

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 read with Article
126 of the Constitution of the Democratic
Socialist Republic of Sri Lanka*

SC/FR/79/2020

1. K.B. Senabanda (P.S. 37000)
31/B, Mahathithgama,
Keselwatta, Panadura.
2. P.L. Jayathilake (P.S. 38025)
No. F/15, Police Quarters, Maradana.
3. H.P.D. Nilanth (P.S. 37461)
4th Mile Post, Alupatha, Ussapitiya.
4. G.S.P. Kumara (P.S. 36030)
No. 215/E/1, Katuwila, Ahungalla.
5. E.M.S.I. Kumara (P.S. 38000)
No. 52, Kudagammana 3, Beraligala.
6. Mota-arachchige Madura Sri (P.S. 38001)
No. 652, Kudagammana 3, Beraligala.
7. Piyadasa Jayantha Ranjith
(P.S. 38209) No. 90/A,
Magandana, Dambagalla.
8. R.M.S. Priya Bandara
(P.S. 37151) No. 12/12,
Uswatta Lane, Moratuwa.
9. N.K.A. Priya Shantha (P.S. 28329)
Miyanawita, Deraniyagala.
10. A.M.I.U.K. Atapattu (P.S. 38344)
No. 16, Palukadawala, Galgamuwa.
11. H.M.N. Kumarasiri (P.S. 15697)

- No. 7/1, Wewelketiya, Bope, Padukka.
12. N.K.P.P. Kumara (P.S. 33209)
No. 124, Orturd Estate, Nittambuwa.
13. M.A. Perera (P.S. 168) E/5, Police
Quarters, Wellawatta.
14. W.M.A.M. Jayawardena (P.S. 36126)
No. 133/E/1, Warapitiya, Pansala Road,
Kahawatta.
15. S.H.M.N.S. Samarakoon (P.S. 36136)
Kaduruwella, Wadakada.
16. T.M.G.W. Abeykoon (P.S. 36039)
Hitinawatta, Kudagama,
Dobemada, Rambukkana.
17. M.G.S.G.I. Alugolla (P.S. 37427)
Meedeniya, Hettimulla, Kegalle.
18. W.A.T.S. Somarathna (P.S. 17440)
Pin Linda Asala, Thudella,
Anguruwatota.
19. R.D.C.P. Dissanayake (P.S. 7424)
73/4, Ganegoda Road, Thiriwanaketiya,
Rathnapura.
20. M.R.S. De Soysa, (P.S. 5182)
Galagoda, Kuligoda, Ambalangoda.
21. Y.P. Kelum Kumara (P.S. 35469)
No. 25, Horagala, Padukka.
22. M.G.S.L. Kumara
(P.S. 36308) No. 18, Pansalathenna,
Wilanagama.
23. A.D.S.P. Fernando, (P.S. 37959)
No. 386/D, City of Life,
9th Lane, Kahathuduwa.
24. A.A. Ariyarathna, (P.S. 16889)
No. 101/3D, Police Quarters, Kew Road.

25. U.V.M.A. Gunasekara (P.S. 38054)
Pahalakade Street, Deraniyagala.
26. R.D.I.S. Senaka (P.S. 8457)
Pallakahena, Udahoram-owa.
27. R.P.A.K. Pathirana (P.S. 33963)
A4/2/4, Police Quarters, Maligawatta.
28. M.C.K. Disanayake (P.S. 34178)
Mudungoda, Kiralogama, Anuradhapura.
29. G.S.A. Senaviratna (P.S. 33894)
Marapura, Thammenapura,
Anuradhapura.
30. R.M.H. Rathnayake (P.S. 38348)
No. 147, Dutugemunupura, Deegawapiya,
Ampara.
31. K.D.L. Jayawardena (P.S. 31763)
No. 509, Nedurana, Rathnapura.
32. H.P. Nawarathna (P.S. 24912)
Shanthi Unale, Kotawehera.
33. B.M.S.K. Disanayake (P.S. 34072)
Wewapahala, Inewa, Hulogedara,
Nikaweratiya.
34. K.M.I. Jayaweera, (P.S. 33858)
Dematawala Road, Pahalagama,
Udubaddawa.
35. H.P.C. Rohana Jayasinghe (P.S. 33540)
No. 560, Ethgala Jayapadaya,
Thalwita, Kurunegala.
36. K.R.R. Koswatta (P.S. 37308)
Wattegedara, Gal-Athara.
37. W. Gamini Disanayake (P.S. 37153)
Kotabopara, 2nd Mile Post, Medagama.
38. G. Ananda (P.S. 35608) Police Station,
Walasmulla.

