

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

In the matter of an Application for Orders
in the nature of Writs of *Certiorari* and
Mandamus under and in terms of Article
140 of the Constitution of the Democratic
Socialist Republic of Sri Lanka

CA Writ Application No: 267/2019

01. Christy David,
(Police Sergeant),
No. L/43. Nawagampura,
Wallampitiya.
02. H.R.K. De Silva,
(Police Sergeant),
No.38. Adadola Janapadaya,
Wathugedara, Ambalangoda.
03. I.L. Premalal,
(Police Sergeant),
No.2017/B, Ovilana Road,
Millawa.
04. L.O.M. Fernando,
(Police Sergeant),
No. 878/A/02, Siriwardena Road,
Ragama.
05. S.N. Senasinghe,
(Police Sergeant),
No.84/05, Nildiyasewana,
Hiriwala,
Kaleliya.
06. K.B. S.K. Malarathne,
(Police Sergeant),
Danubadu Wawa,
Nochchiyagama.

07. W.A. Padmathilake,
(Police Sergeant),
No.29/A. Habarakada (West),
Thawalama,
Galle.
08. K. Wasantha Pushpakumara,
(Police Sergeant),
No. 703, Hadungamuwa,
Mathale.
09. W. M. K. G. Weerasinghe,
(Police Sergeant),
No. 195, Thulawala,
Koswaththa.
10. J. S. A. Senevirathne,
(Police Sergeant),
Police House Road,
Samarapura,
Thammannapura,
Anuradhapura.
11. S. A. Haniffdeen,
(Police Sergeant),
No. 21/1,
Old Islamic Mosque Lane,
Kankanikulama,
Puttalama.
12. G. A. K. Pathirana,
(Police Sergeant),
Dahanakgedara.
Munamaldeniya.
13. T. Manjula Samaraweera,
(Woman Police Sergeant),
No. 37/C. Aluthwaththa,
Hiththatiya Mada,
Mathara.

14. U. A. S. U. Abeynayaka,
(Woman Police Sergeant),
No.20/01, Town Road,
Homagama.

15. R. P. U. Priyantha,
(Police Sergeant Driver),
No. 387/03, Polwaththa,
Raththota, Mathale.

16. A. M. S. B. Abeysekara,
(Police Constable),
No. 05, Police House,
Asgiriya,
Kandy.

17. H. M. T. O. Bandara,
(Police Constable),
No. 323/1,
Wewala Road,
Hadugala,
Pothuhara.

18. B. M. J. Bandara,
(Police Constable),
Adjoining the School,
Rupaha (via Halkan Oya).

19. H. K. U. Thilakarathne,
(Police Constable),
No. G 75. Piladuwa,
Warakapola.

20. M. A. Piyasiri,
(Police Constable),
Hill Residence,
No. 98/37. 02/06 (B) U 14,
Wakunugoda,
Galle.

21. R. Dissanayake,
(Police Constable),
No. 208/23,
Denver Garden,
Jalathara,
Hanwalla.
22. R. M. S. S. Rathnayake,
(Police Constable),
No. B250/A,
Muhandiram Mawatha,
Daraniyagala.
23. M. A. S. Rathnayake,
(Police Constable),
Baddegama,
Karahagedaraa.
24. P. S. Prasanna Kumara,
(Police Constable),
No. 78/17/B, Lansiyawaththa,
Mandawala.
25. H. A. J. Fernando,
(Police Constable),
No. 533. Siriwardene Mawatha,
Ragama.
26. C. M. K. Chandana,
(Police Constable),
Bagamuwa,
Nalladarankattuwa.
27. K. M. R. C. B. Senevirathne,
(Police Constable),
Malasnawaththa,
Poholiyadda Road,
Galagedara.

28. M. R. Pushpakumara,
(Police Constable),
No. 60, Alawala,
Aththanagalla,
Weyangoda.
29. K. H. U. Nishantha,
(Police Constable),
No. 383, Ihala Ambagahavila,
Ihalagoda,
Akmeemana.
30. K. J. L. Bandara,
(Police Constable),
No. 134/1/B, Ilukkwaththa,
Pilimathalawa.
31. R. M. C. P. K. Rathnayaka,
(Police Constable Driver),
"Prasanna",
Kobeymulla, Idamegama,
Uwaparanagama.
32. A. K. D. T. M. L. Edirisinghe,
(Police Sergeant),
No. 109, Millagasmulla,
Agalawaththa.
33. M. L. U. H. Y. Perera,
(Woman Police Constable),
No. 41/2B,
Rathnasara Mawatha,
Wadduwa.
34. J. A. L. Dilrukshi,
(Woman Police Constable),
No. 538/B,
Dadallagewaththa,
Habaraduwa.

35. S. M. Ranaweera,
(Woman Police Constable),
No. 267/64,
Walpita,
Batawala,
Padukka.
36. P. R. N. J. Rathnayake,
(Woman Police Constable),
"Parasathu",
Cool Bond Road,
Udubulathgama.
37. J. R. G. J. Sampath,
(Police Constable),
Thissa Road,
Walawa,
Ambalanthota.
38. N. V. G. A. K. Nanayakkara,
(Police Constable),
No. 702,
School Road,
Ambilipitiya.
39. P. M. D. Karunadasa,
(Woman Police Constable),
Murugehitikanda Road,
Mahaalagama,
Kakirawa.
40. G. G. W. Pathmakumara,
(Police Constable),
No. 321/07/01,
Rankethyaya Road,
South Makala,
Makola.

