

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

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

SC/FRA/402/2019

1. N. Jayasena,
No. 290/4, Nidahas Mawatha,
Pullayar Junction.
2. B.A.D.R.N Basnayake,
B/17, Bandaranayake
Mawatha,
Gemunupura,
Ampara.
3. W.M.R.K.S.B. Parakubura,
No. 353/21,
Nadun Uyana,
4th Lane, Parakandeniya,
Ibulgoda.
4. E.M.R.B Edirisuriya,
No. 77/D, Harischandra Mawatha
near Station Housing Complex,
Anuradhapura.
5. K.M. Chandrasoma,
Anuradha Road near Anagarika
Monastary, Mihinthale.
6. M.A. Mendis,
No. 08 Namal Gamuwa,
Kalankuttiya.

7. B.M. Nishantha Jayalath
Basnayake,
Ranhamige Watte, Old Mihinthale
Road, Jaffna Junction,
Anuradhapura.
8. K.M.K Upasena,
Mahadiyulwewa,
Ataweeragollawa.
9. D.M.K. Dissanayake,
Wanewatte, Thiththagonewa,
Kebatigollawa.
10. P.D.W.M.B Talagune,
Udaya House, Alawattegama,
Rikillagaskada.
11. W.M. Piyal Weerasinghe,
No. 244, Adaduwwa, Peradeniya.
12. A.M. Ratnayake,
Rathnasiri,
Goradiyawaka,
Welikemulla,
Badulla.
13. P. Piyasena,
3rd Lane, Bodirajapura,
Kurundankulama,
Anuradhapura.
14. W.F.N. Costa,
No. 07, Rathmal Oya Road,
Balagolla, Kengalla.
15. R.M.P. Kumaratilake,
No. 161, Illukwatte,
Maussagolla, Passara.

16. M.B.S.P. Kanakaratne,
Mahadiyulwewa,
Ataweeragollewa,
Madawachchiya.
17. S. Nishantha Sirisena,
Athakada, Ataweeragollewa,
Madawachchiya.
18. K.D. Seneviratne,
No. 162/2, Bulatwatte,
Tismada, Menikdiwela.
19. R.M.W. Ratnayake,
No. 725, Galwala Road,
Thambuttegama.
20. W.A.U. Priyantha Kumara,
No. 395/22, Nawanagaraya,
Digana.
21. L.L. Tudor,
Wilpattuwa Road, Horawila.
22. E.H.M. Sirimal,
No. 2/95, Paragahakelle,
Ampara.
23. P.A. Nimal Ananda,
No. 158/B, Dayaraba Junction,
Mirahawatte, Bandarawela.
24. M.D.K.K. Jayalath,
Nillapadara Arawa,
Kurundugolla,
Makulella, Bandarawela.
25. R.M. Wimal Ratnayake,
No. 511/5, Galagedara,
Nikaweratiya.

26. C. Anuraratne,
No. 60/30, Ramakele,
Walawwatte, Anuradhapura.
27. D.M.H.B. Kumarasinghe,
2485, 111th Stage,
Anuradhapura.
28. D.M.T.B. Jayalath Semasinghe,
“Charuka Sevana”,
Bulugahalanada, Ralapanawa,
Nochchiyagama.
29. D.H. Ajith Ratnasiri,
B/57, 4th Mawatha,
Nawagampura, Ampara.
30. S.D. Ranjith,
No. 344, Wan Ela,
Kantale.
31. A.D. Athukorale,
No. 377/9, Ampara Road,
Uhana.
32. R.M. Weeraratne Banda,
No.372/1, Wan Ela,
Kantale.
33. N.A. Podiralahami,
No.19/26/2, Tissapura,
Dadayamtalawa.

PETITIONERS

Vs.

1. C.D. Wickremaratne,
Inspector General of Police,
Police Headquarters, Colombo 01.

- 1A. Deshabandu Thennakoon,
Inspector General of Police,
Police Headquarters, Colombo 01.
2. S.S.C. Fernando, (Former Chairman)
Chairman,
National Police Commission.
3. S. Liyanagama, (Former Member)
Member,
National Police Commission.
4. M.S.M. Samsudeen, (Former
Member)
Member,
National Police Commission.
5. M.P.P. Perera, (Former Member)
Member,
National Police Commission.
6. G. Wickramage, (Former Member)
Member,
National Police Commission.
7. T.P. Paramaswaran, (Former
Member)
Member,
National Police Commission.
8. Thanuja Fernando, (Former
Secretary)
Secretary (Acting),
National Police Commission.
- 2A. Mr. E.W.M. Lalith Ekanayake
(Present Chairman),
Chairman,
National Police Commission.

