perera,
21. T.A.P.G. Jayathilake,
22. Mangalika Priyanthi,
23. Lal Mallawaarachchi,
24. M.A.C.P. Sampath Kumara,
25. B.P.S. Perera,
26. I.C.M.D. Iddamalgoda,

27. Chandana Bandarage,
28. L.S. Deepal Perera,
29. N.M. Athukorala,
30. S.A.A. Chaminda Sakalasuriya,
31. C.H. Jayantha Chandralal,
32. B. Sanathchandra Mendis,
33. B.M.S. Bandaranayake,
34. M.H.A.M. Pathmasiri,
35. A. Jeewanthi Thalagala,
36. U.D.Yapa,
37. B.A.A. Priyangani Balasooriya,
38. J.C. Dhanawalavithana,
39. R.S.D. Pathirana,
40. Sanath Deneththi,
41. R.D. Somadasa,
42. S. Uthpalawanna Liyanage,
43. R.M.P. Asoka Rathnayake,
44. D.S.Y. Aruna Shantha,

45. H.D. Bimal Priyashantha,
46. B.S.N.C. Cooray,
47. W.S. Lakmini Cooray,
48. P.V.A.S.Perera,
49. B.A. Amaranath Sanjeewa,
50. H.I.G.V. Reginold Silva,
51. P.M. Lakshman,
52. R.J. Bonifas,
53. B.A.M. Dhammika,
54. R.A Harischandra,
55. D.G.Ishara Sirimanna,
56. J.A Mahinda Perera,
57. B.D Jayasinghe,
58. D.W.L Hemachandra,
59. R.M. Dayarathne,
60. R.D.Sampath Nimalsena,
61. R.D.W Nishantha,
62. A.K.N.P Perera,

63. K.P.D.Nihal Karunaratne,

64. H.B.Jinadaree Piyasena,

65. C.D.Chandrani Nayagara

9<sup>th</sup> to 67<sup>th</sup> Respondents all

C/O

Sri Lanka Broadcasting Corporation,

Independence Square,

Colombo 07.

66. Attorney General,

Attorney General's Department,

Colombo 12.

**Respondents**

**Before: Hon. S. Thurairaja, PC, J.**

**Hon. Janak De Silva, J.**

**Hon. Mahinda Samayawardhena, J.**

**Counsel:**

Manohara de Silva PC with Nadeeshani Lankatilleke for the Petitioners

Saliya Pieris PC with Thanuka Nadasiri for the 1<sup>st</sup> to 8<sup>th</sup> Respondents

Pulasthi Hewamanne with Fadhila Fairoze for the 9<sup>th</sup> – 17<sup>th</sup>, 19<sup>th</sup>, 24<sup>th</sup>, 25<sup>th</sup>, 27<sup>th</sup>, 29<sup>th</sup>, 38<sup>th</sup>,

41<sup>st</sup> to 43<sup>rd</sup>, 45<sup>th</sup>, 48<sup>th</sup>, 52<sup>nd</sup>, 54<sup>th</sup>, 56<sup>th</sup>, 58<sup>th</sup>, 59<sup>th</sup>, 61<sup>st</sup>, 63<sup>rd</sup> and 65<sup>th</sup> Respondents

Luwie Ganeshathasan for 34<sup>th</sup> Respondent

Sabrina Ahmed SSC for the 66<sup>th</sup> Respondent

**Decided On: 19.03.2026**

**Janak De Silva, J.**

In this application the Petitioners claimed that that the 9<sup>th</sup> to 41<sup>st</sup> Respondents, who are employees of the 1<sup>st</sup> Respondent, were granted promotions without calling for applications contrary to the Scheme of Recruitment and promotions. They further alleged that the 42<sup>nd</sup> to 65<sup>th</sup> Respondents, who are also employees of the 1<sup>st</sup> Respondent, were granted salary increments personal to them contrary to regular annual increment scheme.

Judgment was delivered on 05.08.2025 wherein we held as follows:

- (a) The 9<sup>th</sup> to 41<sup>st</sup> Respondents were granted promotions and the 42<sup>nd</sup> to 65<sup>th</sup> Respondents were granted salary increments personal to them in an arbitrary manner based purely on their political affiliation.
- (b) The 1<sup>st</sup> to 7<sup>th</sup> Respondents has infringed the fundamental rights of the 1<sup>st</sup> to 8<sup>th</sup> Petitioners guaranteed by Article 12(1) of the Constitution.
- (c) All promotions granted to the 9<sup>th</sup> to 41<sup>st</sup> Respondents and all the salary increment granted to the 42<sup>nd</sup> to 65<sup>th</sup> Respondents consequent to the decision of the Board of Directors of the 1<sup>st</sup> Respondent on or about 25.05.2015 are declared null and void.
- (d) The Petitioners are awarded a total of Rs. 4,80,000/= as compensation to be paid by the 2<sup>nd</sup> (Nanda Muruththettuwegama), 3<sup>rd</sup> (Deepika Priyadharshani Pieris), 4<sup>th</sup> (W. Jayasiri), 5<sup>th</sup> (Prof. Keerthi Samarasinghe), 6<sup>th</sup> (Chandrika Kulathilaka), and 7<sup>th</sup> (E. Hettiarachchi) Respondents from their personal funds. Each of the 1<sup>st</sup> to 8<sup>th</sup> Petitioners will get Rs. 60,000/= as compensation. Each of the 2<sup>nd</sup> to 7<sup>th</sup> Respondents will thus pay Rs. 80,000/= each as compensation from their personal funds.