41. W. Bandula,
(Police Constable),
No. 640,
Kithulawa,
South Kaluthara.

PETITIONERS

-Vs-

01. C. D. Wickramaratne,
Inspector General of Police,
Police Headquarters,
Colombo 01.

02. Hon. Ranil Wickremesinghe.
Prime Minister of the Republic,
Minister of National Policies,
Economic Affairs. Resettlement &
Rehabilitation, Northern Province
Development and Youth Affairs,
1st Floor, "Miloda",
Bristol Street,
Colombo 01.

02A. Hon. Mahinda Rajapakse
Prime Minister of the Republic
Minister of Finance, Economy and
Policy Development
Minister of Buddhasasana, Cultural
and Religious Affairs
Minister of Urban Development,
Water Supply & Housing Facilities,
Ministry of Finance, Economy and
Policy Development,
Secretariat Building,
Colombo 01.

02B. Hon. Mahinda Rajapakse,
Prime Minister of the Republic,
Minister of Finance,
Minister of Buddhasasana. Religious
& Cultural Affairs,
Minister of Urban Development &
Housing,
Prime Minister's Office
No.58, Sir Earnest De Silva Mawatha,
Colombo 07.

02C. Hon. Mahinda Rajapakse,
Prime Minister of the Republic,
Minister of Buddhasasana, Religious
& Cultural Affairs,
Minister of Urban Development &
Housing,
Minister of Economic Policies & Plan
Implementation,
Prime Minister's Office,
No.58, Sir Earnest De Silva Mawatha,
Colombo 07.

02D. Hon. Dinesh Gunawardena,
Prime Minister of the Republic,
Minister of Public Administration,
Home Affairs, Provincial Councils and
Local Government,
Prime Minister's Office,
No.58, Sir Earnest De Silva Mawatha,
Colombo 07.

03. Hon. John Amarathunga,
Minister of Tourism Development,
Wildlife and Christian Religious
Affairs,
6th Floor, Rakshana Mandiraya,
No 21, Vauxhall Street,
Colombo 02.

03A. Hon. Prasanna Ranatunga,
Minister of Industrial Export and
Investment Promotion,
Minister of Tourism and Civil
Aviation,
Ministry of Industrial Export and
Investment Promotion,
World Trade Centre,
West Tower, Level 30,
Colombo 01.

03B.Hon. Nimal Siripala de Silva,
Minister of Labour,
Ministry of Labour,
"Mehewara Piyasa",
Narahenpita,
Colombo 05.

03C.Hon. Nimal Siripala de Silva,
Minister of Labour,
Ministry of Labour,
"Mehewara Piyasa",
Narahenpita,
Colombo 05.

03D.Hon. Nimal Siripala De Silva,
Minister of Ports, Shipping and
Aviation,
Ministry of Ports, Shipping and
Aviation,
Chaithya Road,
Colombo 01.

04. Hon. Gamini Jayawickrema Perera,
Minister of Buddhasasana &
Wayamba Development,
No. 135, Sreemath Anagarika,
Dharmapala Mawatha,
Colombo 07.

04A. Hon. Bandula Gunawardena,
Minister of Information and
Communication Technology,
Minister of Higher Education,
Technology and Innovation,
Ministry of Higher Education,
Technology and Innovation,
No. 18,
Ward Place,
Colombo 07.

04B. Prof. G.L. Peiris,
Minister of Education,
Ministry of Education,
"Isurupaya".

04C. Hon. Prof. G.L. Peiris,
Foreign Minister,
Foreign Ministry,
Republic Building,
Sir Baron Jayathilake Mawatha,
Colombo 01.

04D. Hon. Douglas Devananda,
Minister of Fisheries Ministry of
Fisheries,
New Secretariat,
Maligawatte,
Colombo 10.

05. Hon. Mangala Samaraweera,
Minister of Finance,
The Secretariat
Lotus Road,
Colombo 01.

05A.Hon. Dinesh Gunawardena
Minister of Foreign Relations
Minister of Skills Development
Employment and Labour Relations,
Ministry of Foreign Relations,
Republic Building,
Sir Baron Jayathilaka Mawatha.
Colombo 01.

05B. Hon. (Mrs.) Pavithra Devi
Wanniarachchi,
Minister of Health,
Ministry of Health,
"Suwasiripaya",
Ven. Baddegama Wimalawansa
Thero Mawatha, Colombo 10.

05C. Hon. (Mrs.) Pavithra Devi
Wanniarachchi,
Minister Transport,
Ministry of Transport,
7th Floor, Stage II,
Sethsiripaya,
Battaramulla.

05D. Hon. Susil Premajayantha,
Minister of Education,
Ministry of Education,
"Isurupaya",
Pelawatta,
Battaramulla.

06. Hon. Lakshman Kiriella,
Minister of Public Enterprise,
Kandyan Heritage and Kandy
Development,
Level 7, West Tower,
World Trade Centre,
Colombo 01.

06A. Hon. (Mrs.) Pavithra Devi
Wanniarachchi
Minister of Women & Child Affairs
and Social Security
Minister of Healthcare and
Indigenous Medical Services,
Ministry of Healthcare and
Indigenous Medical Services,
"Suwasiripaya"
Ven Baddegama Wimalawansa
Thero Mawatha.

06B. Hon. Dinesh Gunawardena,
Minister of Foreign Affairs,
Ministry of Foreign Affairs,
Republic Building,
Sir Baron Jayathilaka Mawatha,
Colombo 01.

06C. Hon. Dinesh Gunawardena,
Minister of Education,
Ministry of Education,
"Isurupaya",
Pelawatta, Battaramulla.

06D. Hon. Bandula Gunawardena,
Minister of Transport and Highways
Minister of Mass Media,
Ministry of Transport and
Highways,
7th Floor, Stage II,
Sethsiripaya, Battaramulla.

07. Hon. Lucky Jayawardana,
Acting Minister of City Planning,
Water Supply and Higher Education
No. 35, Lakdiya Medura,
New Parliament Road, Pelawatta,
Battaramulla.