39. P.K.L.A. Chandrapathma, (P.S. 35186)
Kirimaduhena, Naraberiya, Beli-atta.
40. M. Wijesinghe (P.S. 35183)
Udahena, Pallekanda, Walasmulla.
41. M.L.S. Udayashantha (P.S. 36259)
Police Station, Walasmulla.
42. W.K. Wipul Raj (P.S. 36349)
Maneesha Panganwila Yaya, Katuwana.
43. H.A.T. Chandra Kumara (P.S. 4638)
Police Station, Walasmulla.
44. S.K.S. Subasinghe
(P.S. 12627) No. 123, Bogahahena,
Walasmulla.
45. J.D.S. Chandana Disanayake
(P.S. 37208) Pallegama, Hungama.
46. R.M.L. Rathnayake (P.S. 18185)
Galkadawala, Meewellawa.
47. W.M.A.H.K. Wijesinghe
(P.S. 38225) Dombagolla, Konwewa,
Mahawa.
48. P.M.N.R. Herath (P.S. 5819)
Kattambuwwa, Konwewa, Mahawa.
49. D.M.G. Dissanayake (P.S. 9713)
Daladagama, Mahawa.
50. E.M.S. Kulathunga (P.S. 38338)
Moragaswewa, Konwewa, Mahawa.
51. R.M.S.R. Bandara (P.S. 34224)
Galtan Wewa, Polpithigama.
52. Y.M.K. Bandara Herath (P.S. 33578)
Kudakathnoruwa, Meegalewa.
53. H.M.P.K. Herath (P.S. 17688)
Galtan Wewa, Polpithigama.
54. R.D.S.N. Premarathna (P.S. 34108)

- Madukolayagama, Polpithigama.
55. A.B.T. Aloka Bandara (P.S. 12181)
Kadambawa, Karambe, Mahawa.
56. R.M.G. Bandara (P.S. 34412)
House Near the Temple,
Thoruwawa, Polpithigama.
57. E.M.J.K. Bandara (P.S. 33546)
Moragaswewa, Konwewa, Mahawa.
58. D.D.P.P.T. Dewpura
(P.S. 5707) No. 282,
Ambagammana, Nikaweratiya.
59. M.K.W. Chandralal (P.S.17329) No. 53,
Yaya 4, Palukandewa, Galgamuwa.
60. R.A. Gunathilake (P.S. 17112)
Bamunugama, Konwewa, Mahawa.
61. Y.M.U.S. Bandara (P.S. 16257)
Medagama, Kumbukgete.
62. W.M.M. Jayathilake (P.S. 22079)
Kohombakawala Road, Konwewa.
63. A.H.A.A.S. Atapattu (P.S. 24481)
Pasal Handiya, Kumbukkadawala,
Moragollagama.
64. H.M.N.S. Bandara (P.S. 5811)
Ambagaswewa, Nagollagama.
65. R.W.M.G. Bandara Ranawana
(P.S. 24323) Poruwawa, Polpithigama.
66. U.M.S. Bandara (P.S. 23427)
Ihala Bakmeewewa, Ambanpola.
67. M.M.C.S. Dissanayake
(P.S. 35389) Moragolla, Nagollagama.
68. W.E.M.G. Dissanayake (P.S. 17359)
Bamunugama, Makulewa.
69. P.M. Sumanarathna (P.S. 38336)

- Kohombakadawala, Konwewa, Mahawa.
70. W.A.M.J. Bandara (P.S. 38092)
No. 33, Kanda-uda Para, Waragammana.
71. R.M.A.K. Rathnayake (P.S. 35171)
Mahadiwulwewa, Ambanpola.
72. A.H.A. Weerasuriya (P.S. 34098)
No. 167/2, Dewagiripura, Galgamuwa.
73. R.D.M. Rathnamalala, (P.S. 22949)
No. 105, Weheragodayaya, Atharagalla,
Galgamuwa.
74. J.A.N. Jayakody (P.S. 34089)
No. 48, Kattakaduwa, Galgamuwa.
75. J.A.K. Jayakody (P.S.32719)
Digana Pamula Road, Atawarala,
Mahawa.
76. T.U.R. Rathnayake (P.S. 38341)
Dematagolla, Konwewa, Mahawa.
77. T.M.S.P. Tennakoon (P.S. 38319)
Puttalam Road, Hewenpelessa,
Nikaweratiya.
78. R.H.N. Upul Ranasinghe
(P.S. 33548) No. 409/2,
Heenukwewa, Mahawa.
79. W.M.S.I. Wanninayake (P.S. 36189)
Katupitigala, Ambanpola.
80. H.M.S.K. Herath (P.S. 36987)
Meewellawa, Galkadawala.
81. Namal Lokugamage (P.S. 35599)
Middeniya Road, Hungama.
82. K.G.S. Gotabaya (P.S. 34734)
No. 10, Bodhira Mawatha,
Mahawadduwa, Wadduwa.
83. K.A.J.S. Disananda (P.S. 35022)

