

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

*In the matter of an Application under and
in terms of Articles 17 and 126 of the
Constitution of the Democratic Socialist
Republic of Sri Lanka*

SC/FR/98/2020

1. Padmanatha Seewali Wijethunga
Delgahapitiya, 716/2, Kulasewana Road,
Kottawa, Pannipitiya.
2. Himihami Mudiyanseelage Nihal Anura
Kumara Bandara, No. 25, Station Road,
Galgamuwa.
3. Nalla Hewage Viraj Duminda,
No. 4B, Siri Dammaruchi Mawatha
Wadduwa.
4. Hendrahandi Thusitha Ranushka Silva,
Prajā Mandala Mawatha, Uthuru
Thalpitiya, Wadduwa.
5. Anthonidura Manoj Sameera Silva,
“Sameera”, Sri Saranapala Mawatha,
Pinwatta, Panadura.
6. Abeyrathna Kuruppu Hettiarachchige
Priyantha Wijesingha, 263/01,
Wilegoda, Agalawatte.
7. Thewahamige Chamila Asanka
Rajakaruna, Manaawa, Ipalogama,
Akirawa.

8. Nishshanka Bamunuarachchilage
Samantha Bandara Nishshanka,
Aluth Dambewatana, Senapura.
9. Herath Mudiyanselage Malinda
Senevirathna, 602D, D5 Ela,
Medirigiriya.
10. Jathun Gamaralalage Sujith Priyankara,
Jathuwagoda, Pahala Kukulegama,
Kalawana.
11. Ahangama Vithanage Uditha Kumara,
“Amara Niwasa”, Paulaga Watta,
Melegoda, Wanchawala, Galle.
12. Jayathunga Arachchige Suranga
Jayathunga, 205/1, Guruwalagoda,
Iluppalla, Akuressa.
13. Sarukkalige Thilan Prasanga,
641/1E Vilahena Road, Gonagala.
14. Samarasinghalage Neil Sanjaya
Samarasingha, “Sri Niwasa”,
Kanangamuwa, Udugoda.
15. Lahiru Roshan Arumaperuma,
“Lahiru”, Badungoda,
Walahanduwa, Galle.
16. Kulathunga Hettiarachchige Samantha
Hena Sri Pemananda Mawatha,
Madiha, Kamburugamuwa.
17. Wijepala Wijewardhana Palihawadana
Ruwan, 145/1/B, Palanwatte,
Pannipitiya.
18. Salwathuara Acharige Sanjeewa
Salwathura, 136, Mathala, Nittabuwa.
19. Rangika Sameera Edirisooriya,
215/1, Pas haulhene, Amugoda.

20. Kannangara Koralalage Duminda
Chandralal, 38, Hallamulla, Walallawita.
21. Koggalahewage Janaka Sampath
Galle Gedara Waththe, Kabaragala,
Agulugaha.
22. Basthiyanwaduge Erosha Udayakumara,
127/2, Hospital Road, Uduwila,
Batapola.
23. Herath Mudiyanseelage Lakmal
Abeysekara, 17, Puragammana,
Diyakembala, Bibila.
24. Herath Mudiyanseelage Thusitha Nandana
Bandara, 29/ 282V, Ampitiya Road,
Kandy.
25. Sandra Marakkala Neranjana Nuwan
Siripathi, 72/01, Madamulla, Lahiru
Mawatha, Minuwangoda.
26. Halloluwa Arachchige Raveendra,
14, 2nd Class Housing Scheme,
Wekunugoda, Galle.
27. Dewanarayana Hiththara Gedara Vipula
Janaka Samanjith, Dehigahalanda,
Ambalanthota.
28. Herath Dissanayakalage Asela Manju
Gunathilaka “Niroshana”, Mehiella,
Kurunegala.
29. Hettigewatte Gamaralalage Sadheera
Prabath Somarathna, Govijanasewa
Road, Panawala, Eheliyagoda.
30. Alahakoon Mudiyanseelage Ravindra
Nalaka Alahakoon, 178, Olukaranda
Junction, Kekirawa.

31. Abeykoon Mudiyanseelage Asoka Ruwan Kumara Abeywardana, Megoda Ethana Watta, Dodangolla, Bibila.
32. Sinhalage Dilara Mahesh Jayathilake, Annasigala, Mawathagama.
33. Narasinghe Dewage Sampath Pushpakumara Gunawardana, 193, Siyabalangamuwa, Anhandiya.
34. Werahena Pathiranalage Chamara Samitha, 42/A, Holipitiya, Kahangama, Rathnapura.
35. Dummana Liyanage Asanka Nayanajith, 154/1, Galwala Road, Palatota, Kalutara.
36. Thirankandehilage Don Dilum Dushantha, 226, Jalthara, Hanwella.
37. Mallehe Mudiyanseelage Chamila Gayan Jayathilaka, 34, Dambuthuda, Debahera.
38. Dahanayaka Arachchilage Dinidu Chathuranga Premarathna, Uragamuwa, Yatigaloluwa.
39. Thirimaduara Mahesh Piyantha Mendis, Kusum, Delangoda, Kosgoda.
40. Rathnayaka Mudiyanseelage Sanjaya Kumara, Yatiyana Road, Galthude, Bandaragama.
41. Madamperuma Arachchilage Rohitha Gunasena, 21/A, Ambamalla, Bulathkohupitiya.
42. Athukoralalage Don Anil Sampath Kumara, F/109, Yatiyewa Road, Randiwellassa, Mawanella.