07A. Hon. Mahinda Amaraweera,
Minister of Passenger Transport
Management,
Minister of Power & Energy,
Ministry of Power & Energy,
No.72,
Ananda Coomaraswamy Mawatha,
Colombo 07.

07B. Hon. Douglas Devananda,
Minister of Fisheries,
Ministry of Fisheries,
New Secretariat,
Maligawatte,
Colombo 10.

07C. Hon. Douglas Devananda,
Minister of Fisheries,
Ministry of Fisheries,
New Secretariat,
Maligawatte,
Colombo 10.

07D. Hon. Keheliya Rambukwella,
Minister of Health,
Minister of Water Supply Ministry
of Health,
"Suwasiripaya",
Ven. Baddegama Wimalawansa,
Thero Mawatha,
Colombo 10.

08. Hon. Thilak Marapana,
Minister of Foreign Affairs,
Republic Building,
Sir Baron Jayathilaka Mawatha,
Colombo 01.

08A. Hon. Chamal Rajapaksa,
Minister of Mahaweli, Agriculture,
Irrigation and Rural Development
Minister of Internal Trade, Food Security
and Consumer Welfare,
Ministry of Mahaweli, Agriculture,
Irrigation and Rural Development,
288. Sri Jayawardenapura Mawatha,
Rajagiriya.

08B. Hon. Gamini Lokuge,
Minister of Transport,
Ministry of Transport,
7th Floor, Stage II,
Sethsiripaya,
Bunaramalla.

08C. Hon. Gamini Lokuge,
Minister of Power,
Ministry of Power,
No. 72. Ananda Coomaraswamy
Mawatha, Colombo 07.

08D. Hon. Mahinda Amaraweera,
Minister of Agriculture,
Minister of Wildlife & Forest Resources
Conservation,
Ministry of Agriculture,
"Govijana Mandiraya",
Rajamalwatta Road,
Battaramulla.

09. Hon. (Dr) Rajitha Senaratne,
Minister of Health, Nutrition and
Indigenous Medicine,
"Suwasiripaya",
Ven. Baddegama Wimalawansa Thero
Mawatha,
Colombo 10.

09A. Hon. Ramesh Pathirana,
Minister of Plantation Industries and
Export Agriculture,
Ministry of Plantation Industries and
Export Agriculture,
08th Floor, Stage II,
Sethsiripaya,
Battaramulla.

09B. Hon. Bandula Gunawardena,
Minister of Trade,
Ministry of Trade,
07th Floor, CWE Secretariat,
No.27, Vauxhall Street,
Colombo 02.

09C. Hon. Bandula Gunawardena,
Minister of Trade,
Ministry of Trade,
07th Floor, CWE Secretariat,
No.27, Vauxhall Street,
Colombo 02.

09D. Hon. (Dr.) Wijayedasa Rajapaksa,
Minister of Justice, Prison Affairs and
Constitutional Reforms,
Ministry of Justice,
Superior Court Complex,
Colombo 12.

10. Hon. Ravi Karunanayake,
Minister of Power, Energy and
Business Development,
No.72,
Ananda Coomaraswamy Mawatha,
Colombo 07.

10A. Hon. Douglas Devananda,
Minister of Fisheries & Aquatic
Resources,
Ministry of Fisheries & Aquatic
Resources,
Maligawatte,
Colombo 10.

10B. Hon. C.B. Rathnayake,
Minister of Wildlife & Forest
Conservation,
Ministry of Wildlife and Forest
Conservation,
No 1090,
Sri Jayawardenapura Mawatha,
Rajagiriya.

10C. Hon. C. B. Rathnayake,
Minister of Wildlife & Forest
Conservation, Ministry of
Wildlife and Forest Conservation,
No 1090,
Sri Jayawardenapura Mawatha,
Rajagiriya.

10D. Hon. Harin Fernando,
Minister of Tourism and Lands,
Ministry of Tourism,
6th Floor, Rakshana Mandiriya,
No.21, Vauxhall Street,
Colombo 02.

11. Hon. Vajira Abeywardena,
Minister of Internal & Home
Affairs and Provincial Councils &
Local Government,
No 330, Union Place,
Colombo 02.

11A. Hon. Johnston Fernando,
Minister of Roads and Highways,
Minister of Ports & Shipping,
Ministry of Roads and Highways,
"Maganeguma Mahamedura",
9th Floor, 216, Denzil
Kobbekaduwa Mawatha,
Koswatta,
Battaramulla.

11B. Hon. Janaka Bandara Tennakoon,
Minister of Public Services,
Provincial Councils & Local
Government,
Ministry of Public Services,
Provincial Councils & Local
Government,
Independence Square,
Colombo 07.

11C. Hon. Janaka Bandara Tennakoon.
Minister of Public Services,
Provincial Councils & Local
Government,
Ministry of Public Services,
Provincial Councils & Local
Government.
Independence Square,
Colombo 07.

11D. Hon. (Dr.) Ramesh Pathirana,
Minister of Plantation Industries,
Minister of Industries,
Ministry of Plantation Industries,
08th Floor, Stage II,
Sethsiripaya,
Battaramulla.

12. Hon. Buddhika Pathirana Acting
Minister of Industry & Commerce,
Resettlement of Protracted
Displaced Persons. Co-operative
Development and Vocational
Training & Skills Development,
73/1, Galle Road. Colombo 03.

12A. Hon. Janaka Bandara Tennakoon
Minister of Public Administration,
Home Affairs, Provincial Councils
& Local Government.
Ministry of Public Administration,
Home Affairs, Provincial Councils
& Local Government,
Independence Square, Colombo 07.