- No. 122/2, Godakella Watta,
Mahena, Mandawala.
84. R.D.I.P. Ranasinghe (P.S. 35839)
No. 83, 4th Mile Post, Pilessa.
85. P.P.P. Tennakoon (P.S. 35686)
Udumulla, Wangiyagoda, Boralanda.
86. H.M. Seneviratna (P.S. 35269)
Walwala, Kandagolla.
87. R.M.M. Rathnayake (P.S. 1723)
Wakkumbura, Near the School,
Hewanakumbura.
88. B.G.A. Bandara (P.S. 35486)
Bogahalanda, Adikarigama.
89. K.L. Wijethilake (P.S. 38265)
Kutti-arawa, Udukida, Medawala.
90. W.M.R. Wijesundara (P.S. 13071)
No. 31, Mount Paradise, Moragolla.
91. E.P.R.T. Wijenayake (P.S. 2717)
No. 20, Landegama, Welimada.
92. H.A. Jayathilake (P.S. 4226)
No. 38/1, Kumbal-Oluwa, Paluwatta.
93. R.S.I. Wijesekara (P.S. 38488)
Wewahena Janapadaya, Poodalu-oya.
94. H.M.P.K. Bandaranayake (P.S. 37266)
Wewalanga Niwasa, Dambagahapallama,
Keppitipola.
95. P.G.A. Ruwan Bandara (P.S. 33857)
No. 808/5, Dambulugama Junction,
Dambulla.
96. H.P.D. Kumarawansa (P.S. 38953)
16th Mile Post, Thanganthenna,
Balangoda.
97. P.G.N. Karunathilake (P.S. 17103)

- Isuru Uyana, Keppitiya, Galewala.
98. P.S. Madugalle (P.S. 2390)
No. 83, Daskara, Leemagahakotuwa,
Kandy.
99. D.M. Disanayake (P.S. 7053)
No. 10, Wadupelana, Nikaweratiya.
100. R.M.G.M.B. Ranathunga (P.S. 16990)
No. 7/5, Kithulekanda, Kundasale.
101. A.A.G.D.C. Elliyadda (P.S. 3588)
No. 38/A, Ranathunga Gammedda,
Pitiye-gedara Road, Walala, Menik-hinna.
102. U.G.S. Upul Kumara (P.S. 787)
Pansala Junction, Oluwara, Walasmulla.
103. J. Jayasekara (P.S. 9905)
Manupriya, Rathmalgama Road,
Karametiya, Kirama.
104. H.R.M.S. Rajapaksha (P.S. 38638)
No. 134/70, States Pura, Grandpass.
105. Sudu Hakuruge Udaya Kumar
Thilakarathna (P.S. 36087) No. 662/5,
Watadageya Road, Medirigiriya.

Petitioners

Vs.

1. K.W.E. Karalliyadda,
Chairman, National Police Commission.
2. Savithri D Wijesekera,
Member, National Police Commission.
3. Y.L.M. Zawahir,
Member, National Police Commission.
4. Tilak Collure,
Member, National Police Commission

5. Gamini Nawarathne,
Member, National Police Commission
6. Ashoka Wijethilaka,
Member, National Police Commission
7. G. Jeyakumar,
Member, National Police Commission
8. Nishantha A Weerasinghe,
Secretary, National Police Commission
All of: Office of the National Police
Commission, Block No.9 – B.M.I.C.H.
Premises, Bauddhaloka Mawatha,
Colombo 7.
9. Inspector General of Police
Police Headquarters, Colombo 1.
10. Hon. Mahinda Rajapaksa,
Prime Minister, Minister of Finance,
Economy and Policy Development,
Minister of Buddhasasana, Cultural and
Religious Affairs,
Minister of Urban Development,
Water Supply and Housing Facilities,
Prime Minister's Office,
No. 58, Sir Ernest De Silva Mawatha,
Colombo 7.
11. Hon. Mahinda Amaraweera,
Minister of Transport Service
Management,
Minister of Power & Energy,
No. 72, Ananda Coomaraswamy Mawatha,
Colombo 7.
12. Hon. Nimal Siripala de Silva,
Minister of Justice,
Human Rights & Legal Reforms,

Superior Court Complex,
Colombo 12.

13. Hon. Arumugan Thondaman,
Minister of Community Empowerment
and Estate Infrastructure Development,
No.45, St. Michaels Road,
Colombo 3.
14. Hon. Dinesh Gunawardana,
Minister of Foreign Relations,
Minister of Skills Development,
Employment and Labour Relations,
Republic Building,
Sir Baron Jayathilake Mawatha,
Colombo 1.
15. Hon. Douglas Thevaanantha,
Minister of Fisheries & Aquatic
Resources, New Secretariat,
Maligawatta, Colombo 10.
16. Hon. Pavithra Devi Wanniarachchi,
Minister of Women & Child Affairs and
Social Security,
Minister of Healthcare and Indigenous
Medical Services,
“SUWASIRIPAYA”
No. 385, Rev. Baddegama Wimalawansa
Thero Mawatha, Colombo 10,
17. Hon. Bandula Gunawardana,
Minister of Information and Mass Media,
Minister of Higher Education, Technology
and Innovation,
No.163, “AsiDisi Medura”,
Kirulapone Mawatha, Polhengoda,
Colombo 5.