43. Bulagaha Ambaregedara Sanjeewa
Thissa Bandara, 96, Theldeniya,
Menikdiwela.
44. Mohondiramlage Deepal Deshapriya,
Wiharagoda, Sapugolla,
Uwaparanagama.
45. Welhenage Malaka Sanjaya De Silva,
108/2, Nimburugamuwa, Badulla.
46. Hewa Heenpelle Ajantha Pushpakumara,
Jano Niwasa, Yoda ella hena, Kudahilla
South, Beliaththa.
47. Kahaduwa Manage Chamith Madusanka,
Ambagaha Watte, Urumuththa,
Akuressa.
48. Udugama Keselwatte Gedara Kasun
Hemantha Subasingha, 27/1,
Beminiwatta, Mawanella.
49. Jathungedara Danuka Prasanna
Bandara, 114/1, Muruthawela,
Mawanella.
50. Mallawa Thanthri Dinesh Thusara
Kariyawasam, 204/B, Delkada,
Baddegama.
51. Amarasekara Arachchige Milan Perera,
695/1, Ihala Sinhapitiya, Janapadaya,
Sinhapitiya Gampola.
52. Weerakonda Arachchige Shehan Dilanka,
75/2, Pinnaduwa, Ambalangoda.
53. Wickrama Arachchige Pradeep Tharanga
Wickramaarachchi, 13, Acres 35,
Bellapitiya, Horana.

54. Suraweera Arachchige Sanjeewa Roshan
Suraweera, 51, Sriyawasa, Napagoda,
Nittambuwa.
55. Ihala Gedara Chaminda Sampath
Gunasekara, 7, Guruwela Yaya,
Dewagiriya, Mathale.
56. Herath Mudiyanseelage Kamal Kithsiri
Bandara, 8, Senpathigama,
Nannapurawa, Bibila.
57. Wanniarachchi Kankanamlage Dilshan
Eranka, 60/8 A Rathnawali Road,
Kalubowila, Dehiwala.
58. Hallawa Arachchilage Rakitha
Gayashantha Wijesena,
No. 4, Konthara Duwa Nallawa Gedara.
59. Dahanaka Mudiyanseelage Samantha
Rathna Bandara, Daramitipola
Gokaralla.
60. Nilantha Nalaka Edirisooriyaarachchi,
No. 9, Ambagamuwa,
Udubulathgamuwa.
61. Hettiarachchige Saman Nishantha,
No. 84/A1 Ihalagama, Gampaha.
62. Kariyawasam Appuhamilage Madura
Susantha, No. 90/1/2 Modara Widiya,
Modara, Colombo 15.
63. Panapura Patabadige Ravindu
Shameendra Patabadi, No. 84/8,
Samelwatta Malwana.
64. Kumarasingha Arachchige Nandana
Giwaloka Jayawickrama
Bisowela Dakuna, Galigamuwa, Kegalle.

65. Hennaka Ralalage Rangana Prasad
Gunarathna, Kudagama, Nurimaluwa,
Rabukkana.
66. Yapa Mudiyanseelage Indika Lakshman
Rathnayaka, No. 19 B3 Lesli Perera
Mawatha, Kaluthara North.
67. Rajapaksha Mudiyanseelage Prabath
Eranga Gunathilaka,
No. 137, Yaya 2,
Nawanagaraya, Madirigiriya.
68. Wasantha Jayalath Liyanarachchi
Rivi Sadu Central City, Kudahilla
Dakuna, Godakubura, Beliaththa.
69. Gatane Wathukarage Palitha Sampath
Wijesingha, No. 75 /10, Vidyala
Mawatha, Oruwala.
70. Galahitiya Mudiyanseelage Prabath
Madushan Rathnayaka, No. 25/5,
Alubodangaha Watta, Narampitiya,
Panadura.
71. Delankawalage Sumith Saman Kumara
Delankawalage, 45 A, Nihansa
Mandiraya, Sirikatha, Higurakgoda.

Petitioners

Vs.

