

**IN THE SUPREME COURT OF THE
DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA**

*In the matter of an application in terms of
Article 126 read with Article 17 of the
Constitution of the Democratic Socialist
Republic of Sri Lanka.*

SC/FR/347/2018

1. Ranasinghe Arachchige Don Sajith Manohara,
(Inspector of Police),
No. 30/B, Kajugahawatta,
Gothatuwa.
2. Pathirajage Darmasiri Wasantha Kumara,
(Inspector of Police),
No. 234/5/1/1, Police Quaters,
Sapugaskanda.
3. Loku Dadallage Wasantha Kumara,
(Inspector of Police),
No. 175/1, Wewalduwa,
Kelaniya.
4. Marappulige Samarathilaka,
(Inspector of Police),
No. 3/11, Wihara Mawatha,
Narangodapaluwa,
Ragama.
5. Kaluarachchige Rasika Sundara Srimal Gunasinghe,
(Inspector of Police),
No. 1125,
Sri Jiwasa,
Thalawathugoda,

PETITIONERS

Vs.

1. Mr. Pujith Jayasundara
Inspector General of Police,
Colombo 01.
- 1A. Mr. C.D. Wickramaratne,
Inspector General of Police (acting),
Police Head Quarters,
Colombo 01.
- 1B. Mr. C.D Wickramaratne
Inspector General of Police,
Police Head Quarters,
Colombo 01.
- 1C. Mr. Deshabandu Thennakoon,
Inspector General of Police (acting)
Police Head Quarters,
Colombo 01.
- 1D. Mr. Priyantha Weerasooriya,
Inspector General of Police (acting)
Police Head Quarters,
Colombo 01.
2. Mr. P. H. Manatunga,
Chairman,
National Police Commission.
- 2A. Mr. K.W.E. Karaliyadda,
Chairman,
National Police Commission.
- 2B. Mr. S. C. S. Fernando,
Chairman,
National Police Commission.
- 2C. Mr. E. W. M. Lalith Ekanayake
Chairman,
National Police Commission.
3. Prof. S.T. Hettige

Member,
National Police Commission.

3A. Mr. Gamini Nawarathne,
Member,
National Police Commission.

3B. Mr. T. P. Paramaswaran,
Member,
National Police Commission.

3C. Mrs. D. K. Renuka Ekanayake
Member,
National Police Commission.

4. Mrs. Savithri Wijesekere
Member,
National Police Commission.

4A. Mr. G. Wickramage,
Member,
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4B. Mr. K. Karunaharan,
Member,
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5. Mr. B.A. Jeyanathan,
Member,
National Police Commission.

5A. Mr. Ashoka Wijethilaka
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5B. Mr. M.P.P. Perera
Member,
National Police Commission.

5C. Mr. P. G. S. Gamini de Silva
Member,
National Police Commission.

6. Mr. Y. L. M. Zawahir
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- 6A. Mr. S. Liyanagama
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- 6B. Mr. D. Kapila Jayasuriya,
Member,
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7. Mr. Tilak Collure
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- 7A. Mr. A.S.P.S.P. Sanjeewa,
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8. Mr. Frank De Silva,
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- 8A. Mr. G. Jayakumar,
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- 8B. Mr. N.S.M. Samsundeen
Member,
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9. Mr. D. M. Saman Dissanayake
Secretary,
National Police Commission.
- 9A. Mr. Nishantha A. Weerasinghe

Secretary,
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9B. Mrs. Samantha Mihindukula,
Secretary,
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9C. Mrs. Thamara D. Perera,
Secretary,
National Police Commission.

All of 2nd to 9th Respondents,
BMICH Premises,
Block 9,
Colombo 07.

10. R.A.D.S.P. Ranasinghe

11. S.M.T.K.G. Bandara

12. U.S. Liyanapathirana

13. V. Amudan

14. U.M. Chaminda Kumara

15. D.M. Pathmasiri

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19. N.A.N.D. Nasagoda

20. T.U.N. Peiris

21. A.M.R. Polgolla

22. H.M. Senarathbandara

23. E.P. Chaminda Edirisooriya.

All Care of
Personal Division,
Police Head Quarters,
Colombo 01.

