

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/382/2022

1. Subasinghe Piyaarathnaga Ruwan
Chitranaanda, 172/B,
Paniambagahawatta, Kaludewela,
Panadura.
2. Sisil Kuma Nonis,
No. 128, Ihalakadigamuwa, Kadigamuwa,
Kurunagala.
3. Patikiri Arachchige Sugath Priyantha
Gunathilaka,
No. 102, Asgiriuwapola, Udugampola.
4. Dehin Pathiranehelage Nandana Dias,
17, Gurullagama, Halpe, Mirigama.
5. Walipola Gamladdalage Kularathna,
Jayamali Wewalkadura, Kalawana.
6. Subasinghe Mudiyaanselage Kamal
Lakshman Subasinghe,
Wethepitiya, Anukkane, Kuliyaipitiya.
7. Epiawalage Jagath, 43/2, (57/2/A),
Galle Road, Walana, Panadura.
8. Kodikara Arachchilage Lal Kumara,
235/1, Biyagama.
9. Rathnayaka Mudiyaanselage Supul
Lalantha Bandara Madawala,

- No.62, Jasmin Watta, Kiriwawla,
Thorayaya
10. Warsa Manadewalage Cyril Premarathna,
Deniminyathna, Maduragoda.
 11. Godage Rupasingha,
No. 836/3, Unit 14, Kanthale.
 12. Sepala Mudiyanseelage Sudath Bandara,
No. 66, Bathiyagama, Kanthale.
 13. Lekamlage Ajith Mahindsa Bandara,
48/1A, Kandegedara, Atala.
 14. Kaduruwana Hewage Ajith Kumara,
No. 143, Maliduwa, Boossa.
 15. Nagamuwa Ranathunga Arachchilage
Nimal Ranthunga, Naginigammana,
Elibchchiya, Pannala.
 16. Palawa Galkotuwa Gedara Kulathunga
198 /17, Thawana Road, Balagalla,
Diulapitiya.
 17. Lokubatagadage Wasantha Kumara
No. 206, Elapatha Road, Elakanda,
Hadala, Waththala.
 18. Rupassarage Rathnasiri Jayathissa
Rupassara, A 02, Police Niwasa,
Maradana, Colombo 10.
 19. Rathnayaka Mudiyanseelage Rathnayaka,
No. 247, Panthiya Kadawaka,
Mathugama.
 20. Nilantha Abeysiri Waidyarathna,
Nauttuduwa, Mathugama.
 21. Degiri Saman Chathuranga De Soysa,
A-2, Police Home, Kotahena, Colombo 13.
 22. Godagama Ralage Upul Rohitha,

- 422/C, Kendaliyadda Paluwa,
Ganemulla.
23. Paragoda Vithanage Gnanarathna,
No. 245/1, Masowitha Lathnpadura,
Baduraliya.
24. Rathnayaka Mudiyanseleage Ethulgama
Gedara Senevirathna,
35/6, David Soysa Mawatha,
Haguranketha.
25. Thibbotuge Upali Ranjith,
No. 115/3, Nawagamugoda Road,
Kumbuka South, Gonapola.
26. Adikari Pathirennahilage Bernard
Siriwardena, Jayasiri House, Mahena,
Warakapola.
27. Sinhala Pedige Senevirathna,
Kajuwatiyawaththa, Galwarama,
Alawwa.
28. Mahendra Deepal Thalpe Liyanage,
“MANAHARA”, Managoda Road,
Mapalagama.
29. Walage Chaminda Kumara,
No. 488, Mathugama Road,
Lewwanduwa, Welipanna.
30. Rajapaksha Mudiyanseleage Palitha
Laxman Preethi Bandara,
No. 118, Wattage Watta, Bellana.
31. Kankanige Wimalarathne,
No. 44/03, Akurassa Road, Mayura
Palace, Matara.
32. Susantha Chandralal Gunawardhana
Edirisinghe “SHASHINI”, Pallattara,
Modarawana.