1. C.D. Wickramarathne,
Inspector General of Police,
Senior Deputy Inspector General,
Police Headquarters, Colombo 01.
Deshabandu Tennakoon,
Acting Inspector General of Police,

Senior Deputy Inspector General,
Police Headquarters, Colombo 01.
[Substituted – 1st Respondent]

2. Sisira Kumara,
Deputy Inspector General of Police,
Human Resource Management of Police,
Police Headquarters, Colombo 01.
3. Prasad Ranasinghe,
Senior Superintendent of Police,
Human Resources Management Division,
Police Headquarters, Colombo 01.
4. Ajith Rohana,
Deputy Inspector General of Police,
Legal, Police Headquarters,
Colombo 01.
5. Ruwan Gunasekera,
Senior Superintendent of Police,
Director Legal, Police Headquarters,
Colombo 01.
6. K.W.E. Karaliyedda,
Chairman, National Police Commission,
Block No. 09, BMICH Premises,
Buddhaloka Mawatha, Colombo 07.
- 6A. E.W.M. Lalith Ekanayake,
Chairman, National Police Commission,
Block No. 09, BMICH Premises,
Buddhaloka Mawatha, Colombo 07.
- 6B. D.K. Renuka Ekanayake,
Member, National Police Commission,
Block No. 09, BMICH Premises,
Buddhaloka Premises, Colombo 07.
- 6C. K Karunaharan,
Member, National Police Commission,

- Block No. 09, BMICH Premises,
Buddhaloka Premises, Colombo 07.
- 6D. P.G.S. Gamini de Silva,
Member, National Police Commission,
Block No. 09, BMICH Premises,
Buddhaloka Premises, Colombo 07.
- 6E. Mr. Dilshan Jayasuriya,
Member, National Police Commission,
Block No. 09, BMICH Premises,
Buddhaloka Premises, Colombo 07.
- 6F. Mr. A.A.M. Illiyas,
Member, National Police Commission,
Block No. 09, BMICH Premises,
Buddhaloka Premises, Colombo 07.
7. Savithri D. Wijsekera,
Member, National Police Commission,
Block No. 09, BMICH Premises,
Buddhaloka Premises, Colombo 07.
8. Y.L.M. Zawahir,
Member, National Police Commission,
Block 09, BMICH Premises, Colombo 07.
9. Tilak Collure, Member,
National Police Commission, Block 09,
BMICH Premises, Colombo 07.
10. Gamini Navarathna,
Member, National Police Commission,
Block 09, BMICH Premises, Colombo 07.
11. Ashoka Wijethilaka,
Member, National Police Commission,
Block 09, BMICH Premises, Colombo 07.
12. G. Jeyakumar,
Member, National Police Commission,
Block 09, BMICH Premises, Colombo 07.

- 12A. Hon. Justice Jagath Balapatabendi,
Chairman, Public Service Commissions,
No. 1200/9, Rajamalwatta Road,
Battaramulla.
- 12B. Indrani Sugathdasa,
Member, Public Service Commissions,
No. 1200/9, Rajamalwatta Road,
Battaramulla.
- 12C. Mr. V. Shivagnanasothy, Member,
Public Service Commissions,
No. 1200/9, Rajamalwatta Road,
Battaramulla.
- 12D. Dr. T.R.C. Ruberu,
Member, Public Service Commissions,
No. 1200/9, Rajamalwatta Road,
Battaramulla.
- 12E. Ahamod Lebbe Mohamed Saleem,
Member, Public Service Commissions,
No. 1200/9, Rajamalwatta Road,
Battaramulla.
- 12F. Leelasena Liyanagama,
Member, Public Service Commissions,
No. 1200/9, Rajamalwatta Road,
Battaramulla.
- 12G. Dian Gomes,
Member, Public Service Commissions,
No. 1200/9, Rajamalwatta Road,
Battaramulla.
- 12H. Dilith Jayaweera,
Member, Public Service Commissions,
No. 1200/9, Rajamalwatta Road,
Battaramulla.
- 12I. W.H. Piyadasa,

Member, Public Service Commissions,
No. 1200/9, Rajamalwatta Road,
Battaramulla.

13. Nishantha A. Weerasinghe,
Secretary, National Police Commission,
Block 09, BMICH Premises,
Colombo 07.
- 13A. M.A.B. Daya Senarath,
Secretary, Public Service Commission,
No. 1200/9, Rajamalwatta Mawatha,
Battaramulla.
14. Kamal Gunarathna,
Secretary, Ministry of Defense,
No. 15/5, Baladaksha Mawatha,
Colombo 03.
15. Hon. Mahinda Rajapaksa,
Minister of Finance, Economy and Policy
Development, Buddhasasana, Cultural
and Religious Affairs, Minister of Urban
Development, Water Supply and Housing
Facilities, Ministry of Finance,
The Secretariat, Lotus Road, Colombo 01.
16. Hon. Nimal Siripala De Silva,
Minister of Justice, Human Rights and
Legal Reforms, Ministry of Justice,
Superior Courts Complex, Adhikarana
Mawatha, Colombo 12.
17. Hon. Arumugan Thondaman,
Minister of Community Empowerment
and Estate Infrastructure Development,
Ministry of Community Empowerment
and Estate Infrastructure Development,
No. 45, St. Michaels Road, Colombo 03.