12B. Hon. Keheliya Rambukwella,
Minister of Mass Media,
Ministry of Mass Media,
No163. Asidisi Medura.
Kirulapone Mawatha, Polhengoda,
Colombo 05.

12C. Hon. Keheliya Rambukwella,
Minister of Health,
Ministry of Health.
"Suwasiripaya" Ven. Baddegama
Wimalawansa Thero Mawatha,
Colombo 10.

12D. Hon. Prasanna Ranatunga,
Minister of Urban Development
and Housing.
Ministry of Urban Development
and Housing.
17th Floor, "Suhurupaya",
Sri Subhuthipura Road,
Battaramulla.

13. Hon. Patali Champika Ranawaka
Minister of Megapolis & Western
Development,
17th and 18th Floors,
"Suhurupaya",
Subhuthipura Road,
Battaramulla.

13A. Hon. S.M. Chandrasena
Minister of Environment and Wildlife
Resources
Minister of Lands & Land
Development,
Ministry of Lands & Land
Development,
"Mihikatha Medura".
Land Secretariat, 1200/6,
Rajamalwatta Avenue, Battaramulla.

13B. Hon. Chamal Rajapaksa,
Minister of Irrigation.
Ministry of Irrigation,
10th Floor, No. 500.
T.B. Jayah Mawatha.
Colombo 10.

13C. Hon. Chamal Rajapaksa.
Minister of Irrigation.
Ministry of Irrigation,
10th Floor, No. 500,
T.B. Jayah Mawatha,
Colombo 10

13D. Hon. Ali Sabry,
Minister of Foreign Affairs,
Ministry of Foreign Affairs,
Republic Building,
Sir Baron Jayathilaka Mawatha,
Colombo 01.

14. Hon. Navin Dissanayake
Minister of Plantation Industries,
08th Floor,
Stage II, Sethsiripaya,
Battaramulla.

14A. 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.

14B. Hon. Dullas Alahapperuma,
Minister of Power,
Ministry of Power,
No. 72, Ananda Coomaraswamy
Mawatha. Colombo 07.

14C. Hon. Dullas Alahapperuma,
Minister of Mass Media,
Ministry of Mass Media,
No163. 'Asidisi Medura'.
Kirulapone Mawatha.
Polhengoda.
Colombo 05.

14D. 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.

15. Hon. P. Harison
Minister of Agriculture, Rural
Economic Affairs, Livestock
Development, Irrigation and
Fisheries & Aquatic Resources
Development,
No. 288.
Sri Jayawardhanapura Mawatha.
Rajagiriya.

15A. Hon. Nimal Siripala de Silva,
Minister of Justice, Human
Rights & Legal Reforms,
Ministry of Justice, Human
Rights & Legal Reforms.
Superior Court Complex,
Colombo 12.

15B. Hon. Johnston Fernando,
Minister of Highways,
Ministry of Highways
"Maganeguma Mahamedura",
9th Floor, 216, Denzil
Kobbekaduwa Mawatha,
Battaramulla.

15C. Hon. Johnston Fernando.
Minister of Highways,
Ministry of Highways
"Maganeguma Mahamedura",
9th Floor, 216, Denzil
Kobbekaduwa Mawatha,
Battaramulla.

15D. Hon. Kanchana Wijesekera.
Minister of Power & Energy.
Ministry of Power & Energy,
No.72, Ananda Coomaraswamy
Mawatha. Colombo 07.

16. Hon. Kabir Hashim
Minister of Highways & Road
Development and Petroleum
Resources Development,
8th Floor, Maganeduma
Mahamedura,
Denzil Kobbekaduwa Mawatha,
Koswatta,
Battaramulla.

16A. Hon. Dullas Alahapperuma
Minister of Education Minister of
Sports & Youth Affairs.
Ministry of Education.
"Isurupaya",
Pelawatta,
Battaramulla.

16B. Hon. Wimal Weerawansa,
Minister of Industries
Ministry of Industries,
73/1,
Galle Road,
Colombo 03.

16C. Hon. Wimal Weerawansa,
Minister of Industries
Ministry of Industries,
73/1,
Galle Road,
Colombo 03.

16D. Hon. Naseer Ahamed,
Minister of Environment,
Ministry of Environment,
"Sobadam Piyasa",
2nd Floor,
Denzil Kobbekaduwa Mawatha,
Battaramulla.

17. Hon. Ranjith Madduma Bandara
Minister of Ministry of Public
Administration, Disaster
Management and Rural Economic
Affairs,
Independence Square,
Colombo 07.

17A, Hon, Wimal Weerawansa
Minister of Small & Medium
Business and Enterprise
Development
Minister of Industries and Supply
Chain Management Ministry of
Small & Medium Business and
Enterprise Development
Level 7, West Tower
World Trade Centre, Colombo 01.

17B. Hon. Mahinda Amaraweera,
Minister of Environment,
Ministry of Environment,
"Sobadam Piyasa",
2nd Floor, Denzil Kobbekaduwa
Mawatha, Battaramulla.

17C. Hon. Basil Rajapaksa,
Minister of Finance.
Ministry of Finance
The Secretariat
Colombo 01.

17D. Hon. Roshan Ranasinghe,
Minister of Irrigation
Minister of Sports & Youth
Affairs
Ministry of Sports & Youth
Affairs
No. 09, Philip Gunawardena
Mawatha, Colombo 07.

18. Hon. Gayantha Karunathilaka
Minister of Lands and
Parliamentary Reforms.
"Mihikatha Medura".
Land Secretariat,
1200/6,
Rajamalwatta Avenue,
Battaramulla.

18B. Hon. S.M. Chandrasena,
Minister of Lands, Ministry of
Lands.
"Mihikatha Medura",
1200/6, Rajamalwatta Avenue,
Battaramulla.