33. Kulasooriya Arachchilage Lalith Nisantha
Kulasooriya, D15/9, Polowita,
Pitadeniya, Dehiowita.
34. Gamaethi Arachchige Wickramasinghe
Kulasooriya, 74/1, Ruwanpura, Hatton.
35. Kubalathura Arachchige Chaminda
Wijesinghe Gunarathna,
Deeyagala, Katugahahena, Mathugama.
36. Hettiyage Ruwan Kumanajith Perera
23/4, Nahanayma Road, Mampe,
Piliyandala.
37. Herath Mudiyanseelage Medawatta
Gedara Bandula Bandara,
No.163/2, Dewalagammedda,
Uduruwana, Wattegama.
38. Rathnayaka Mudiyanseelage Sunil
Rathnayaka, Bogahara Waththa,
Dannalawela, Lunuwaththa.
39. Kariyawasam Pathiranalage Mahinda
Asoka Ranasinghe,
B/29/2, Dikkotupitiya Road,
Heettemulla, Kegalle.
40. Warshage Harrison Chandrasiri,
“VIMUKTHI”, Dambulla Road,
Habarana.
41. Dissanayaka Mudiyanseelage Jayantha
Bandara Dissanayaka,
197/1, Hiruni Ihalabowala Kaikanwala,
Matale.
42. Rajapaksha Karunasagara Behethge
Mudiyanseelage Jagath Gamini
Rakjapaksha,
No. 05, Laliambe, Matale.

43. Dannagoda Gamage Gamini Rathnasiri,
No. 30/4, Kirulagama, Palapathwala,
Matale.
44. Gajahin Gamage Gamini Rathnasiri,
Gurugodella Beliaththa Road, Walmulla.
45. Gonagam Pitiyegedara Upananda,
No. 127, Hospital Road, Karalliyadda,
Haguranketha.
46. Abeykoon Jayasekara Mudiynselage
Gunarathna Bandara,
No. 35/1, Poramadulla, Rikillagaskada.
47. Hewayalage Nimal Kulathunga,
Pallepalpita, Kotiyakumbura.
48. Thennakoon Mudiyansele Pradeep
Karunarathna, Dalupothegedara,
Padeniya.
49. Don Namal Chamath Mahaliyana
05, (Vanija), Paludeniya, Siripura,
Polonnaruwa.
50. Ranasinghe Arachchige Ranjith
Ranasinghe,
“LAKMAL”, Amunuwala, UVA Deegalla,
Hali - Ela.
51. Jayasinghe Arachchige Priyantha
Jayasinghe,
No. 03, Police Quarters, Medirigiriya.
52. Rajapaksha Mudiyansele Gamini
Piyarathna,
No. 17, Air Port Road, Samarapura,
Anuradhapura.
53. Thalakkuwe Kankanamlage
Dharmadasa,

- 379/A6, Police Niwasa, Maradana,
Colombo 10.
54. L. A. Padmasiri Liyanaarachchige
Wewakale, Kumbalgamuwa, Walapane.
55. Hathutusinghe Dewage Gamini
Wickramasinghe, 64/2, Temple Road,
Horawadunna, Pannala.
56. Edirisinghe Arachchilage Sisira
Wasantha Kumara, No. 24, Siripura,
Dehiaththakandiya.
57. Pulukkatti Ralalage Priyantha Sisira
Kumara Jayasekara,
No. 128/B, Sadda Thissa Mawatha,
Kandepitiya, Welimulla.
58. Marassana Herath Mudiyansele
Thilakarathna Banda,
3/2, Anderson Flats, Colombo 05.
59. Amugoda Kankanange Don Tudor Mohan
Lalith Edirisinghe,
No. 321, Haldola Road, Bellana,
Agalawaththa.
60. Kumarage Poojitha
No. 253/4/B, Sri Darmalankara
Mawatha, Magamma, Homagama.
61. Wickramasekara Mudiyansele
Dharmasiri Bandara,
No. 33/3 B, The Finance Estate,
Batagama North, Ja-Ela.
62. Thanthirige Nishatha Deepal Aruna
Kumara, No. 16A, Egodawaththa,
Maddegama, Kiridiwala.
63. Perumath Thanthirige Nimal Rukshan,