18. Hon. Dinesh Gunawardena,
Minister of Foreign Relations, Skills
Development, Employment and Labour
Relations, Ministry of Foreign Relations,
Republic Building, Sir Baron Jayathilaka
Mawatha, Colombo 01.
19. Hon. Douglas Devananda,
Minister of Fisheries and Aquatic
Resources, Ministry of Fisheries and
Aquatic Resources, Maligawatta,
Colombo 10.
20. Hon. Pavithra Devi Wanniarachchi,
Minister of Women and Child Affairs and
Social Security, Healthcare and
Indigenous Medical Services,
Ministry of Women and Child Affairs and
Social Security, 5th Floor, Sethsiripaya
(Stage II), Battaramulla.
21. Hon. Bandula Gunawardena,
Minister of Information and Mass Media,
Higher Education, Technology and
Innovation, Ministry of Information and
Mass Media, No. 437, Galle Road,
Colombo 01.
22. Hon. Janaka Bandara Tennekoon,
Minister of Public Administration, Home
Affairs, Provincial Councils and Local
Government, Ministry of Public
Administration, Home Affairs, Provincial
Councils and Local Government,
Independence Square, Colombo 07.
23. Hon. Chamal Rajapaksa,

- Minister of Mahaweli, Agriculture,
Irrigation and Rural Development,
Internal Trade, Food Security and
Consumer Welfare, Minister of Mahaweli,
Agriculture, Irrigation and Rural
Development, No. 288, Sri
Jayawardenapura Mawatha, Rajagiriya.
24. Hon. Dullas Alahapperuma,
Minister of Education, Sports and Youth
Affairs, Ministry of Education,
Isurupaya, Pelawatta, Battaramulla.
25. Hon. Johnston Fernando,
Minister of Roads and Highways, Ports
and Shipping, Ministry of Roads and
Highways, “Maganeguma Mahamedura”,
9th Floor, No. 216, Denzil Kobbekaduwa
Mawatha, Koswatta, Battaramulla.
26. Hon. Wimal Weerawansa,
Minister of Small and Medium Business
and Enterprise Development, Industries
and Supply Chain Management,
Ministry of Small and Medium Business
and Enterprise Development,
Level 7, West Tower, World Trade Centre,
Colombo 01.
27. Hon. Mahinda Amaraweera,
Minister of Power and Energy, Transport
Services Management,
Ministry of Power and Energy, No. 72,
Ananda Coomaraswamy Mawatha.
28. Hon. S.M. Chandrasena,

Minister of Environment and Wildlife
Resources and Minister of Lands & Land
Development, No. 1090,
Sri Jayawardenapura Mawatha,
Rajagiriya.

29. Hon. Ramesh Pathirana,
Minister of Plantation Industries and
Export Agriculture, Ministry of Plantation
Industries and Export Agriculture.
30. Hon. Prasanna Ranathunga,
Minister of Industrial Export and
Investment Promotion, Tourism and Civil
Aviation, Ministry of Industrial Export
and Investment Promotion,
- 30A. Hon. Mahinda Rajapaksa,
Prime Minister of Sri Lanka,
Minister of Finance, Buddhasasana,
Religious and Cultural Affairs, and
Minister of Urban Development and
Housing, Ministry of Finance,
The Secretariat, Lotus Road, Colombo 01.
- 30AA. Hon. Mahinda Rajapaksa,
Minister of Economic Policies & Plan
Implementation, Buddhasasana,
Religious & Cultural Affairs, and Urban
Development & Housing.
- 30AB. Hon. Nimal Siripala de Silva,
Minister of Labour, Ministry of Labour,
6th Floor, “Mehewera Piyesa”,
Narahenpita, Colombo 05.
- 30AC. Prof. G.L. Peiris, Minister of Foreign
Affairs, Ministry of Foreign Affairs,

Republic Building, Sir Baron Jayathilake
Mawatha, Colombo 01.

30AD. Hon. Dilum Amunugama
Minister of Transport, Ministry of
Transport, 7th Floor, “Sethsiripaya Stage
II”, Battaramulla.

30AE. Hon. Dinesh Gunawardena,
Minister of Education, Ministry of
Education, “Isurupaya”, Battaramulla.

30AF. Hon. Douglas Devananda,
Minister of Fisheries, Ministry of
Fisheries, New Secretariat, Maligawatte,
Colombo 10.

30AG. Hon. Gamini Lokuge,
Minister of Power, Ministry of Power,
No. 437, Galle Road, Colombo 03.

30AH. Hon. Bandula Gunawardena,
Minister of Trade, Ministry of Trade,
CWE Secretariat Building, No. 27,
Vauxhall Street, Colombo 02.

30AI. Hon. C.B. Rathnayake,
Minister of Wildlife and Forest
Conservation, Ministry of Wildlife and
Forest Conservation,
No. 1090, Sri Jayawardenapura Mawatha,
Rajagiriya.

30AJ. Hon. Janaka Bandara Tennekoon,
Minister of Public Services, Provincial
Councils, and Local Government,
Ministry of Public Services, Provincial
Councils, and Local Government,
Independence Square, Colombo 07.

30AK. Hon. Keheliya Rambukwella,

Minister of Health, Ministry of Health,
“Suwasiripaya”, No. 385,
Rev. Baddegama Wimalawansa Thero,
Colombo 10.

30AL. Hon. Chamal Rajapaksa,
Minister of Irrigation, Ministry of
Irrigation, No. 500, 10th Floor,
T.B. Jaya Mawatha, Colombo 10.

30AM. Hon. Dullas Alahapperuma,
Minister of Mass Media,
Ministry of Mass Media,
“Asisdisi Medura”, No. 163, Kirulapona
Avenue, Polhengoda, Colombo 05.