18C. Hon. Mahinda Amaraweera,
Minister of Environment.
Ministry of Environment,
"Sobadam Piyasa",
2nd Floor, Denzil Kobbekaduwa
Mawatha,
Battaramulla.

18D. Hon. Manusha Nanayakkara
Minister of Labour and Foreign
Employment
Ministry of Labour,
"Mehewara Piyasa",
Narahenpita, Colombo 05.

19. Hon. Sajith Premadasa,
Minister of Housing,
Construction and Cultural
Affairs,
2nd Floor.
"Sethsiripaya",
Sri Jayawardanapura Kotte.
Battaramulla.

19B. Hon. Mahindananda Aluthgamage,
Minister of Agriculture.
Ministry of Agriculture,
"Govijana Mandiraya".
Rajamalwatta Road.
Battaramwilla

19C. Hon. S. M. Chandrasena,
Minister of Lands,
Ministry of Lands,
"Mihikatha Medura"
1200/6, Rajamalwatta Avenue,
Battaramulla.

19D. Hon. Tiran Alles
Minister of Public Security
Ministry of Public Security
14th Floor.
"Suhurupaya"
Battaramulla.

20. Hon. Arjuna Ranatunga,
Minister of Transport & Civil
Aviation,
7th Floor, Stage II,
Sethsiripaya,
Battaramulla.

20B. Hon. Wasudeva Nanayakkara,
Minister of Water Supply,
No.35, Lakdiya Medura New
Parliament Road, Pelawatta,
Battaramulla.

20C. Hon. Mahindananda Aluthgamage.
Minister of Agriculture.
Ministry of Agriculture,
"Govijana Mandiraya",
Rajamalwatta Road, Battaramulla.

20D. Hon. Nalin Fernando
Minister of Trade, Commerce and
Food Security
Ministry of Trade,
07th Floor, CWE Secretariat.
No.27, Vauxhall Street,
Colombo 02

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31. P.B.S.C. Nonis.
Director General of Department of
National Budget.
2nd Floor.
Ministry of Finance,
The Secretariat,
Colombo 01.

31A. A. Rathna Deshapriya,
Director General of Department of
National Budget.
2nd Floor.
Ministry of Finance,
The Secretariat,
Colombo 01.

31B. Jude Nilukshan.

Director General of Department of
National Budget.

2nd Floor.

Ministry of Finance,

The Secretariat.

Colombo 01.

32. J.J. Rathnasiri.

Secretary to the Ministry of Public
Administration, Management and Law
& Order.

Ministry of Public Administration,
Disaster Management and Rural
Economic Affairs.

Independence Square.

Colombo 07.

32A. S. Hettiarachchi

Secretary, Ministry of Public
Administration, Home Affairs,
Provincial Councils & Local
Government

Independence Square,

Colombo 07.

32B. J.J. Rathnasiri,

Secretary to the Ministry of Public
Administration, Home Affairs,
Provincial Councils & Local
Government

Independence Square,

Colombo 07.

33. Dr. RHS Samaratunga,

Secretary to the Treasury.

Ministry of Finance,

Lotus Road,

Colombo 01.

33A. S.R. Attygalle

Secretary to the Treasury.
Ministry of Finance,
Lotus Road,
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33B. K. M. Mahinda Siriwardana,

Secretary to the Treasury,
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34. Hon. Attorney General,

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35. S Abeyasinghe,

Secretary to the Cabinet of
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Office of the Cabinet of Ministers,
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35A. S. Amarasekara,

Secretary to the Cabinet Office of
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35B. W.M.D.J. Fernando,

Secretary to the Cabinet, Office of
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36. General S. H. S. Kottegoda,
Secretary to the Ministry of Defence,
Ministry of Defence.
No. 15/5, Baladaksha Mawatha,
Colombo 03.
- 36A. Major General Kamal Gunaratne
Secretary to the Ministry of Defence
Ministry of Defence.
15/5, Baladaksha Mawatha,
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37. S. Ranugge,
Chairman,
National Salaries and Cadre
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Buddhaloka Mawatha,
Colombo 07.
- 37A. Mr. Upali Wijayaweera,
Chairman,
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Room 2-G 10. BMICH,
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38. C.P. Siriwardena,
Member
- 38A. Chandrani Senaratne,
Member
39. Dr Damitha de Zoysa,
Member
- 39A. Gotabhaya Jayaratne,
Member

40. Lalith Kannangara.
Member

40A. Sujatha Cooray,
Member

41. Janaka Sugathadasa.
Member

41A. Madura Wehalle.
Member

42. Chithrangani Wagiswara.
Member

42A. M.S.D. Ranasiri.
Member

43. Chandrani Senaratne,
Member

43A. Dr. Ananda Hapugoda,
Member

44. Kingsley Fernando,
Member

44A. Sanjeewa Somaratne,
Member

45. G.S. Edirisinghe,
Member

45A. Ajith Nayanakantha,
Member

46. M.C. Wickremesekere,
Member

46A. Dr. Ravi Liyanage.
Member

47. Dr Palitha Abeykoon,
Member

47A. Sanath Ediriweera,
Member

48. D. Abeysuriya,
Member

48A. Prof. Ranjith Senarathna.
Member

49. Leslie Devendra.
Member

49A. R.M. Amarasekara.
Member

50. Major Gen (Rtd) Siri Ranaweera,
Member

51. W.H. Piyadasa,
Member

The 38A to 51st Respondents are all
of:

The National Salaries and Cadre
Commission of Room 2-G 10,
BMICH,
Buddhaloka Mawatha,
Colombo 07.

RESPONDENTS

Before: M. T. Mohammed Laffar, J.