- No. 541/4, Eksath Mawatha,
Ihalakaragahamuna, Wadawatha.
64. Wijetunga Mudiyansele Thilakarathna,
196A, Wanama, Bibile.
65. Bannek Mudiyansele Nandana Kumara
Basnayaka, No. 24/2/D, Gemunu
Mawatha, Aththidiya.
66. Rathnayake Mudiyansele Vijitha Sri
Watagamuwa, No. 151, Watagamuwa,
Bandarawela.
67. Muthukarapan Ramasamy,
No. 15/23A, Nawayalathanna,
Katugasthota.
68. Kulathunga Mudiyansele Susantha
Kulathunga, Paluwaththa, Ahugoda,
Pothuhara.
69. Bintahmburu Deniye Gedara Alahakoon
Banda, 80/A, Hiriyapitiya, Handessa,
Kandy.
70. M.K.N.C. Udaya Kumara Mukkigala
Kankanamlage 149/A, Sooriyapaluwa,
Kadawatha.
71. Wanniarachchige Don Jude Calistus, No.
59, Jude Mawatha, Pamunugama, Elan
Egoda.
72. Kudailandari Purage Keerthi Janaka,
No. 43/1, Meerigama Road, Hediawala,
Wewaldeniya.
73. Kalu Arachchige Rohitha Prasanna
Nugegoda, No. 148/2, Ambilipitiyawatta,
Navigama, Meerigama.
74. Egoda Hewage Siril Gamie
Mada Kade, Annwela, Beliatta.

75. Arumugam Sundaralingam
No. 220, Bogawanthalawa Road,
Noorwood.
76. Amiyangoda Pitakotuwe Gedara Palitha
Saman Amiyangoda, 87/C, Circular
Road, Aluwihare, Matale.
77. Wada Gedara Darmadasa Herath
No.02, Ranavirugammanaya, Aluvihare,
Matale.
78. Rathnayaka Mudiyanseelage Sena
Rathnayaka, Kahatagalatta,
Makkalagoda, Madagama, Bibile.
79. Kalanchedarage Ranjith Gunathilaka
Abaya Raja Mawatha, Marawila,
Matugama.
80. Liyanaarachchige Ajith Nandasiri
Liyanaarachchi, No. 145, Ariyawansha
Mawatha, Kanthale.
81. Dugannaralage Sunil Dayakumara,
No. 38/1, Sri Somananda Mawatha,
Gallinda, Mailapitiya.
82. Wardhana Mudiyanseelage Jayanandana
Bandara, No. 117, "GITHANJALI"
Mallulla, Gonaganthanna.
83. Kande Gedara Rambanda
"Madusewana", Karamidula, Hewahata.
84. Pathirage Don Ranjith Kumara
No. 312, Kirideniya, Bellapitiya, Horana.
85. Wickramaarachchige Milton
226/30, Attikaragahawatta,
Sunanda Road, Weligama, Matara.

86. Herath Mudiyanseelage Rohana Kumara
Waliwita, No. 95/7, Weligodapola,
Hatharaliyadda.
87. Penetiyanaawithana Gamage Don Jagath
Kumara Siri, 71/2, Welivita Ihalagama
Bogasvinna, Sangarajapura.
88. Thrimanna Hettilage Senevirathna
Thrimanna,
No. 107, Maliwita Ihalagama,
Minigamuwa.
89. Hettithanthrige Don Priyantha
Pushpakumara Wijayarathna,
25/5, Saddananda Mawatha, Wekada,
Panadura.
90. Pussawala Hewage Karunarathna,
No. 03, Roohiniwaththa, Kaludawal,
Panadura.
91. Bothandarawe Nihal Keerthi
Wickramasinghe,
No. 63, 36th Lane, Sooriya Purawana,
Moranthuduwa Road, Kaluthara North.
92. Ranathunga Arachchilage Sugath Vipula
Kumar, Wettupai, Pothuhara.
93. Herath Mudiyanseelage Sunil Shantha
Herath, EN/ 20/04/01, Karangawa,
Ampara.
94. Kasakara Gedara Thilakararathna
06/B/11, 6B Janapadaya,
Ambagahawela, Ampara.
95. Wanni Arachchilage Sanath Chandana,
P/16, Police Niwasa, Ampara.