24. Hon. Attorney General
Attorney General's Department,
Colombo 12.

RESPONDENTS

25. Honorable Justice Jagath Balapatabendi,
Chairman,
Public Service Commission.

25A. Mr. Sarath J. Ediriweera,
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26. Mrs. Indrani Sugathadasa,
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Public Service Commission.

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Member,
Public Service Commissioner.

34. Mr. M.A.B. Daya Senarath,
Member,
Public Service Commission.

34A. Mrs. Thanuja Murugeson
Secretary,
Public Service Commission

34B. Mrs. W.H.M.M.C.K. Dayaratne,
Secretary,
Public Service Commission.

The 25th to 34th Added-Respondents are of
Public Service Commission,
No. 1200/9,
Rajamalwatta Road,
Battaramulla.

ADDED-RESPONDENTS

.....

*In the matter of an Application in terms
of Article 126 and 17 of the Constitution
read with Article 12 (1) and Article 14 (1)
(g) of the Constitution.*

SC/FR/387/2018

1. Galauda Kandage Vipul Nandana Wimalasiri
No. 103,

Police Quarters,
Pothgul Vihara Mawatha,
Ratnapura.

2. Kirikankanamalage Sudath Chandika Kalum Perera,
B8, Police Quarters,
Ds. Fonseka Road,
Colombo 05.
3. Rajasinhage Sanath Rajasinha,
Yombuwatta, Mirahawatta,
Bandarawela.
4. Mohomed Farook Jazil Mohamed Farook,
No. 69/D, Udatlawinna Madige,
Udatlawinna.
5. Kele Koralale Janaka Thushara,
No. 467/3, Udadeniya Road,
Wewetenna,
Gampaha.
6. Herath Mudiyanseelage Athula Herath,
Walaw Watta, Raigama,
Bandaragama.
7. Millamaditte Gedara Upul Indrajith
Gunawardana,
124/12, Galagedara Road,
Katugastota.
8. Abekoon Mudiyanseelage Manjula
Prasanna Kumara Abekoon,
Kapukotuwa, Walawela,
Matale.

9. Arachchi Appuhamilage Sithara
Praseshan Karunaratna,
50, Kimbulgoda,
Yakkala.
10. Sudu Hakuruge Wajira Shantha
Kumara Dhanapala,
Hemmathagama Road,
Hakurugamma,
Aranayaka.
11. Samarasinhalage Krishantha
Saman Kumara Samarasinha,
Siri Niwasa, Kanangamuwa,
Kegalle.
12. Udugama Bibile Mohottalalage
Rathnasiri Udugama,
10, Eldon Hall House Scheme,
Lindula.
13. Mampitiya Arachchilage Harsha
Dammika Perera,
I Block, 2/3, Anderson Flat,
Colombo 05.
14. Nimal Asela Kaluwitarana
163/P, IDH Road,
Kotikawatta,
Angoda.
15. Imbulana Liyanage Mahesh
Chintaka Kumara,
68/1/A, Kirikitta,
Weliweriya.

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16. W.A.D.N. Sanjeewa
17. U.K.J.A. Shantha
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20. T.U.N. Peiris
21. A.M.R. Polgolla
22. H.M. Senarathbandara
23. E.P. Chaminda Edirisooriya.

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RESPONDENTS

25. Honorable Justice Jagath
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Article 126 and 17 of the Constitution read
with Article 12 (1) and Article 14 (1) (g) of
the Constitution.

1. Manjula Balasooriya
Attorney-at-Law.

SC/FR/388/2018

On behalf of the "aggrieved officer"

Uru Liyanage Don Sumith Priyantha
60/51, Darmaraja Mawatha,
Galle.

(Presently at CP-06198, Yambio, Western
Equatoria, South Sudan)

PETITIONER

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ADDED RESPONDENTS

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Article 126 and 17 of the Constitution read
with Article 12 (1) and Article 14 (1) (g) of
the Constitution.

SC/FR/392/2018

1. Kalubowilage Kamal Prasanna Kalubowila,,
(Inspector of Police),
No. 34/2B, Nagoda,

Kalutara.