S. U. B. Karalliyadde, J.

Counsel: Shantha Jayawardena and S. De Zoyza, Ms. H. Damunupola for the
Petitioners.

V. De Abrew, PC, ASG with Ms. C. Sri Nammuni, DSG for the
Respondents.

Written submissions tendered on:

21.09.2023 by the Petitioners

Argued: by way of written submissions

Decided on: 29.02.2024

S. U. B. Karalliyadde, J.

The Petitioners to this Writ Application are police officers in the rank of Constable and Sergeant. Police officers are paid a special combined allowance which is commonly referred to as the “combined allowance” for traveling outside of their service stations to perform official duties. The Petitioners state that from 1985, the combined allowance was calculated in terms of Clause 4:5 of Chapter XIV of the Establishment Code of 1985 and the rates of the combined allowance depended on the salary scale of the particular officer. By Circular No. 06/2006 dated 25.04.2006 issued by the Ministry of Public Administration (marked as P3), the combined allowance of the Public Officers was revised and it was paid at the rate of Rs. 350/-, Rs. 400/- and Rs. 500/- for the

primary, secondary and staff grade officers respectively. Thereafter, by the Public Administrative Circular No. 06/2006(II) dated 10.11.2006 (marked as P4) it was revised to determine the combined allowance on the salary scale which was also subsequently amended by several Public Administrative Circulars (marked as P5, P6 and P10). However, the rates of the combined allowance paid remained unchanged.

On several occasions, the number of days on which the combined allowance of the police officers was calculated increased (P2(a) and P7) and at one stage it was increased up to 24 days per month with effect from 01.01.2013 by the letter dated 28.12.2012 (marked as P8(a)) issued by the Secretary to the Ministry of Finance and Planning and accordingly, the Inspector General of Police, the 1st Respondent (the IGP) issued the Circular No. 01/2013 dated 07.01.2013 (marked as P8(b)). Thereafter, by the Public Administrative Circular No. 20/2018 dated 21.08.2018 marked as P11, the rates of combined allowance which were Rs. 350/-, Rs. 400/- and Rs. 500/- was increased to Rs. 700/-, Rs. 800/- and Rs. 1000/- respectively.

24 days after P11 was issued, by the letter dated 14.09.2018 (marked as P12), the Director General of the Department of National Budget (the 31st Respondent) informed the Secretary to the Ministry of Public Administration Management and Law and Order (the 32nd Respondent) that there is no possibility of releasing additional funds to pay the combined allowance in terms of P11 and to make a request to the Salaries and Cadre Commission in that regard. By the letter dated 20.09.2018 marked as P13 the 32nd

Respondent requested the Secretary to the Treasury (the 33rd Respondent) to release funds for the payment of the increased combined allowance. However, by the letter dated 23.10.2018 marked as P14, the 31st Respondent informed the 32nd Respondent that even though the Treasury has given approval to increase the combined allowance, it was not sanctioned by the Cabinet of Ministers. By the Cabinet Memorandum dated 28.01.2019 (marked as P15), the Minister of Finance (the 6th Respondent) proposed to the Cabinet to pay the combined allowance to the police officers in terms of the Circular marked as P11 only for 14 days. That proposal was approved by the Cabinet as reflected on the letter dated 14.02.2019 marked as P16 issued by the Secretary to the Cabinet of Ministers (the 35th Respondent). Thereafter, the IGP issued the letter dated 02.05.2019 (marked as P17) stating that the combined allowance to the police officers would be paid as per the Cabinet decision marked as P16 and the Circular dated 10.05.2019 (marked as P18) setting out the basis of calculating it for the police officers who serve other than in the North and East areas.

The Petitioners state that the combined allowance was paid for 24 days per month for officers who serve in non-operational areas and 30 days per month for officers who serve in the North and East areas from the year 2014 up to December 2018 (P14(a)).

The argument of the learned Counsel appearing for the Petitioners is that the decision to reduce the combined allowance for 14 days as reflected in P16, P17 and P18 is *ultra vires*, unreasonable, irrational, violation of their legitimate expectation and natural justice and the number of days the combined allowance should be paid is not a question

of policy that falls within the purview of Cabinet of Ministers. In that scenario, the Petitioners seek the following substantive reliefs, *inter alia*, in the prayer to the Petition.

- (c) Grant and issue an order in the nature of Writ of Certiorari quashing the decision reflected in P16, P17 and P18 to reduce the Special Combined Allowance paid to Police Officers to a maximum of 14 days;
- (d) Grant and issue an order in the nature of Writ of Mandamus directing the 1st to 49th Respondents and/or anyone or more of them to calculate and pay and/or take necessary steps to pay the Special Combined Allowance for 24 days, in accordance with P8(a);
- (e) Grant and issue an order in the nature of Writ of Mandamus directing the 1st to 49th Respondents and/or anyone or more of them to calculate and pay and/or take necessary steps to pay the increased Special Combined Allowance as per the Public Administration Circular No. 20/2018 for a maximum of 24 days per month;
- (f) Grant and issue an order in the nature of Writ of Mandamus directing the 1st to 49th Respondents and/or anyone or more of them to calculate and pay and/or take necessary steps to pay the increased Special Combined Allowance as per the Public Administration Circular No. 20/2018 for a maximum of 24 days per month with effect from 23.08.2018;

The position of the learned ASG appearing for the Respondents is that a special combined allowance mentioned in P16 was paid to the police officers in addition to the combined allowance paid to all the government employees under Chapter XIV of the Establishment Code. Further, although several amendments were made to the Public Administration Circulars from time to time until the year 2018, the rates applied to calculate the combined allowance remained unchanged and only by the Circular dated 21.08.2018 marked as P11 the rates were increased. Moreover, even though the said Circular marked as P11 refers to an officer who is spending more than 24 hours outside his station of service, the combined allowance was paid to the police officers irrespective of whether they travel outside of their service station or not. Further, the Petitioners have not disclosed how the combined allowance was decreased since the rates payable were increased despite the number of days being decreased. The learned ASG appearing for the Respondents submitted that in pursuant to the Cabinet decision dated 12.09.2022, by the Circular dated 13.12.2022 marked as 1R1 the number of days to which the combined allowance had to pay was increased to 21 days with effect from 01.01.2023.