96. Sri Sanga Bamunu Mudiyansele,
Dissanayaka Banda Hiripitiya,
Nikadalupotha, Kurunagala.
97. Induwarage Senerath Tissera,
No. 8/B, Wewala, Horana.
98. Hellanda Mddumage Sarath Kumara
Maddumage,
No. 98/B, Balawinna, Godakawela.
99. Sehu Mohammadu Naina Muhammadu,
Jaya Nager, Kuchchaweli, Trincomalee.
100. Kankanige Mahesh Nandalal Yasarathna,
No. 41/5 A, Koshena Watta, Wataraka,
Meegoda.
101. Jayasundara Mudiyansele Wijerathna,
No. 70/1/3, Police Quarters, George R. De
Silva Mawatha, Colombo 13.
102. Abeysingha Arachchilage Indrananda
Abeysingha Perera,
No. 86/E, Soysa Mawatha, 1st Lane,
Koralaima Junction, Gonapala.
103. Sudusingha Liyanadurage Sumith
Chandra,
No. 56/6/1, Gamunu Mawatha,
Hunnupitiya, Waththala.
104. Edirisinghe Arachchige Saman Lal
Edirisinghe,
No. 90/A, Pathahawaththa Road,
Raigama, Bandaragama.
105. Ranaweera Mudiyansele Lesley
Ranaweera,
No. 48, Wathuraboda, Kalukodayaya,
Malwana.
106. Gamnavage Ranjith Lal Silva,

A/4/2/1 Police Quarters, Maligawaththa,
Colombo 10.

107. Yatala Maththamanage Sisira Palitha,
No. 192/12, Kalinga Mawatha,
Hinatiyana, Minuwangoda.
108. Piyadasage Wijesingha,
Pothiyagama, Pahalagama.
109. Himihami Mudiyanseelage Jayantha
Karunarathna, Pahalagama Pasala Para,
Koonwewa, Mahawa.
110. Karanagoda Kankanamlage Sujith
Amarawanse, No. 280/23A, Dampe
Madapatha, Piliyandala.
111. Dissanayaka Kongalage Sumanasiri
No. 270, "DANUKA", Sitinamaluwa,
Beliatta.
112. Ranathunga Arachchige Ajith Asoka
Ranathunga, No. 236/C, Mabodala,
Veyangoda.
113. Hewasinghapullage Udaya
Gunawardhana, 175/F, 6th Lane,
Walpitamulla, Dewalapola.
114. Rajapaksha Pathirannahelage Anura
Rajapaksha, No. 18, Athmale Watta,
Kaleliya.
115. Namal Danushka Sampath Wijethunga,
Kadurupe, Boossa.
116. Alahakoon Mudiyanseelage Dickson
Alahakoon, Samurshi Mawatha,
Gammana, Pothuhara.
117. Elesinghalage Nihal Elesingha,
No. 131/2E, Batuwandara, Madapatha.
118. Liyanaarachchige Don Hemapala,

- No. 5B, Dalthara, Piliyandala.
119. Bethmage Perana Piyawansha,
No. 396/C, Ekamuthu Mawatha,
Meemana, Pokunuwita, Horana.
120. Hettiarachchilage Duminda Lal
Hettiarachchi,
No. 119, Pahathagama, Hanwalla.
121. Kapukankamlage Sarath,
A4, G2, Police Quarters, Maligawaththa.
122. Ranapate dewage Nimal Pemasiri,
Anuradhapura Road, Saliyawewa.
123. Kurukulasuriyaarachchilage Nimal
Kurukulasuriya,
No. G2, Police Flats, Thimbirigasyaya,
Colombo 05.
124. Bopage Gunapala Jayalath,
26/13C, Bangalawaththa, Massala,
Beruwala.
125. Polwatta Arachchige Don Surendra
Perera,
46/01, Ambagahawela, Ranala.
126. Dodanduwa Hewawithranage Nipuna
Senanayaka,
No. 204/ E, Pathahena, Essella,
Veyangoda.
127. Hewawasam Haggallage Piyal
Wanasinghe,
227/1, Dinapamunuwa, Urapola.
128. Dissanayaka Mudiyanseelage Bandara
Rathna,
Elapamula Niwasa, Heelogama,
Nikawaratiya.
129. Ranawaka Arachchige Budhdhadasa