2. Uduwela Mudiyanseelage Sisira Chandra
Kumara Hewawissa,
(Inspector of Police),
No. 77/A/03, Police Quarters,
Asgiriya, Kandy.
3. Indrajith Saman Karunaratne,
(Inspector of Police),
No. 155/3, Udaperadeniya,
Peradeniya.
4. Kela Korale Gedara Gamini Fonseka,
(Inspector of Police),
No. 43, Hiddawula, Handessa,
Kandy.
5. Wijekoon Mudiyanseelage Janaka Sugath
Bandara,
(Inspector of Police),
No. 99,
Tower Side City, Kadawala,
Katana.

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SC/FR/07/2019

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1. Manamperie Mudeyansalange Rohitha Ruwan
Bandara,
(Inspector of Police),
Nadukara Deniya,
Waladura,
Kuruvita.
2. Rajapaksha Pathiranalage Chaminda Upul
Rajapaksha,
(Inspector of Police),
No. 990/01, Samadhi Mawatha,
Kirawelkatuwa, Embilipitiya.
3. Erabaddage Rajeewa Mohan Rajakaruna,
(Inspector of Police),

No. 79, Ginigathhena Road,
Dehiowita.

4. Susantha Saman Kumara Bodaragama,
Balawinna,
Pallebedda.

5. Hewa Fonsekage Arunashantha Fonseka,
No.326/B/2, Bulugahapitiya,
Eheliyagoda.

6. Basnayake Chaminda Rohan,
Doranagoda, Batuwanhena,
Elpitiya.

7. Dissanayaka Mohottalalage Chaminda
Dissanayaka,
No.44/3, Police Quarters,
Kurunegala.

8. Godayalage Nihal Premarathne,
No. 305, Chanel Road,
Udugama,
Embilipitiya.

9. Happawana Withanage Saman Thushara
Perera,
No. 322/2,
Ganihigama, West,
Pepiliyawala.

10. Sinharage Upali Minipura,
No. 145/A, Niyangama,
Godakawela.

PETITIONERS

Vs.

1. Mr. Pujith Jayasundara
Inspector General of Police,

Colombo 01.

- 1A. Mr. C.D. Wickramaratne,
Inspector General of Police (acting)
Police Head Quarters,
Colombo 01.
 - 1B. Mr. C.D Wickramaratne
Inspector General of Police
Police Head Quarters,
Colombo 01.
 - 1C. Mr. Deshabandu Thennakoon,
Inspector General of Police (acting)
Police Head Quarters,
Colombo 01.
 - 1D. Mr. Priyantha Weerasooriya,
Inspector General of Police (acting)
Police Head Quarters,
Colombo 01.
2. Mr. P. H. Manatunga,
Chairman,
National Police Commission.
- 2A. Mr. K.W.E. Karaliyadda,
Chairman,
National Police Commission.
 - 2B. Mr. S. C. S. Fernando,
Chairman,
National Police Commission.
 - 2C. Mr. E. W. M. Lalith Ekanayake
Chairman,
National Police Commission.
3. Prof. S .T. Hettige
Member,
National Police Commission.

- 3A. Mr. Gamini Nawarathne,
Member,
National Police Commission.
- 3B. Mr. T. P. Paramaswaran,
Member,
National Police Commission.
- 3C. Mrs. D. K. Renuka Ekanayake
Member,
National Police Commission.
- 4. Mrs. Savithri Wijesekere
Member,
National Police Commission.
- 4A. Mr. G. Wickramage,
Member,
National Police Commission.
- 4B. Mr. K. Karunaharan,
Member,
National Police Commission.
- 5. Mr. B.A. Jeyanathan,
Member,
National Police Commission.
- 5A. Mr. Ashoka Wijethilaka
Member,
National Police Commission.
- 5B. Mr. M.P.P. Perera
Member,
National Police Commission.
- 5C. Mr. P. G. S. Gamini de Silva
Member,
National Police Commission.
- 6. Mr. Y. L. M. Zawahir
Member,

National Police Commission.

6A. Mr. S. Liyanagama
Member,
National Police Commission.

6B. Mr. D. Kapila Jayasuriya,
Member,
National Police Commission.

7. Mr. Tilak Collure
Member,
National Police Commission.

7A. Mr. A.S.P.S.P. Sanjeewa,
Member,
National Police Commission.

7B. Mr. A. A. M. Illiyas,
Member,
National Police Commission.

8. Mr. Frank De Silva,
Member,
National Police Commission.

8A. Mr. G. Jayakumar,
Member,
National Police Commission,

8B. Mr. N.S.M. Samsudeen
Member,
National Police Commission.