18. Hon. Janaka Bandara Thennakoon,
Minister of Public Administration,
Home Affairs, Provincial Councils & Local
Government, Independence Square,
Colombo 7.
19. Hon. Chamal Rajapaksa,
Minister of Mahaweli, Agriculture,
Irrigation and Rural Development,
Minister of Internal Trade, Food Security
and Consumer Welfare,
No.288, Sri Jayawardenepura Mawatha,
Rajagiriya.
20. Hon. Dulas Alahapperuma,
Minister of Education,
Minister of Sports & Youth Affairs,
“Isurupaya”, Pelawatta,
Battaramulla.
21. Hon. Johnston Fernando,
Minister of Roads and Highways,
Minister of Ports & Shipping,
No 19, Chaithya Road, Colombo 1.
22. Hon. Wimal Weerawansa,
Minister of Small & Medium Business
and Enterprise Development,
Minister of Industries and Supply Chain
Management, No. 73/1, Galle Road,
Colombo 3.
23. Hon. S.M. Chandrasena,
Minister of Environment and Wildlife
Resources, Minister of Lands & Land
Development, “Mihikatha Medura”,
No. 1200/6, Rajamalwatta Road,
Battaramulla.

24. Hon. Ramesh Pathirana,
Minister of Plantation Industries and
Export Agriculture,
11th Floor, Sethsiripaya, 2nd Stage,
Battaramulla.
25. Hon. Prasanna Ranatunga,
Minister of Industrial Export and
Investment Promotion,
Minister of Tourism and Civil Aviation
World Trade Centre,
West Tower, Level 30,
Colombo 1.
26. Hon. Attorney-General,
Attorney General's Department,
Hulftsdorp Street,
Colombo 12.
27. S. Amarasekara,
Secretary – Cabinet of Ministers
Office of the Cabinet of Ministers
Republic Building,
Sir Baron Jayathilaka Mawatha,
Colombo 1.
28. Major General G.D.H. Kamal Gunaratne,
Secretary,
Ministry of Defence,
15/5, Baladaksha Mawatha,
Colombo 3.

Respondents

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

Counsel:

Shantha Jayawardena with Niranjan Arulpragasam for the Petitioners in SC/FR/79/2020 & SC/FR/95/2020.

Saliya Pieirs, P.C. with Geeth Karunaratne for the Petitioners in SC/FR/77-78/2020.

P.K. Chatura Dilhan for the Intervenant Petitioners in SC/FR/77/2020.

Cathura Galhena with Vinduri Sulakanna and Devmini Bulegoda for the Intervenant-Petitioner in SC/FR/77-78/2020.

Thanuka Nandasiri with Gayal Kalatuwawa for the Intervenant-Petitioners in SC/FR/77/2020, SC/FR/78/2020 and SC/FR/220/2020.

Mr. Faisz Musthapha, P.C., with Mr. Kevin Rajitha, Mr. Ahamed Thowfeek for the Petitioners in SC/FR/82/2020.

Mrs. Faisza Musthapha Markar, P.C., with Mrs. Zainab Markar Akram for the 117th to 185th Added Petitioners in SC/FR/82/2020.

Mrs. Thushani Machado with Mrs. Zainab Markar for the 186th – 206th Added Petitioners in SC/FR/82/2020.

Mrs. Faisza Musthapha Markar, P.C., with Mrs. Zainab Markar for the 40th to 55th Added-Intervenant Respondents in SC/FR/82/2020.

Sanjeewa Jayawardena, P.C. with Rukshan Senadheera for the Petitioners in SC/FR/97/2020 & SC/FR/99/2020.

Chathura Galhena with Ms. Dharani Weerasinghe for the Intervenant Petitioners in SC/FR/97/2020 & SC/FR/99/2020.

Sanjeewa Jayawardena, P.C. for the Petitioners in SC/FR/99/2020.

Faisz Mustapha, P.C., with Faisza Markar, Mr. Kevin Rajitha and Ms. Zainab Markar for the Petitioners in SC/FR/124/2020.

Gamini Hettiarachchi for the Petitioners in SC/FR/138/2020 & SC/FR/152/2020.

Asthika Devendra with Kaneel Maddumage and Aruna Madushanka for the Petitioners in SC/FR/199/2020.

Saliya Pieirs, P.C. with Kaneel Maddumage for the Petitioners in SC/FR/200/2020.

Mrs. Faisza Markar with Ms. Zainab Markar for the 53rd to 62nd and 63rd to 73rd Added Petitioners in SC/FR/200/2020.

Ms. Thushani Machado with Mrs. Zainab Akram for the 1st to 52nd and 74th to 96th Added Petitioners.

Suren Gnanaraj for the Added Respondents in SC/FR/220/2020.

Kaneel Maddumage for the Petitioners in SC/FR/220/2020.

Chamara Nanayakkarawasam with Patali Abayarathne for the Petitioners in SC/FR/251/2020.

Shantha Jayawardena with Niranjana Arulpragasam for the Petitioners in SC/FR/289/2020.

Varuna De Saram with Kaneel Maddumage for the Petitioner in SC/FR/18/2021.

Viraj Dayaratne, P.C., S.G., Fazly Razik, D.S.G., Ganga Wakishta Arachchi, D.S.G., Yuresha De Silva, D.S.G., Sabrina Ahmed, S.S.C., for the Respondents.

Argued on: 30.06.2025

Written submissions:

By the Petitioners of SC/FR/79/2020 on 04.08.2025.