- No. 104, Yatawathura, Malagala,
Padukka.
130. Manel Pura Dewage Jayathilaka,
Kithulpe, Pallebowala.
131. Rathnayaka Mudiyansele Jayarathna
Banda,
Aththanakumbura, Mathurata.
132. Aththana Gamaralalage Sarath Kumara,
B/33/19, Ginigathhena Road,
Thelegama.
133. Brahmanage Aruna Chinthaka Perera,
53, B9, Police Quarters, Thimbirigasyaya,
Colombo 5.
134. Jayasin Manachchige Priyantha
Manohara,
137/31, Galle Road, Colombo 03.
135. Herath Mudiyansele Dharmasena,
580/120, Seethaela Waththa,
Thithawala, Kurunagala.
136. Ekanayaka Mudiyansele Subath
Wickramasinghe,
No. 30/1A, New Road, Hedigama,
Piliyandala.
137. Weerasinghe Daundage Gunawardana,
E/05, Police Niwasa, Thimbirigasyaya,
Colombo 05.
138. Kele Peelage Monoj Wimalasiri,
D/09, Police Quarters, Wellawaththa,
Colombo 06.
139. Payaga Godage Roshan Fernando,
No. 249/A, Nainamadam East,
Wennappuwa.
140. Malanilage Jayantha,

No. 03, Padeniya, Kurupanawala,
Udapussallawa.

141. Wela Hettige Ranjith Susantha Rodrigo
Ihala Nidawewa, Ganewaththa,
Nikadalupotha.

Petitioners

Vs.

1. C. D. Wickramarathna,
Inspector General of Police,
Sri Lanka Police Headquarters,
Colombo 01.
2. Tiran Allas,
Hon. Minister of Public Security,
Ministry of Public Security,
14th Floor, 'Suhurupaya',
Subuthipura Road, Battaramulla.
3. S. Hettiarachchi,
The Secretary, Ministry of Public
Security,
14th Floor, 'Suhurupaya',
Subuthipura Road, Battaramulla.
4. M.P.A.C. Peiris,
Chief Police Inspector,
OIC - Human Resource Management,
No. 234, Vauxshall Street,
Colombo 02.
5. Hon. Justice Jagath Balapatabendi,
Chairman,
6. Indrani Sugathadasa,
Member,
7. Dr. T.R.C. Ruberu,

- Member,
8. Ahamod Lebbe Mohamed Saleem,
Member,
9. Leelasena Liyanagama,
Member,
10. Dian Gomes,
Member,
11. Dilith Jayaweera,
Member,
12. W.H Piayadasa,
Member,
13. Suntharam Arumainayaham,
Member,
All of the Public Service Commission of
Sri Lanka, No. 1200/9, Rajamalwatta
Road, Battaramulla.
14. K.R Saranga Perera,
Head of Division (Recruitment and
Promotion Scheme Preparation Division),
Police Headquarters, Colombo 01.
15. M.A.B. Daya Senerath,
Secretary, The Public Service
Commission of Sri Lanka, No. 1200/9,
Rajamalwatta Road, Battaramulla.
16. 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: Upul Jayasuriya, P.C., with Harsha Mendis for the
Petitioners.
Fazly Razik, D.S.G., for the 2nd to 4th and 14th to 16th
Respondents.
Ms. Yuresha De Silva, D.S.G., for the Acting IGP, Secretary
to the Cabinet and Hon. Attorney-General.