30AN. Hon. Johnston Fernando,
Minister of Highways, Ministry of
Highways, “Mahaneguma Mahamedura”,
9th Floor, Denzil Kobbekaduwa Mawatha,
Koswatte, Battaramulla.

30AO. Hon. S.B. Dissanayake,
Minister of Industries, Ministry of
Industries, P.O. Box. 570, No. 73/1,
Galle Road, Colombo 03.

30AP. Hon. Basil Rajapaksa,
Minister of Finance, Ministry of Finance,
The Secretariat, Lotus Road, Colombo 01.

30AQ. Hon. Mahinda Amaraweera,
Minister of Environment, Ministry of
Environment, “Sobadam Piyasa”,
No. 416/1/C, Robert Gunawardena
Mawatha, Battaramulla.

30AR. Hon. S.M. Chandrasena,
Minister of Lands, Ministry of Lands,
The Land Secretariat, No. 1200/6,

Rajamalwatte Avenue, Battaramulla.

- 30AS. Hon. Mahindanada Aluthgamage,
Minister of Agriculture, Ministry of
Agriculture, “Govijana Mandiraya”,
No. 80/5, Rajamalwatte Mawatha,
Battaramulla.
- 30AT. Hon. Vasudeva Nanayakkara,
Minister of Water Supply, Ministry of
Water Supply, “Lakdiya Medura”,
No. 35, New Parliament Road,
Pelawatte, Battaramulla.
- 30AU. Hon. Ramesh Pathirana,
Minister of Plantations, Ministry of
Plantations, 11th Floor, Stage II,
“Sethsiripaya”, Battaramulla.
- 30AV. Hon. Prasanna Ranatunga,
Minister of Tourism, Ministry of Tourism,
“Rakshana Mandiraya”, 6th Floor, No. 21,
Vauxhall Street, Colombo 02.
- 30AW. Hon. Rohitha Abeyagunwardena,
Minister of Ports and Shipping,
Ministry of Ports and Shipping,
No. 19, Chaithya Road, Colombo 01.
- 30AX. Hon. Namal Rjapakse,
Minister of Youth and Sports, and
Development Coordination
Ministry of Youth and Sports,
No. 09, Philip Gunawardena Mawatha,
Colombo 07.
- 30AY. Hon. Ali Sabry,
Minister of Justice, Ministry of Justice,
Supreme Court Complex, Colombo 12.
- 30AZ. Hon. Sarath Weerasekara,

Minister of Public Security, Ministry of
Public Security, C/O the Secretary to the
Cabinet of Ministers, Office of the Cabinet
of Ministers, Republic Building,
Sir Baron Jayathilake Mawatha,
Colombo 01.

30B. Hon. Nimal Siripala de Silva,
Minister of Labour, Ministry of Labour,
6th Floor, “Mehewera Piyesa”,
Narahenpita, Colombo 05.

30BA. Hon. Dinesh Gunawardena,
Minister of Public Administration, Home
Affairs, Provincial Councils and Local
Government, Prime Minister’s Office,
Sir Earnest de Silva Mawatha,
Colombo 07.

30BB. Hon. Nimal Siripala de Silva,
Minister of Ports, Shipping and Aviation
No. 19, Chaithya Road, Colombo 01.

30BC. Hon. Douglas Devananda,
Minister of Fisheries, Ministry of
Fisheries, New Secretariat,
Maligawaththa, Colombo 10.

30BD. Hon. Susil Premajayantha,
Minister of Education, Ministry of
Education, “Isurupaya”, Battaramulla.

30BE. Hon. (Dr.) Bandula Gunawardena,
Minister of Transport and Highways
Minister of Mass Media, Ministry of
Transport and Highways, 9th Floor,
“Maganeguma Mahamedura”, Denzil
Kobbakaduwa Mawatha, Koswatta.

30BF. Hon. Keheliya Rambukwella,

Minister of Health, Minister of Water
Supply, Ministry of Health,
“Suwasiripaya”, No. 385,
Rev. Baddegama Wimalawansa Thero
Mawatha, Colombo 10.

30BG. Hon. Mahinda Amaraweera,
Minister of Agriculture, Minister of
Wildlife & Forest Resources Conservation,
Ministry of Agriculture, No. 85/5,
“Govijana Mandiraya”, Rajamalwattha
Road, Battaramulla.

30BH. Hon. (Dr.) Wijayedasa Rajapaksa,
Minister of Justice, Prison Affairs and
Constitutional Reforms, Ministry of
Justice, Prison Affairs and Constitutional
Reforms, No. 19, Sri Sangaraja Mawatha,
Colombo 10.

30BI. Hon. Harin Fernando,
Minister of Tourism and Lands,
Ministry of Tourism and Lands, 2nd
Floor, Asset Arcade Building, 51/2/1,
York Street, Colombo 01.

30BJ. Hon. (Dr.) Ramesh Pathirana,
Minister of Plantation Industries
Minister of Industries, Ministry of
Plantation Industries, 11th Floor, Stage II,
“Sethsiripaya”, Battaramulla.