By the Petitioners of SC/FR/78/2020 on 07.08.2025.

By the Petitioners of SC/FR/82/2020 on 04.08.2025.

By the Petitioners of SC/FR/95/2020 on 04.08.2025.

By the Petitioners of SC/FR/97/2020 on 11.08.2025.

By the Petitioners of SC/FR/99/2020 on 15.08.2025.

By the Petitioners of SC/FR/124/2020 on 07.08.2025.

By the Petitioners of SC/FR/138/2020 on 01.08.2025 and 05.08.2025.

By the Petitioners of SC/FR/152/2020 on 01.08.2025 and 05.08.2025.

By the Petitioners of SC/FR/199/2020 on 06.08.2025.

By the Petitioners of SC/FR/200/2020 on 07.08.2025.

By the Petitioners of SC/FR/220/2020 on 06.08.2025.

By the Petitioners of SC/FR/251/2020 on 06.08.2025.

By the Petitioners of SC/FR/289/2020 on 04.08.2025.

By the Petitioners of SC/FR/18/2021 on 07.08.2025.

Decided on: 08.09.2026

Samayawardhena, J.

One hundred and five Petitioners, who are Police Sergeants, have filed this application 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 promoting Police Constables who were junior to them to the rank of Police Sergeants without maintaining a proper seniority gap.

The Petitioners' complaint may briefly be stated as follows.

Promotion from the rank of Police Constable to the rank of Police Sergeant had, as a general rule, been based on seniority and merit after an interview process.

Police Constables who had completed more than fifteen years of service as at 31.05.2016 were promoted to the rank of Police Sergeant following an interview process based on seniority and merit consequent to the calling of applications by RTM 772 (CRTM 1249) dated 20.09.2016, with effect from 31.05.2016.

Thereafter, Police Constables who had completed more than ten years of service in the rank of Police Constable were promoted to the rank of Police Sergeant following an interview process based on seniority and merit consequent to the calling of applications by RTM 442 (CRTM 703) dated 11.07.2018, with effect from 31.05.2018. Some of the Petitioners were promoted under that promotion scheme.

Subsequently, by RTM 642 (CRTM 1196) dated 18.09.2019 marked 9R4, some of the Petitioners were promoted to the rank of Police Sergeant with effect from 01.01.2019 under a special one-off, time-based promotion scheme introduced without an interview process, having completed more than eighteen years of service in the rank of Police Constable as at 31.12.2018.

Thereafter, by RTM 636 (CRTM 1247) dated 19.02.2020 marked P7, Police Constables who had completed thirteen years of service as at 31.12.2018 were promoted to the rank of Police Sergeant with effect from 01.07.2019, and Police Constables who had completed twelve years of service as at 31.12.2018 were promoted to the rank of Police Sergeant with effect from 01.01.2020 without an interview process.

The Petitioners contend that, by reason of the promotion scheme introduced by RTM 636 marked P7, the seniority gap between themselves and the newly promoted officers has not been properly maintained and that this adversely affects their future promotions to the rank of Sub Inspector of Police because marks for seniority are awarded based on the period of service in the rank of Police Sergeant and not merely on the cumulative period of service within the Police Department.

The same grievance has been raised in SC/FR/77/2020, SC/FR/78/2020, SC/FR/82/2020, SC/FR/95/2020, SC/FR/97/2020, SC/FR/99/2020, SC/FR/124/2020, SC/FR/138/2020, SC/FR/152/2020, SC/FR/199/2020, SC/FR/200/2020, SC/FR/220/2020, SC/FR/251/2020, SC/FR/289/2020, and SC/FR/18/2021, where the same RTM 636 has been challenged on substantially similar grounds.

Promotion is an integral component of any disciplined and hierarchical institution. A clear and predictable avenue for career progression contributes not only to individual advancement but also to morale, discipline, efficiency, institutional stability, and public confidence in the service. Where officers remain stagnant in the same rank for extraordinarily lengthy periods without any realistic prospect of advancement, frustration is bound to build up within the service. If left unaddressed, such frustration may eventually result in disillusionment and uncertainty among officers. Such conditions may adversely affect morale, productivity, discipline, and the overall effectiveness of the institution.

At the same time, although seniority is undoubtedly an important consideration in matters relating to promotion within a disciplined institution, seniority alone cannot be treated as the sole criterion governing promotions. A sound promotion policy shall strike an appropriate balance between seniority and merit. I discussed this necessity in *Padmasiri and Others v. Inspector General of Police and*

Others (SC/FR/46/2021, SC Minutes of 23.11.2022 at page 12) as follows:

Promotion is an important part of any institution. No institution can run effectively and efficiently if seniority is the sole criterion for promotion, disregarding merit. This is not undervaluing seniority. Seniority should be given due recognition but it should not be the only criterion because seniority and competency do not always go hand in hand. If the principles of meritocracy are given due place, there will be a sense of accomplishment and fulfilment. It will encourage innovations and increase productivity, which will in turn positively affect the steady growth of the institution. But favouritism should not play a role in promotion. There shall be a promotion policy. The weightage given to seniority vis-a-vis merit may vary. A right balance should be struck when considering merit and seniority.