Argued on: 30.06.2025

Written submissions:

By the Petitioner on 31.07.2025

Decided on: 08.09.2026

Samayawardhena, J.

One hundred and forty-one Petitioners, who are Police Sergeants, filed this application in this Court on 02.12.2022 naming the Inspector General of Police, the Minister of Public Security, the Chairman and Members of the National Police Commission, and the Attorney General as Respondents, seeking declarations that their fundamental rights guaranteed under Articles 12(1) and 14(1)(g) of the Constitution have been infringed by the Respondents by failing to promote them to the rank of Sub Inspector of Police.

I must mention at the outset that the Petitioners' grievance, as unfolded in the petition, is neither clearly articulated nor readily discernible. The petition contains references to several documents and different promotion schemes without clearly identifying the precise decision said to have infringed the Petitioners' fundamental rights. However, having carefully considered the petition, the affidavits, and the documents tendered by the parties, I understand the Petitioners' complaint to be as follows.

The Petitioners admit that they were promoted to the rank of Police Sergeant with effect from 15.02.2009. By the time this application was

instituted, the Petitioners had completed approximately thirteen years and eight months of service in the rank of Police Sergeant.

The Petitioners have tendered RTM 636 (CRTM 1247) dated 19.02.2020 marked P7. By that RTM, the Inspector General of Police communicated a Cabinet decision introducing a one-off time-based promotion scheme intended to address longstanding stagnation within the Police Department.

Under that scheme, Police Sergeants who had completed more than fourteen years of service in that rank as at 31.12.2018 became eligible to be promoted to the rank of Sub Inspector of Police with effect from 01.07.2019, subject to the fulfilment of the prescribed conditions. The same scheme further provided that Police Sergeants who had completed more than twelve years of service in that rank as at 31.12.2018 would be promoted to the rank of Sub Inspector of Police with effect from 01.01.2020, subject to the fulfilment of the prescribed conditions.

It is common ground that the Petitioners did not satisfy either of those criteria and therefore did not fall within the categories of officers entitled to benefit under that one-off promotion scheme.

The Petitioners have also tendered RTM 122 (CRTM 62) dated 05.04.2021 marked X. As I understand it, that RTM relates to a different promotion scheme under which applications were called for promotions, *inter alia*, from the rank of Police Sergeant to the rank of Sub Inspector of Police through a competitive process involving interviews. The Petitioners have not established that they were entitled to promotion under that scheme.

The principal document relied upon by the Petitioners is a draft Cabinet Memorandum marked P9. Significantly, it bears neither a date nor the signature of the relevant Minister. It is plainly no more than a draft. Nevertheless, the Petitioners seek to rely on that draft Cabinet Memorandum as the foundation of their claim that their fundamental rights have been infringed.

I am unable to accept that contention. A draft Cabinet Memorandum, without more, is incapable of giving rise to a violation of fundamental rights. It represents no more than a proposal under consideration and does not, by itself, affect any legal right or impose any legal consequence. Unless the Petitioners establish that its implementation is imminent and that such implementation would result in the infringement of their fundamental rights, they cannot invoke the fundamental rights jurisdiction of this Court. In the present case, the Petitioners have failed to establish any present or imminent infringement of a fundamental right so as to warrant the exercise of this Court's jurisdiction under Article 126 of the Constitution.

The Inspector General of Police has tendered with his affidavit the actual Cabinet Memorandum No. 32/2022 dated 03.10.2022 marked 1R1. The reasons underlying that Cabinet Memorandum are explained in considerable detail therein. The material contained in 1R1 demonstrates that, owing to longstanding stagnation within the Police Department and the implementation of several promotion schemes introduced pursuant to Cabinet decisions and settlements reached in fundamental rights applications, anomalies had arisen in relation to promotions across several ranks. The Cabinet Memorandum accordingly proposed, *inter alia*, that Police Sergeants who had completed more than twelve years of service in that rank as at 08.02.2020 be promoted to the rank of Sub Inspector of Police.