9. Mr. D. M. Saman Dissanayake
Secretary,
National Police Commission.

9A. Mr. Nishantha A. Weerasinghe
Secretary,
National Police Commission.

9B. Mrs. Samantha Mihindukula,
Secretary,
National Police Commission.

9C. Mrs. Thamara D. Perera,
Secretary,
National Police Commission.

All of 2nd to 9th Respondents,
BMICH Premises, Block 9,
Colombo 07.

10. I.N.S.P. Priyadarshana

11. Y.D.W.G.G.A.K. Ariyawansa

12. R.A.D.S.P. Ranasinghe

13. S.M.T.K.G. Bandara

14. U.S. Liyanapathirana

15. V. Amudan

16. U.M. Chaminda Kumara

17. D.M. Pathmasiri

18. W.A.D.N. Sanjeewa

19. U.K.J.A. Shantha

20. J.A.C. Jayalath

21. N.A.N.D. Napagoda

22. T.U.N. Peiris

23. A.M.R. Polgolla

24. H.M. Senarathbandara

25. E.P. Chaminda Edirisooriya.

All Care of
Personal Division,
Police Head Quarters,
Colombo 01.

26. Hon. Attorney General
Attorney General's Department,
Colombo 12

RESPONDENTS

27. Honorable Justice Jagath Balapatabendi,
Chairman,
Public Service Commission.

27A. Mr. Sarath J. Ediriweera,
Chairman,
Public Service Commission.

28. Mrs. Indrani Sugathadasa,
Member,
Public Service Commission.

28A. Mrs. S. M. Mohamed
Member,
Public Service Commission.

29. Mr. V. Shivagnanasothy
Member,
Public Service Commission.

29A. Mr. N. H. M. Chithrananda
Member,
Public Service Commission.

30. Dr. T.R.C. Ruberu
Member,
Public Service Commission.

- 30A. Prof. Selvakumaran
Member,
Public Service Commission.
31. Mr. Ahamod Lebbe Mohammed Saleem,
Member,
Public Service Commission.
- 31A. Mr. M.B.R. Pushpakumara,
Member,
Public Service Commission.
32. Mr. Leelasena Liyanagama,
Member,
Public Service Commission.
- 32A. Dr. A.D. N. de Zoysa,
Member,
Public Service Commission.
33. Mr. Dayan Gomes,
Member,
Public Service Commission.
- 33A. Mrs. R. Nadarajapillai,
Member,
Public Service Commission.
34. Mr. Dilith Jayaweera
Member,
Public Service Commission.
- 34A. Mr. C. Pallegama,
Member,
Public Service Commission.
- 34B. Dr. P.S. Panawennage,
Member,
Public Service Commission.

35. Mr. W. H. Piyadasa,
Member,
Public Service Commission.

35A. Mr. G. A. S. de Silva, PC,
Member,
Public Service Commissioner.

36. Mr. M.A.B. Daya Senarath,
Member,
Public Service Commission.

36A. Mrs. Thanuja Murugeson
Secretary,
Public Service Commission

36B. Mrs. W.H.M.M.C.K. Dayaratne,
Secretary,
Public Service Commission.

The 27th to 36th Added-Respondents are
of
Public Service Commission,
No. 1200/9, Rajamalwatta Road,
Battaramulla.

ADDED-RESPONDENTS

BEFORE : **P. PADMAN SURASENA, J¹**
MAHINDA SAMAYAWARDHENA, J
M. SAMPATH K. B. WIJERATNE, J

COUNSEL : Saliya Pieris, PC, for the Petitioners in SC/FR/388/2018 &
SC/FR/387/2018.

¹ As His Lordship was then.

Asthika Devendra with Wasantha S. Widanage instructed by Mrs. G.D.I. Thushari Jayawardena for the Petitioners in SC. FR. Nos. 347/2018, 392/2018 & 07/2019.

Shantha Jayawardena with Niranjan Arulpragasam instructed by G.G. Arulpragasam for the 12th-24th Intervenient Petitioners in SC/FR/Nos. 330/2018 & 332/2018, and for the 10th-22nd Intervenient Petitioners in SC. FR. Nos. 388/2018, 387/2018, 347/2018, 392/2018 & 07/2019.