In *State of Mysore and another v. Syed Mahmood and others* (1968 AIR 1113 at 1115), the Supreme Court of India observed:

Where the promotion is based on seniority-cum-merit, the officer cannot claim promotion as a matter of right by virtue of his seniority alone. If he is found unfit to discharge the duties of the higher post, he may be passed over and an officer junior to him may be promoted.

It is well known that promotions within the Police Department have for many years been affected by stagnation, delays, and the absence of a comprehensive and stable promotion policy. Consequently, various *ad hoc* schemes have been introduced from time to time in an attempt to address grievances arising within the service and to mitigate the effects of prolonged stagnation in promotions. Unless and until a proper, transparent, and workable promotion policy is formulated, taking into account the views of all stakeholders, disputes of this nature are likely to continue. The large number of fundamental rights applications

relating to police promotions presently pending before this Court bears testimony to both the magnitude of the problem and the urgent need for a coherent and sustainable policy framework.

This position has been candidly acknowledged both by the Inspector General of Police in his letter addressed to the National Police Commission bearing reference No. Staff DIG/IG/Out/08/55/2019 dated 09.05.2019 marked 9R1 and by the subject Minister in Cabinet Memorandum No. 4/2020 dated 12.02.2020 marked P5.

New cases concerning police promotions continue to be filed before this Court, indicating that the longstanding structural issues relating to promotions within the Police Department have still not been resolved. During submissions in these police promotion 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, made 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, the Inspector General of Police, and the relevant authorities to introduce appropriate policy measures to find a sustainable long-term solution to promotions within the Police Department.

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.

Against this existing backdrop of uncertainty and the absence of a stable and comprehensive promotion framework, one cannot realistically expect

the Police Department to continue functioning with officers remaining stagnated in the same rank for extraordinarily lengthy periods. Until a proper and workable promotion policy 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. However, I must emphasise that temporary and *ad hoc* measures cannot become a permanent substitute for a rational and comprehensive promotion policy within the Police Department. The National Police Commission, the subject Minister, and the Inspector General of Police should understand that this Court cannot continue to justify *ad hoc* promotion schemes indefinitely.

The Petitioners have tendered the Schemes of Recruitment adopted in the years 2014, 2016, and 2018 marked P2, P3, and P4 respectively, in order to demonstrate, *inter alia*, the manner in which seniority in rank had previously been considered for promotions to the rank of Police Sergeant. These matters are substantially undisputed.

The Inspector General of Police in his letter addressed to the National Police Commission bearing reference No. Staff DIG/IG/Out/08/55/2019 dated 09.05.2019 marked 9R1 has clearly explained the seriousness of the stagnation prevailing in the rank of Police Constable and the urgent necessity of introducing a temporary solution. The Inspector General of Police has emphasised that, by 31.12.2018, there were 20,069 Police Constables who had completed more than twelve years of service in that rank, whereas there were only 431 cadre vacancies in the rank of Police Sergeant. These figures themselves demonstrate the extraordinary scale of the stagnation prevailing within the Police Department. The Inspector General of Police has further explained that this situation had caused considerable frustration among Police Constables and adversely affected morale within the service.

In that background, the Inspector General of Police, by the said letter marked 9R1, proposed a special one-off promotion scheme to the National Police Commission, subject to the satisfaction of the prescribed conditions, whereby Police Constables who had completed eighteen years of service as at 31.12.2018 would be promoted to the rank of Police Sergeant with effect from 01.01.2019, Police Constables who had completed thirteen years of service as at 31.12.2018 would be promoted to the rank of Police Sergeant with effect from 01.01.2020, and Police Constables who had completed twelve years of service as at 31.12.2018 would be promoted to the rank of Police Sergeant with effect from 01.01.2021.

These proposals were approved by the National Police Commission by letters bearing reference Nos. NPC/ED/NG/PR/07/Time Pro/2019 dated 27.05.2019 marked 9R2, NPC/ED/NG/PR/07/Time Pro/2019 dated 31.05.2019 marked 9R2(a), and NPC/ED/NG/PR/07/Time Pro/2019 dated 19.08.2019 marked 9R3. In each of these approvals, it has been expressly stated that the said promotions should not be treated as precedents and that the officers concerned would not be entitled to claim backdating of promotions. According to 9R3, the General Treasury had also consented to the proposal, subject to several conditions including the effective dates applicable to the time-based promotions.

Accordingly, Police Constables who had completed eighteen years of service as at 31.12.2018 were promoted to the rank of Police Sergeant with effect from 01.01.2019 by RTM 642 dated 18.09.2019 marked 9R4.

Paragraph 6 of RTM 642 expressly states that the promotions granted thereunder constituted only the first stage of the one-off promotion scheme and that the second and third stages would be implemented in due course. Some of the Petitioners themselves are beneficiaries of the first stage of the said promotion scheme introduced by RTM 642.

It must also be noted that RTM 642 merely communicated the decision already approved by the National Police Commission. The National Police

Commission had approved the one-off promotion scheme in several stages subject to the express condition that the said promotions should not constitute precedents and that the officers concerned would not be entitled to backdating.