30BK. Hon. Prasanna Ranatunga,
Minister of Urban Development and
Housing, Ministry of Urban Development
and Housing, 17th Floor, “Suhurupaya”,
Sri Subhuthi Pura Road, Battaramulla.

30BL. Hon. Ali Sabry,

Minister of Foreign Affairs, Ministry of
Foreign Affairs, Republic Building,
Sir Baron Jayathilake Mawatha, Colombo
01.

30BM. Hon. Vidura Wickramanayaka,
Minister of Buddhasasana, Religious and
Cultural Affairs, Ministry of
Buddhasasana, Religious and Cultural
Affairs, No. 135, Srimath Anagarika
Dharmapala Mawatha, Colombo 07.

30BN. Hon. Kanchana Wijesekera,
Minister of Power and Energy, Ministry of
Power and Energy, No. 437, Galle Road,
Colombo 03.

30BO. Hon. Naseer Ahamed,
Minister of Environment, Ministry of
Environment, No.416/C/1, “Sobadam
Piyasa”, Robert Gunawardene Mawatha,
Battaramulla.

30BP. Hon. Roshan Ranasinghe,
Minister of Irrigation, Minister of Sports &
Youth Affairs, Ministry of Sports & Youth
Affairs, No. 09, Pilip Gunawardene
Mawatha, Colombo 07.

30BQ. Hon. Manusha Nanayakkara
Minister of Labour and Foreign
Employment, Ministry of Labour and
Foreign Employment, 6th Floor,
“Mehewara Piyasa,
Narahenpita, Colombo 05.

30BR. Hon. Tiran Alles

Minister of Public Security, Ministry of
Public Security, 14th Floor,
“Suhurupaya”, Battaramulla.

30BS. Hon. Nalin Fernando

Minister of Trade, Commerce and Food
Security, Ministry of Trade, Commerce
and Food Security, No. 492, L.H.Piyasena
Building, R.A. De Mel Mawatha,
Colombo 03.

30C. Prof. G.L. Peiris,

Minister of Education, Ministry of
Education, “Isurupaya”, Battaramulla.

30CA. Hon. Anura Kumara Dissanayake,

Minister of Defence, Finance, Planning
and Economic Development and Digital
Economy, Hon. Anura Kumara
Dissanayake, Ministry of
Defence, Defence Headquarters Complex,
Sri Jayawardenepura, Kotte.

30CB. Hon. (Dr.) Harini Amarasuriya,

Minister of Education, Higher Education
and Vocational Education, Ministry of
Education (Higher Education),
18, Ward Place, Colombo 07.

30CC. Hon. Vijitha Herath,

Minister of Foreign Affairs, Foreign
Employment and Tourism
Ministry of Foreign Affairs
Republic Building, Sir Baron Jayathilake
Mawatha, Colombo 01.

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- 30CV. Hon. (Dr.) Dammika Patabendi,
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- 30D. Hon. (Mrs.) Pavithra Devi Wanniarachchi
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- 30Z. Hon. Sarath Weerasekara,
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Respondents

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

Counsel: Sanjeeva Jayawardena, P.C., with Rukshan Senadheera
for the Petitioners in SC/FR/98/2020 and
SC/FR/100/2020.

Ganga Wakishta Arachchi, D.S.G., for the Respondents.

Argued on: 30.06.2025

Written submissions:

By the Petitioners in SC/FR/98/2020 on 11.08.2025.

By the Petitioners in SC/FR/100/2020 on 10.09.2025.

Decided on: 08.09.2026

Samayawardhena, J.

Seventy-one Petitioners, who are Inspectors of Police, filed this application on 11.05.2020 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 Article 12(1) of the Constitution have been violated by the Respondents.

The Petitioners' case may briefly be stated as follows.

The Petitioners themselves are beneficiaries of an earlier one-off promotion scheme. By RTM 639 (CRTM 1194) dated 18.09.2019, the Petitioners were promoted to the rank of Inspector of Police on a one-off basis after having completed more than twelve years of service in the rank of Sub Inspector of Police as at 31.12.2018 with effect from 01.01.2019.

RTM 639 itself makes it abundantly clear that the said scheme constituted only the first stage of a broader process intended to address stagnation within the rank of Sub Inspector of Police. Item 6 of RTM 639 expressly states that further stages of the promotion scheme would be implemented subsequently. RTM 639 also records that the said promotions were effected pursuant to approvals granted by the National Police Commission by its letter bearing reference No. NPC/ED/NG/PR/07/Time Pro/2019 dated 19.08.2019 and the Department of Management Services by its letter bearing reference No. DMS/1184/Temp2 dated 18.09.2019.

The Petitioners accepted the benefit of the said one-off promotion scheme introduced to alleviate stagnation within the Police Department.

Thereafter, the subject Minister presented Cabinet Memorandum No. 4/2020 dated 12.02.2020 in order to address the subsequent stages of stagnation affecting Sub Inspectors of Police who had not been accommodated under the earlier scheme.