It is the contention of the learned Counsel appearing for the Petitioners that, the Combined allowance was paid for 24 days per month for officers who work in non-operational areas and 30 days per month for officers who serve in North and East areas. The Petitioners were paid the combined allowance for 24 days up to the year 2019 as stipulated in the document marked as P14(a) which indicates the payment of the

combined allowance for the years 2018 and 2019 in which the 1st Petitioner had been paid for 24 days at the rate of Rs. 400/-. However, abruptly in 2019, the said allowance paid for 24 days was reduced to 14 days per month. The argument of the learned Counsel appearing for the Petitioners is that the said reduction of the combined allowance violates the legitimate expectation of the Petitioners who received the increased combined allowance from the year 2013 to 2019 and the Petitioners have a legitimate expectation that the Respondents would continue to pay the combined allowance as per P8(a) and P8(b) and that the Respondents would not illegally reduce the combined allowance without any decision of the National Salaries and Cadre Commission.

Firstly, this Court must decide whether the Petitioners to this Writ Application have a legitimate expectation. In “Administrative Law” by H. W. R. Wade and C. F. Forsyth (11th edn.) defines the concept of legitimate expectation in the following manner;

“Where some boon or benefit has been promised by an official (or has been regularly granted by the official in similar circumstances), that boon or benefit may be legitimately expected by those who have placed their trust in the promises of the officials. It would be unfair to dash those expectations without at least granting the person affected an opportunity to show the official why his discretion should be exercised in a way that fulfil his expectations. Hence there has developed a doctrine of the protection of legitimate expectation”

“It is not enough that an expectation should exist; it must in addition be legitimate. A crucial requirement is that the assurance must itself be clear, unequivocal and unambiguous. The test is ‘how on a fair reading of the promise it would have been reasonably understood by those to whom it was made’.”

*“First of all, for an expectation to be legitimate it must be founded upon a promise or practice of a public authority that is said to be bound to fulfil the expectation. Second, clear statutory words, of course, override any expectation howsoever founded. Third, **the notification of a relevant change of policy destroys any expectation founded upon the earlier policy**, fourth, there is no artificial restriction in the material on which a legitimate expectation rests may be based. Fifth, the individual seeking protection of the expectation must themselves deal fairly with the public authority, sixth, consideration of the expectation may be beyond the jurisdiction of the court.” (emphasis added)*

In *Schmidt Vs Secretary of Home Affairs*¹ it was held that “official statements of policy may cancel legitimate expectation; just as they may create it”.

*Ginigathgala Mohandiramlage Nimalsiri Vs Colonel P.P.J. Fernando and Others*²,
Priyantha Jayawardena, PC. J. observed that,

¹ [1969] 1 All ER 904.

² SC FR No. 256/2010 SC. Minute of 17.09.2015

*“an expectation is considered to be legitimate where it is founded upon a promise or practice by the authority that is said to be bound to fulfil the expectation. Therefore, an expectation reasonably entertained by a person may not be considered as legitimate because of some countervailing consideration of policy or law. Further, **clear statutory words override any expectation howsoever founded. Where an expectation is founded on a policy and later a relevant change of policy is notified, the expectation founded on the previous policy cannot be considered as legitimate.**”* (emphasis added)

Considering the facts and circumstances of the Writ Application at hand, in the light of the above-mentioned text and the authorities, the Court can conclude that even though the Petitioners had been paid the combined allowance for 24 days from 01.01.2013 up to the year 2019 in terms of P8(a) and P8(b) as shown in the document marked as P14(a) for 5 years, the change made by the Cabinet Decision marked as P16, override the legitimate expectation of the Petitioners.

The learned Counsel appearing for the Petitioners argues that the reduction of the Combined allowance as per P16, P17 and P18 is *ultra vires* for the reason that it exceeds the powers of the Cabinet of Ministers and the number of days which the Combined allowance should be paid is not a matter of policy within the ambit of powers of the Cabinet of Ministers. Further, the learned Counsel appearing for the Petitioners argues that the decision to reduce 24 days to 14 days is unreasonable, irrational and violates

the principles of Natural Justice. The learned ASG appearing for the Respondents argue that the Cabinet of Ministers has the power and authority to amend and vary any policy matters pertaining to the maintenance of law and order and the Circulars relied on by the Petitioners are based on the provisions of the Establishment Code which also has been approved by the Cabinet of Ministers. Moreover, the Cabinet of Ministers have considered the observations of the Ministry of Finance (P15) and approved the combined allowance for 14 days and the learned ASG has highlighted the fact that an additional amount of about Rs. 10,000 Million per annum is required to pay the combined allowance of the officers of the Police Department alone in a circumstance where the salaries of the Police Officers have also been increased already.

This Court will now look into whether the decisions reflected in P16, P17 and P18 are irrational and unreasonable as claimed by the Petitioners. Lord Diplock in *Council of Civil Service Unions Vs. Minister for the Civil Service*³ defining grounds for judicial review states that,

“Judicial review has I think developed to a stage today when without reiterating any analysis of the steps by which the development has come about, one can conveniently classify under three heads the grounds upon which administrative action is subject to control by judicial review. The first ground I would call “illegality,” the second “irrationality” and the third “procedural impropriety.”