The said proposal was considered together with the observations of the National Police Commission marked 1R2 and the report of the Expert Committee appointed to study the matter marked 1R3. Thereafter, the Cabinet of Ministers approved the proposal by Cabinet Decision No. 22/2056/626/005-1 dated 21.12.2022 marked 1R4.

It is not disputed that the Petitioners did not possess twelve years of service in the rank of Police Sergeant as at 08.02.2020. Having been

promoted to the rank of Police Sergeant only on 15.02.2009, they completed twelve years of service in that rank only on 15.02.2021.

The Petitioners' complaint is therefore not that they satisfied the prescribed criteria but were denied promotion. Their complaint is that the competent authorities ought to have selected a different cut-off date so as to bring them within the category of officers entitled to benefit from the impugned promotion scheme.

I am unable to accept that contention.

The material before Court through 1R1 to 1R4 demonstrates that the date 08.02.2020 was not arbitrarily selected. The said date had already been adopted in relation to several other one-off promotion schemes introduced to address stagnation within the Police Department. In particular, promotions from the rank of Inspector of Police to Chief Inspector of Police and promotions relating to other ranks had been granted with effect from that date. The adoption of a common operative date served the administrative purpose of maintaining consistency within the promotion structure and avoiding further anomalies.

More importantly, every cut-off date necessarily creates two categories of officers: those who satisfy the prescribed criteria as at the relevant date and those who do not. The mere fact that an officer falls shortly outside the prescribed date does not render the cut-off date arbitrary or unconstitutional. If that were otherwise, no cut-off date could ever be adopted.

The Petitioners contend that, having completed twelve years of service on 15.02.2021, they too ought to have been promoted. However, if that argument is accepted, there would be no principled basis for selecting 15.02.2021 as the relevant date. Officers who completed twelve years shortly thereafter could equally contend that some later date ought to have been selected. Such an exercise would have no logical end point and would defeat the very purpose of prescribing a cut-off date.

In *Ramrao & Ors v. All India Backward Class Bank Employees Welfare Association* AIR 2004 SC 1459, the Indian Supreme Court observed at page 1465 that fixing a cut-off date for promotion eligibility is not arbitrary under Article 14 of the Indian Constitution.

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.

The impugned promotions were introduced as a temporary and exceptional measure intended to address longstanding stagnation within the Police Department. They were not intended to operate as a permanent promotion framework. As I have observed in several earlier judgments relating to police promotions, promotions within the Police Department have for many years been affected by stagnation, delays, and the absence of a comprehensive and stable promotion policy. Various one-off schemes have therefore been introduced from time to time in an attempt to alleviate accumulated frustration within the service and ensure the continued functioning of the institution.

The Petitioners had no accrued right to promotion upon the completion of twelve years of service in the rank of Police Sergeant. At most, they possessed a right to be considered in accordance with the promotion criteria and policies applicable at the relevant time. The impugned one-off scheme did not provide that every officer who thereafter completed twelve years of service would automatically become entitled to promotion.

The determination of promotion policies and cadre management within the Police Department is primarily a matter for the executive and the competent authorities charged with the administration of the service. Such decisions often require the balancing of competing institutional, operational, and administrative considerations. Accordingly, while they remain subject to constitutional review, courts are generally slow to interfere with such decisions unless the impugned measure is shown to be arbitrary, irrational, *mala fide*, discriminatory, or otherwise unconstitutional.

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.

Equality under Article 12(1) of the Constitution does not prohibit the State from prescribing rational eligibility dates for the implementation of temporary administrative measures. What Article 12(1) prohibits is arbitrary or irrational discrimination. In the instant case, the selection of 08.02.2020 was directly connected to the policy objective sought to be achieved and cannot be characterised as arbitrary or irrational.

In the circumstances of this case, I am unable to conclude that the Petitioners have established any infringement of their fundamental rights guaranteed under Articles 12(1) or 14(1)(g) of the Constitution. Hence, 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

M. Sampath K.B. Wijeratne, J.

I agree.

Judge of the Supreme Court