(e) The 2<sup>nd</sup> to 7<sup>th</sup> Respondents are to make the aforesaid payment to the Registrar of this Court within 2 months of the delivery of the judgment. The Registrar is directed to disburse the compensation paid as set out in this judgment.

(f) In the exercise of the just and equitable jurisdiction of this Court, we direct the 1<sup>st</sup> Respondent to forthwith formulate a Scheme of Recruitment and Promotion to all posts in the 1<sup>st</sup> Respondent with the approval of all the necessary authorities within 6 months of the delivery of this judgment. The approved Scheme of Recruitment and Promotion should be filed in the registry with notice to the Petitioners.

On or about 05.12.2025, the 34<sup>th</sup> Respondent filed a petition and affidavit and drew the attention of Court to the following matters:

1. The original petition filed on 11.08.2015 named him as the 36<sup>th</sup> Respondent,
2. An amended petition dated 10.09.2015 was filed subsequently and the 36<sup>th</sup> Respondent, M.H.A.M. Pathmasiri was removed as a Respondent,
3. The subsequent amended captions dated 19.09.2015, 07.02.2020 and 01.02.2021 did not thereafter name the said M.H.A.M. Pathmasiri as a Respondent,
4. The caption of the judgment delivered on 05.08.2025 included the said M.H.A.M. Pathmasiri as the 34<sup>th</sup> Respondent,
5. In terms of the judgment, the 34<sup>th</sup> Respondent was removed from his position as Director (Admin & HR) and was placed in the position of Assistant Director (Admin) by the 1<sup>st</sup> Respondent,
6. The appointment of the 34<sup>th</sup> Respondent was not because of a decision of the Board of Directors of the 1<sup>st</sup> Respondent on or about 25.05.2015,
7. His appointment was in consequence of a complaint made by him to the Human Rights Commission of Sri Lanka on 02.07.2013.

Accordingly, the 34<sup>th</sup> Respondent moved that the caption in the judgment delivered in this case on 05.08.2025 be amended to exclude the name of M.H.A.M. Pathmasiri.

The motion dated 05.12.2025 filed on behalf of the 34<sup>th</sup> Respondent was supported in open Court on 11.02.2026. The Petitioners and the other Respondents who were represented by counsel informed that they have no objections to the relief sought by the party cited as 34<sup>th</sup> Respondent.

I have examined the original case record in this application. As the learned counsel for the 34<sup>th</sup> Respondent correctly submitted, although the original petition filed on 11.08.2015 named M.H.A.M. Pathmasiri as the 36<sup>th</sup> Respondent, he was removed as a Respondent in the amended petition dated 10.09.2015 filed subsequently. Furthermore, the subsequent amended captions dated 19.09.2015, 07.02.2020 and 01.02.2021 did not name the said M.H.A.M. Pathmasiri as a Respondent.

In ***Jeyaraj Fernandopulle v. Premachandra De Silva and Others*** [(1996) 1 Sri.L.R. 70] a divisional bench of the Supreme Court held that:

- (1) When the Supreme Court has decided a matter, the matter is at an end and there is no occasion for other judges to be called upon to review or revise a matter. The Supreme Court is a creature of statute and its powers are statutory. The Court has no statutory jurisdiction conferred by the Constitution or by any other law to rehear, review, alter or vary its decision. Decisions of the Supreme Court are final.
- (2) As a general rule, no Court has power to rehear, review, alter or vary any judgment or order made by it after it has been entered. However, all Courts have inherent power in certain circumstances to revise an order made by them such as a clerical mistake in a judgment or order or some error arising in a judgment or order from an accidental slip or omission.

The inclusion of M.H.A.M. Pathmasiri as the 34<sup>th</sup> Respondent in the caption of the judgment delivered in this application on 05.08.2025 falls within “*clerical mistake or accidental slip or omission*”.

Accordingly, I make order amending the caption of the judgment delivered in this case on 05.08.2025 by excluding the name of the 34<sup>th</sup> Respondent M.H.A.M. Pathmasiri.

For the avoidance of doubt, the judgment in this application delivered on 05.08.2025 does not require any change to the post the said M.H.A.M. Pathmasiri held as at 05.08.2025.

**JUDGE OF THE SUPREME COURT**

**S. Thurai Raja, P.C., J.**

I agree.

**JUDGE OF THE SUPREME COURT**

**Mahinda Samayawardhena, J.**

I agree.

**JUDGE OF THE SUPREME COURT**