However, the proposed promotions relating to the thirteen-year and twelve-year categories were not implemented in terms of the original effective dates approved by the National Police Commission.

Thereafter, the subject Minister, by Cabinet Memorandum No. 4/2020 dated 12.02.2020 marked P5, reiterated the gravity of the stagnation prevailing within the Police Department, the frustration caused thereby, and the urgent necessity of taking remedial measures as a matter of policy.

The Cabinet Memorandum further states that, in order to address these issues, a Committee had been appointed to study the matter in detail and to make suitable recommendations. According to the Minister, the Committee had recommended a series of proposals to be implemented on a one-off basis in order to alleviate the prevailing stagnation within the Police Department.

The Minister thereafter proposed the implementation of the second and third stages of the one-off promotion scheme while specifically observing that such promotions should not be treated as precedents and that the officers benefitted thereunder would have no right to claim retrospective promotions or backdating of promotions.

Accordingly, Police Constables who had completed more than thirteen years of service as at 31.12.2018 were proposed to be promoted to the rank of Police Sergeant with effect from 01.07.2019, and Police Constables who had completed more than twelve years of service as at 31.12.2018 were proposed to be promoted to the rank of Police Sergeant with effect from 01.01.2020.

Having considered the said proposal, the Cabinet of Ministers took a policy decision approving the same by Cabinet Decision No. 20/0373/203/036 dated 15.02.2020 marked P6. The said decision was thereafter communicated by RTM 636 (CRTM 1247) dated 19.02.2020 marked P7.

The Petitioners contend that, unlike in their case, the officers promoted pursuant to Cabinet Decision marked P6 were not subjected to the same interview process and marking scheme. The Petitioners further contend that promotions under P6 were contrary to the approved Scheme of Recruitment marked P10 and that they possessed a legitimate expectation that promotions within the Police Department would continue to be made in accordance with that scheme.

I am unable to agree with these submissions.

As I stated in *Sierra Construction Ltd v. Road Development Authority* (SC/FR/135/2023, SC minutes of 10.02.2025), for a claim of legitimate expectation to be upheld in law, it must be demonstrated that there was a clear and unequivocal representation or assurance made by the public authority that it will act or refrain from acting in a particular way. Legitimate expectation may also be created by an established practice. If a person has reasonably relied on such a representation or practice, the doctrine seeks to ensure that the public authority cannot arbitrarily rescind from it, thereby upholding principles of natural justice and fairness. This doctrine prevents public authorities from abusing their power by ensuring consistency and accountability in their actions.

However, in the instant case, the material placed before Court demonstrates precisely the opposite. Both the Inspector General of Police and the subject Minister have acknowledged that promotions within the Police Department had for many years proceeded without a stable and consistent framework. It was in order to address that very situation that the impugned one-off promotion scheme was introduced. In those circumstances, the Petitioners cannot legitimately contend that there

existed a settled and invariable practice giving rise to a legally enforceable legitimate expectation.

In the Privy Council decision of *The United Policyholders Group v. AG of Trinidad and Tobago* [2016] 1 WLR 3383 at paras 79 to 121, Lord Carnwath reviewed the authorities on legitimate expectation and concluded at para 121 as follows:

Where a 'clear, unambiguous and devoid of relevant qualification', has been given to an identifiable defined person or group by a public authority for its own purposes, either in return for action by the person or group, or on the basis of which the person or group has acted to its detriment, the court will require it to be honoured, unless the authority is able to show good reasons, judged by the court to be proportionate, to resile from it. In judging proportionality, the court will take into account any conflict with wider policy issues, particularly those of a 'macro-economic' or 'macro-political' kind.

No police officer possesses a vested right to insist that promotional criteria, evaluation methods, or the relative weight assigned to seniority should remain permanently fixed and immutable. At most, an officer may claim a right to be considered for promotion in accordance with the prevailing 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, financial constraints, and evolving service requirements.

As held by the Supreme Court of India in *State of Jammu & Kashmir v. Shiv Ram Sharma* AIR 1999 SC 2012, a government servant has no vested or indefeasible right to promotion under the conditions of service existing at the time of entry into service. The Court observed that it is open to the Government to prescribe or alter the qualifications and other eligibility criteria for promotion, and that there is no guarantee that such rules will always be favourable to existing employees. The Court further

held that the principle of avoiding stagnation applies to the service as a whole and not to individual employees.

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.

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.

The question before this Court is not whether some alternative promotional arrangement could have been devised or whether another method of preserving wider seniority gaps may also have been possible. The question is whether the policy reflected in Cabinet Decision marked P6 and communicated through RTM 636 is so arbitrary or discriminatory that it warrants constitutional intervention under Article 12(1) of the Constitution.