In the said Cabinet Memorandum, the subject Minister has, *inter alia*, stated that although schemes of recruitment had been approved for different ranks within the Police Department, for various reasons those promotion schemes had not been properly implemented. The Minister

further observed that, due to the absence of a proper and stable promotion framework, a large number of police officers possessing the necessary qualifications for promotion had remained stagnant within the service. It was also noted that promotions had frequently been granted outside the approved schemes, resulting in uncertainty among police officers regarding the qualifications required for promotion and the time at which they could expect such promotions. The Minister also remarked that promotions granted on an *ad hoc* basis had led to a large number of fundamental rights applications being filed before this Court.

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 further stated that, in accordance with those proposals and with the concurrence of the National Police Commission, the Salaries and Cadre Commission, and the Department of Management Services, the first stage of the scheme had already been implemented by promoting Sub Inspectors of Police who had completed twelve years of service in that rank as at 31.12.2018 to the rank of Inspector of Police with effect from 01.01.2019.

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.

Accordingly, Sub Inspectors of Police who had completed more than ten years of service in that rank as at 31.12.2018 were proposed to be promoted to the rank of Inspector of Police with effect from 01.07.2019, and Sub Inspectors of Police who had completed more than eight years

of service in that rank as at 31.12.2018 were proposed to be promoted to the rank of Inspector of Police with effect from 01.01.2020.

The Cabinet of Ministers approved the said proposals by Cabinet Decision No. 20/0373/203/036 dated 15.02.2020. The said decision was thereafter communicated by the Inspector General of Police by RTM 636 (CRTM 1247) dated 19.02.2020.

The Petitioners complain that the seniority gap between themselves and the officers promoted under the subsequent stages of the scheme has not been properly maintained and that this places them at a disadvantage in relation to future promotions.

According to the Petitioners, since marks for future promotions are awarded based on the period served in the relevant rank, the narrowing of the seniority gap adversely affects their prospects of promotion to the next rank.

I am unable to agree with these submissions.

As repeatedly observed by this Court in several fundamental rights applications relating to police promotions, promotions within the Police Department have for many years been affected by irregularities, prolonged stagnation, and the absence of a comprehensive and stable promotion policy. Various temporary and one-off measures have therefore been introduced from time to time in order to alleviate frustration within the service and to ensure the continued functioning of the Police Department.

The Petitioners themselves belonged to the category of officers affected by stagnation and were beneficiaries of the first stage of the very same one-off promotion scheme now impugned before this Court. Having accepted the benefit of that scheme and the promotions granted thereunder, the Petitioners now complain that they too ought to have

been promoted immediately upon completion of eight years of service in the rank of Sub Inspector of Police.

In substance, the Petitioners contend that, since they themselves were required to complete twelve years of service in the rank of Sub Inspector of Police before being promoted to the rank of Inspector of Police under the first stage of the scheme, the officers promoted under the second and third stages should likewise have been required to complete twelve years of service in that rank. In the alternative, the Petitioners contend that their own promotions ought now to be backdated so as to treat them as having been promoted immediately upon completion of eight years of service in the rank of Sub Inspector of Police.

I am unable to accept either contention.

No police officer possesses a vested right to insist that temporary one-off promotion schemes introduced to address stagnation should remain permanently fixed or immutable in their methodology or operative dates. Such schemes are transitional and exceptional measures adopted in response to prevailing administrative realities.

In *A.S. Sangwan, Col. v. Union of India* AIR 1981 SC 1545, the petitioner, an employee in defence forces, contended that the Government could not depart from an existing executive policy governing promotions after a select list had been prepared under that policy. Rejecting the contention, the Supreme Court held that a promotion policy is not immutable and may be revised or modified where justified by changing circumstances and other weighty administrative considerations. Krishna Iyer J. 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.

In *State of Jammu & Kashmir v. Shiv Ram Sharma* AIR 1999 SC 2012 at 2014, the Supreme Court of India emphasised that the State possesses the authority to prescribe qualifications and conditions governing appointment and promotion to public posts in accordance with administrative exigencies and that employees do not acquire a vested right to be considered for promotion under a particular set of rules existing at the time of their entry:

The law is well settled that it is permissible for the Government to prescribe appropriate qualifications in the matter of appointment or promotion to different posts. The case put forth on behalf of the respondents is that when they joined the service the requirement of passing the matriculation was not needed and while they are in service such prescription has been made to their detriment. But it is clear that there is no indefeasible right in the respondents to claim for promotion to a higher grade to which qualification could be prescribed and there is no guarantee that those rules framed by the Government in that behalf would always be favourable to them.

In Roshan Lal Tandon vs. Union of India, (1968) 1 SCR 185: AIR 1967 SC 1889, it was held by this Court that once appointed an employee has no vested right in regard to the terms of service but acquires a status and, therefore, the rights and obligations thereto are no longer determined by consent of parties, but by statute or statutory rules which may be framed and altered unilaterally by the Government. The High Court has also noticed that there was an avenue provided for promotion but the prescription of the qualification was not favourable to respondents.

The principle of avoiding stagnation in a particular post will not be with reference to a particular individual employee but with reference to the conditions of service as such. As long as rules provide for conditions of service making an avenue for promotion to higher

grades the observations made in T.R. Kothandaramans case (1994 AIR SCW 4367) stand fulfilled.