³ (1985) AC 374 (HL).

By 'irrationality' I mean what can by now be succinctly referred to as 'Wednesbury unreasonableness' (see Associated Provincial Picture Houses Ltd v Wednesbury Corp [1948] 1 KB 223). It applies to a decision which is so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question to be decided could have arrived at it. Whether a decision falls within this category is a question that judges by their training and experience should be well equipped to answer, or else there would be something badly wrong with our judicial system....

In Secretary of State for Education and Science Vs. Tameside Metropolitan Borough Council⁴, it was held that,

“In public law, “unreasonable” as descriptive of the way in which a public authority has purported to exercise a discretion vested in it by statute has become a term of legal art. To fall within this expression, it must be conduct which no sensible authority acting with due appreciation of its responsibilities would have decided to adopt.”

Under the circumstances mentioned above the Court has to decide whether the decision to reduce the number of days from 24 days to 14 days in paying the combined allowance is one that no sensible person who applies his mind to the question could have arrived at. It is evident from the Cabinet decision marked as P16 that it has relied on the

⁴ [1977] AC 1014 at page 1064.

observations of the Minister of Finance and Mass Media marked as P15 where it recommends paying the combined allowance according to the new rates stipulated in the Circular marked as P11 while reducing the number of days to 14. When taking into consideration the document marked as P14(a), this Court can observe that even though the number of days has been reduced to 14 days consequent to the Cabinet decision marked as P16, the combined allowance that was paid to the Petitioners from January 2019 has been increased when compared with the combined allowance paid for 24 days at the rates applied prior to the Circular marked P11 came in to force. This Court is of the view that the Cabinet decision marked as P16 is not one that no sensible person who applies his mind to the matter to be decided could have arrived at. Therefore, the said Cabinet decision is neither irrational nor unreasonable and therefore the documents marked as P17 and P18 which have been released upon the Cabinet decision marked as P16 are neither irrational nor unreasonable.

The Petitioners are seeking reliefs relying on the letter issued by the Ministry of Finance and Planning marked as P8(a) issued on 28.12.2012 and the IGP Circular marked as P8(b) dated 07.01.2013 which increased the number of days applicable to calculate the combined allowance to 24 days. However, it is the view of this Court that the letter marked as P8(a) has become futile once the Cabinet decision marked as P16 came into force on 14.02.2019. Therefore, it is the view of this Court that the Petitioners are not entitled to seek reliefs relying upon P8(a). Dr. Sunil Coorey in Principles of

Administrative Law in Sri Lanka (4th Ed, Volume 2) at page 1172 explains futility as follows,

“Certiorari will not be issued to quash a particular exercise of power if it be futile to do so because it is no more operational or it has had its effect.”

Marsoof, PC. J (P/CA) (as he then was) in the case of *Ratnasiri and others Vs Ellawala and others*⁵ held that;

"This court is mindful of the fact that the prerogative remedies it is empowered to grant in these proceedings are not available as of right. Court has a discretion in regard to the grant of relief in the exercise of its supervisory jurisdiction. It has been held time and time again by our Courts that "A writ... will not issue where it would be vexatious or futile."

In the case of *Siddeek Vs Jacolyn Seneviratne*⁶ Soza J. observed that,

“The Court will have regard to the special circumstances of the case before It, before issuing a writ of certiorari. The writ of certiorari clearly will not issue where the end result will be futility, frustration, injustice and illegality.”

Vide; *Rev. Nehinwela Piyadassi Thero Vs National Water Supply and Drainage Board*⁷; *Credit Information Bureau of Sri Lanka Vs Messrs Jafferjee & Jafferjee (Pvt)*

⁵ (2004) SLR 180.

⁶ [1984] 1 Sri LR 83.

⁷ [2011] 2 BLR 470.

*Ltd.*⁸; *De Silva Vs University Grants Commission*⁹; *P.S. Bus Co. Ltd. Vs Members and Secretary of Ceylon Transport Board*¹⁰.

The Respondents have produced the IGP's Circular dated 13.12.2022 marked as 1R1 which increased the number of days to 21 days the combined allowance was paid. The contention of the learned Counsel appearing for the Petitioners with that regard is that increasing the number of days from 14 days to 21 days by the said Circular marked as 1R1 itself establishes that the Petitioners and, the police officers in general are entitled to the increased combined allowance. In the Circular marked as 1R1, it has been stated that the number of days has been increased to 21 days pursuant to a Cabinet decision dated 12.09.2022. Likewise, the Cabinet decision marked as P16 makes the letter marked as P8(a) futile and P16 also will be futile after the Circular marked as 1R1 came into operation pursuant to the Cabinet decision dated 12.09.2022. As a result, P17 and P18 also become futile for the reason that those two documents were based on the Cabinet decision marked as P16. It is the view of this Court that even though the number of days has been reduced to 14 days from 24 days by the Cabinet decision marked as P16, there had been no reduction of the combined allowance paid to the Petitioners but it has been increased. As discussed above, the Cabinet Decision marked as P16, the documents marked as P17 and P18 are neither irrational nor unreasonable. Therefore,

⁸ 2005 (1) Sri LR 89.

⁹ [2011] 2 BLR 474.

¹⁰ 1960) 61 NLR 491.

the Court directs the Respondents to pay the combined allowance as per the Circular marked as 1R1.

Considering the above-mentioned facts and circumstances this Court is of the view that the Petitioners are not entitled to the reliefs prayed for in the Petition to this Application.

Therefore, this Court dismisses this Application. No costs ordered.

Application dismissed.

JUDGE OF THE COURT OF APPEAL

M. T. Mohammed Laffar, J.

I agree.

JUDGE OF THE COURT OF APPEAL