Upul Kumarapperuma, PC, with Ms. Shalini Weeraratne and Ms. Duvini Godagama instructed by Ms. Darshika Nayomi for the 35th Intervenient Petitioner-Respondent.

Rajitha Perera, DSG, for the Respondents.

ARGUED ON: 20-02-2025

DECIDED ON: : 14-05-2026

P. PADMAN SURASENA, CJ

At the commencement of the argument, all parties agreed to conduct a composite hearing of all connected cases. Hence, this judgment must apply to the cases bearing numbers SC/FR/347/2018, SC/FR/387/2018, SC/FR/388/2018, SC/FR/392/2018 and SC/FR/07/2019.

The 1st Respondent (the then Inspector General of Police) by RTM No. 655 dated 23-05-2018, called for applications from officers holding the rank of Inspector of Police to be promoted to the rank of Chief Inspector of Police. The Petitioners have produced this RTM No. 655 dated 23-05-2018 marked in SC/FR/347/2018 as **P5**; in SC/FR/387/2018 as **P6**; in SC/FR/388/2018 as **P6**; in SC/FR/392/2018 as **P6**; and in SC/FR/07/2019 as **P4**.

According to the said notice, the officers other than from the Special Task Force and the Support Services who had the following four qualifications were eligible to apply. The said four qualifications are as follows:

- i. The applicant should be an officer holding the rank of Inspector of Police
- ii. The applicant should have been confirmed in the rank of Inspector of Police
- iii. The applicant must have had three years satisfactory service as at 01-10-2017
- iv. The applicant must have completed eight years active service in the rank of Inspector of Police by 01-10-2017.

The 10 Petitioners who were then holding the rank of Inspector of Police in Sri Lanka Police, responding to the notice (RTM No. 655 dated 23-05-2018), had applied for the afore-said promotions.

Similarly, the fourteen Inspectors of Police whose names are mentioned in the RTM 855 dated 27-09-2018 along with many other Inspectors of Police, had also applied as per the said notice for this promotion.

The Petitioners have also produced the marking scheme titled "MARKING SCHEME FOR PROMOTION TO THE RANK OF CHIEF INSPECTOR UNDER THE MERIT + SENIORITY PROMOTION SCHEME - 2017 (EXCLUDING STF & SUPPORT SERVICES)". The Petitioners have produced this marking scheme marked in SC/FR/347/2018 as **P7**; in SC/FR/387/2018 as **P7**; in SC/FR/388/2018 as **P7**; in SC/FR/392/2018 as **P8**; and in SC/FR/07/2019 as **P6**.

Thereafter, the Director Human Resources Management acting on behalf of the Inspector General of Police by RTM No. 335 dated 10-08-2018 called 120 applicants for the interviews which were to be held on 15-08-2018 and 17-08-2018. The Petitioners have produced this RTM No. 335 dated 10-08-2018 marked in SC/FR/347/2018 as **P8**; in SC/FR/387/2018 as **P8**; in SC/FR/388/2018 as **P8**; in SC/FR/392/2018 as **P9**; and in SC/FR/07/2019 as **P7**.

It appears that by this time, the Petitioners had previously filed the case bearing No. SC/FR/168/2010 in this Court. Thus, the Petitioners presumably being aggrieved by RTM No. 335 dated 10-08-2018, had obtained a stay order from this Court in the case bearing No. SC/FR/168/2010. The Petitioners have produced this stay order dated 06-08-2018 marked: in SC/FR/347/2018 as **P9**; in SC/FR/387/2018 as **P9**; in SC/FR/388/2018 as **P9**; in SC/FR/392/2018 as **P10**; and in SC/FR/07/2019 as **P8**.

Pursuant to the said stay order, the 1st Respondent has issued RTM 436 suspending the said promotion proceedings as per the RTM No. 655 dated 23-05-2018. The Petitioners have produced the said RTM 436 dated 13-08-2018 marked: in SC/FR/347/2018 as **P10**; in SC/FR/387/2018 as **P10**; in SC/FR/388/2018 as **P10**; in SC/FR/392/2018 as **P11**; and in SC/FR/07/2019 as **P9**.