The material before Court clearly demonstrates that the subsequent stages of the scheme were introduced as part of a broader process intended to alleviate accumulated stagnation affecting different categories of officers within the Police Department. The fact that the competent authorities gradually reduced the required period of service from twelve years to ten years and thereafter to eight years formed part of a broader administrative response intended to alleviate longstanding frustration prevailing within the service. Such transitional measures cannot be assessed as though they were part of a permanent and uniform promotion framework applicable identically to all batches of officers.

The maintenance of seniority gaps is not an inflexible mathematical exercise. In phased or staggered promotion schemes introduced to address longstanding stagnation affecting large numbers of officers, some narrowing of seniority gaps or other transitional disparities may be unavoidable. Such incidental advantages and corresponding disadvantages do not, by themselves, amount to hostile discrimination or arbitrary treatment within the meaning of Article 12(1) of the Constitution. Article 14 of the Constitution of India, which embodies the guarantee of equality before the law and equal protection of the laws, is substantially analogous to Article 12(1) of the Constitution of Sri Lanka. In *Nagaland Senior Government Employees Welfare Association v. State of Nagaland* (2010) 7 SCC 643, the Supreme Court of India observed:

The doctrine of equality enshrined by Article 14 of the Constitution is not necessary to be nor it is capable of being applied with mathematical exactitude and some amount of advantage or disadvantage to persons who may seemingly appear to be equally placed can occur in a given situation... Each and every instance of such advantage and corresponding disadvantage will not attract Article 14.

The same principle applies with equal force in the present context. Article 12(1) does not require that every promotion scheme preserve existing seniority gaps with mathematical precision. It is sufficient if the scheme is rational, uniformly applied and free from arbitrariness or hostile discrimination.

The Petitioners' real grievance is not directed against the legality of one-off promotions themselves. Properly analysed, their complaint is directed against the reduction of the comparative advantage previously enjoyed by them by reason of the subsequent stages of the promotion scheme. However, a mere reduction of a comparative advantage or seniority gap does not, without more, amount to unconstitutional discrimination.

The Petitioners further seek backdating of their own promotions in order to preserve the previous seniority structure. In substance, the Petitioners seek to retrospectively restructure the seniority framework within the Police Department in order to maintain the earlier comparative advantage enjoyed by them.

However, backdating is generally incompatible with the very nature of one-off promotion schemes. Such schemes are introduced as temporary and exceptional measures intended to address a particular administrative problem prevailing at a particular point in time. They are not designed to retrospectively restructure the entire seniority framework within the Police Department.

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.

As I have already stated, no category of officers can insist that concessions or methodologies adopted at one stage of a stagnation-relief

scheme should continue indefinitely or govern all subsequent stages of the scheme. One-off promotional measures introduced to address particular administrative circumstances are, by their very nature, transitional and may legitimately be modified as circumstances change. Their purpose is to alleviate institutional stagnation and facilitate the effective functioning of the Police Department, not to create permanent comparative rights or immutable expectations of seniority between different batches of officers.

In fact, the more rational and acceptable approach is that the date of assessment of eligibility and the effective date of promotion should ordinarily coincide. The adoption of separate dates is itself an *ad hoc* mechanism resorted to in exceptional circumstances in order to manage competing administrative considerations, including budgetary allocations, cadre management, and administrative preparedness. Such temporary adjustments cannot thereafter be relied upon to demand the continued perpetuation of the same methodology in future schemes.

Promotion schemes within a large and hierarchical institution such as the Police Department cannot be viewed solely from the perspective of individual expectations or personal advantage. Such schemes must necessarily take into account broader institutional realities, administrative continuity, morale within the service, and the necessity of alleviating accumulated stagnation affecting large categories 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. The impugned promotions introduced under Cabinet Decision 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.

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, administrative priorities, allocation of resources, operational requirements, and institutional restructuring are primarily entrusted to the executive authorities possessing the necessary expertise and constitutional responsibility.

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.

Equality under Article 12(1) of the Constitution does not require that all officers, irrespective of differing factual circumstances and service histories, be treated identically for all purposes. What the Constitution prohibits is arbitrary, irrational, or hostile discrimination. In the instant case, the distinctions introduced by the impugned scheme were founded upon objective service-related considerations directly connected to the policy objective sought to be achieved, namely the alleviation of prolonged stagnation within the Police Department.

In those circumstances, I am unable to hold that the impugned decisions violate Article 12(1) of the Constitution.

For the aforesaid reasons, I hold that the Petitioners have failed to satisfy this Court that their fundamental rights guaranteed under Article 12(1) of the Constitution have been infringed by any of the Respondents.

Accordingly, I dismiss the Petitioners' application, but without costs.

The issues arising in SC/FR/100/2020 are substantially similar to those arising in the present application. Accordingly, the parties in that application shall abide by this judgment.

Judge of the Supreme Court

P. Padman Surasena, C.J.

I agree.

Chief Justice

Sampath K.B. Wijeratne, J.

I agree.

Judge of the Supreme Court