In *Roop Chand v. Delhi Development Authority* AIR 1989 SC 307, the Supreme Court of India considered a challenge to the validity of eligibility

criteria prescribed for promotion to higher engineering cadres. Emphasising that the formulation of promotion policy is primarily a matter for the executive and that courts should exercise restraint in reviewing such policies, the Court observed at page 314:

It is stated that on the basis of the “Vaish-Committee” report, the authorities considered the infusion of higher academic and technical quality in the personnel requirements in the relevant cadres of Engineering Services necessary. These are essentially matters of policy. Unless the provision 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 *State of Madhya Pradesh v. Nandlal Jaiswal* AIR 1987 SC 251, which concerned a challenge to the State Government’s excise policy, the Supreme Court of India reiterated that courts should not substitute their own views for those of the executive in matters of policy. The Court observed:

The Court cannot strike down a policy decision taken by the State Government merely because it feels that another policy decision would have been fairer or wiser or more scientific or logical. The Court can interfere only if the policy decision is patently arbitrary, discriminatory or mala fide.

In my view, the material before Court adequately justifies the impugned decision. The decision was conceived as a temporary and exceptional administrative measure intended to address accumulated stagnation affecting a very large number of officers who had remained in the rank of Police Constable for extraordinarily lengthy periods. The impugned measures were intended to address a widespread institutional grievance affecting thousands of officers.

Article 55(1) of the Constitution expressly recognises that matters relating to promotions within the public service fall within the sphere of governmental policy. It is well established that courts ordinarily exercise restraint when reviewing pure policy decisions taken by the executive within its constitutional sphere of authority. This judicial restraint is founded upon the recognition that matters involving cadre management, budgetary allocations, allocation of public resources, administrative priorities, operational requirements and institutional restructuring are primarily entrusted to the executive authorities possessing the necessary expertise and constitutional responsibility. The impugned promotions introduced under Cabinet Decision marked P6 were not intended to confer selective advantages upon a few identified individuals. Rather, they formed part of a broader policy response designed to address a longstanding institutional problem affecting a very large category of police officers.

That, however, does not mean that Cabinet decisions are immune from judicial scrutiny. Where a policy decision is shown to be arbitrary, irrational, *mala fide*, discriminatory, or violative of constitutional guarantees, this Court will not hesitate to intervene. However, in the instant case, I am unable to conclude that the impugned policy decision falls into any such category.

Some of the Petitioners themselves are beneficiaries of earlier promotions introduced to address stagnation within the Police Department and communicated by RTM 642 marked 9R4. What is being challenged in the present application is essentially the continuation of the same promotion scheme in order to achieve the very objective for which it was originally introduced. In those circumstances, the Petitioners cannot validly contend that the competent authorities were precluded from introducing further temporary measures to alleviate similar grievances affecting another category of officers of the same kind.

The Petitioners also complain that the seniority gap between them and the newly promoted officers has not been properly maintained. However, the maintenance of seniority gaps is not an inflexible mathematical exercise. Promotion policies necessarily involve broader administrative considerations directed at the efficient management of the service as a whole, rather than the preservation of the relative advantages or expectations of individual officers. The law does not require that the relative seniority gap between individual officers be maintained with mathematical precision. So long as the promotion policy is rational, uniformly applied and not arbitrary, the mere narrowing of the seniority gap between certain officers does not, by itself, render the policy unconstitutional or unlawful.

Every phased promotion scheme will inevitably give rise to marginal cases in which officers may perceive that previously existing differences in seniority have narrowed or widened. Such consequences may be unavoidable in transitional schemes designed to address accumulated stagnation affecting large numbers of officers.

Article 12(1) of the Constitution does not guarantee the perpetual preservation of every historical seniority advantage enjoyed by one batch of officers over another.

The apprehension expressed by the Petitioners that future promotions to the rank of Sub Inspector of Police may be adversely affected is speculative. Evaluation criteria and marking schemes relating to future promotions are themselves subject to revision and modification from time to time depending on prevailing circumstances and administrative requirements.

The Petitioners have also sought, in effect, backdating of their own promotions so as to preserve a wider seniority gap. I do not think such a course is legally or administratively possible in the circumstances of this case. The Petitioners were promoted on the basis of the criteria and policies applicable at the time of their respective promotions. The

subsequent introduction of a temporary one-off promotion scheme intended to alleviate institutional stagnation affecting another category of officers does not retrospectively entitle the Petitioners to claim earlier effective dates for their own promotions.

Further, the one-off promotion schemes of which some of the Petitioners themselves are beneficiaries expressly stipulated that such promotions should not constitute precedents and that backdating would not be permissible.

If 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.

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 in promotions within the Police Department.

In those circumstances, I am unable to hold that Cabinet Decision No. 20/0373/203/036 dated 15.02.2020 marked P6 or RTM 636 marked P7 is arbitrary, unreasonable, or violative of 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 parties in SC/FR/77/2020, SC/FR/78/2020, SC/FR/82/2020, SC/FR/95/2020, SC/FR/97/2020, SC/FR/99/2020, SC/FR/124/2020, SC/FR/138/2020, SC/FR/152/2020, SC/FR/199/2020, SC/FR/200/2020, SC/FR/220/2020, SC/FR/251/2020, SC/FR/289/2020, and SC/FR/18/2021, which challenge the same RTM 636 on substantially similar grounds, shall abide by this judgment.

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