According to the Petitioners, during the period that the afore-said stay order was in force, the 1st Respondent by RTM 855 dated 27-09-2018 had announced that the National Police Commission has approved the promotions of the fourteen Inspectors of Police whose names are mentioned in the said RTM 855, to the rank of Chief Inspector of Police on supernumerary basis with effect from 02-10-2017. The Petitioners have produced the said RTM 855 dated 27-09-2018 marked: in SC/FR/347/2018 as **P11**; in SC/FR/387/2018 as **P11**; in SC/FR/388/2018 as **P11**; in SC/FR/392/2018 as **P12**; and in SC/FR/07/2019 as **P10**.

The Petitioners in their Petitions have stated that they are not aware of the basis on which the National Police Commission has promoted the said fourteen Inspectors of Police as per the said RTM 855. The Petitioners in their Petition have also stated that the promotions of the said fourteen Inspectors of Police as per the said RTM 855 has been carried out contrary to the afore-mentioned marking scheme.

It is on the above basis that the Petitioners have challenged the promotions to the rank of Chief Inspector of Police, granted to those fourteen Inspectors of Police as per the said RTM 855.

The Petitioners in their Petitions have identified those fourteen Inspectors of Police who were promoted to the rank of Chief Inspector of Police as per the said RTM 855 as follows. In SC/FR/347/2018 they are named as 10th to 23rd Respondents; in SC/FR/387/2018 as 10th to 23rd Respondents; in SC/FR/388/2018 as 10th to 23rd Respondents; in SC/FR/392/2018 as 10th to 23rd Respondents; in SC/FR/07/2019 as 12th to 25th Respondents.

As has already been mentioned above, the 1st Respondent has promoted those fourteen Inspectors of Police to the rank of Chief Inspector of Police by RTM 855 which is dated 27-09-2018. However, the Petitioners have filed these cases on the following dates: the case No. SC/FR/347/2018 on 07-11-2018; the case No. SC/FR/387/2018 on 29-11-2018; the case No. SC/FR/388/2018 on 29-11-2018; the case No. SC/FR/392/2018 on 04-12-2018; the case No. SC/FR/07/2019 on 11-01-2019. It is on that basis that the Respondents in the afore-mentioned cases have raised a Preliminary Objection against the maintainability of this case on the basis that the Petitioners have failed to file those cases within one month as stipulated in Article 126(2) of the Constitution.

Responding to the above Preliminary Objection, the Petitioners have taken up the position that they were not aware that these promotions were granted to those fourteen Inspectors of Police as per the said RTM 855.

However, I observe that RTM 855 is an RTM message which was commonly accessible to all officers of Petitioners' ranks. The said message has been addressed to many people holding various designations in Sri Lanka Police. These include those who are in charge of all institutions covering all police stations. At this point it is relevant to recall that it is by an RTM message that the 1st Respondent had called for applications from officers holding the rank of Inspector of Police to be promoted to the rank of Chief Inspector of Police. This is RTM No. 655 dated 23-05-2018. It is after seeing that RTM message that the Petitioners as well as the others had applied for the promotions responding to the said RTM message. They have applied before the closing date

mentioned in the said message. Furthermore, I observe that all the communications the Petitioners have relied on for their case are same type of communications; i.e., RTM messages. Therefore, it is clear that it is through this type of messages that the Sri Lanka Police makes its communications with its officers. Thus, I am unable to accept the fact that the Petitioners had no occasion to see only the RTM 855 dated 27-09-2018 by which the 1st Respondent has promoted those fourteen Inspectors of Police to the rank of Chief Inspector of Police.

For the above reasons, I am unable to accept the assertion by the Petitioners that they did not know about the promotions of those fourteen Inspectors of Police to the rank of Chief Inspector of Police which was effected by the RTM 855 dated 27-09-2018. Therefore, I have to conclude that the Petitioners have failed to file this case within one month as stipulated in Article 126(2) of the Constitution. Hence, I proceed to uphold the Preliminary Objection raised on behalf of the Respondents.

I direct that all the case bearing numbers SC/FR/347/2018, SC/FR/387/2018, SC/FR/388/2018, SC/FR/392/2018 and SC/FR/07/2019, must stand dismissed without cost.

CHIEF JUSTICE

MAHINDA SAMAYAWARDHENA, J.

I agree.

JUDGE OF THE SUPREME COURT

M. SAMPATH K. B. WIJERATNE, J.

I agree.

JUDGE OF THE SUPREME COURT