3A. Mrs. D.K. Renuka Ekanayake
(Present Member),
Member,
National Police Commission.

4A. Mr. K. Karunaharan,
(Present Member),
Member,
National Police Commission.

5A. Mr. P.G.S. Gamini De Silva,
(Present Member),
Member,
National Police Commission.

6A. Mr. Dilshan Kapila Jayasuriya,
(Present Member),
Member,
National Police Commission.

7A. Mr. A.A.M. Illiyas,
(Present Member),
Member,
National Police Commission.

8A. Mrs. Thamara D. Perera
(Present Secretary),
Secretary,
National Police Commission.

All of National Police Commission,
BMICH, Colombo 7.

9. Ranil Wickremasinghe,
Minister of Finance,
The Secretariat, Colombo 01.

10. Prof. G.L. Peiris,
Minister of Foreign Affairs,
Foreign Ministry,
Republic Building,
Sir Baron Jayathilake Mawatha,
Colombo 01.
- 10A. M.U.M. Ali Sabri,
Minister of Foreign Affairs,
Foreign Ministry,
Republic Building,
Sir Baron Jayathilake Mawatha,
Colombo 01.
11. Dinesh Gunawardena,
Minister of Public Administration,
Home Affairs,
Provincial Councils & Local
Government, Independence Square,
Colombo 07.
- 11A. Hon. Janaka Wakkubura,
Minister of Public Administration,
Home Affairs,
Provincial Councils & Local
Government,
Independence Square,
Colombo 07.
20. Hon. Prasanna Ranatunga,
Minister of Urban Development
& Housing, 8th, 17th & 18th Floor,
“Suhurupaya”,
Subhuthipura Road,
Battaramulla.

21. Hon. Kanchana Wijesekara,
Minister of Power & Energy,
No. 437, Galle Road,
Colombo 03.
22. Hon. Nimal Siripala De Silva,
Minister of Ports,
Naval & Aviation Services,
Sri Lanka Ports Authority,
No. 19 Chaithya Road,
Colombo 01.
23. Hon. Bandula Gunawardana,
Minister of Mass Media,
Minister of Transport & Highways,
7th Floor,
Sethsiripaya Stage II,
Battaramulla.
24. Hon. Keheliya Rambukwella,
Minister of Water Supply,
Minister of Health,
“Suwasaripaya”,
No. 385,
Rev. Baddegama Wimalawansa
Thero Mawatha,
Colombo 10.
- 24A. Hon. Jeevan Thondaman,
Minister of Water Supply,
Minister of Health,
“Suwasaripaya”,
No. 385,
Rev. Baddegama Wimalawansa
Thero Mawatha, Colombo 10.

- 24B. Hon. Ramesh Pathirana,
Minister of Water Supply,
Minister of Health,
“Suwasaripaya”,
No. 385,
Rev. Baddegama Wimalawansa
Thero Mawatha, Colombo 10.
25. Hon. Roshan Ranasinghe,
Minister of Irrigation,
Minister of Sports & Youth Affairs,
No. 09, Philip Gunawardana
Mawatha, Colombo 07.
- 25A. Hon. Pavithra Devi
Vanniarachchi,
Minister of Irrigation,
No. 500, T.B. Jaya Mawatha,
Colombo 10.
26. Hon. Vidura Wickramanayake,
Minister of Buddhasasana,
Religious & Cultural Affairs,
No. 135, Srimath Anagarika
Dharmapala Mawatha,
Colombo 07.
27. Hon. Mahinda Amaraweera,
Minister of Wildlife & Forest
Resources Conservation,
Minister of Agriculture,
No. 80/5,
Govijana Mandiraya,
Rajamalwatta Lane,
Battaramulla.

28. Hon. Douglas Devananda,
Minister of Fisheries,
New Secretariat,
Maligawatta,
Colombo 10.
29. Hon. Dr. Ramesh Pathirana,
Minister of Plantation Industries,
Minister of Industries,
No. 73/1, Galle Road,
Colombo 03.
30. Hon. Naseer Ahamed,
Minister of Environment,
Sobadam Piyasa,
No. 416/C/1, Robert Gunawardana
Mawatha, Battaramulla.
- 30A. Hon. Janaka Wakkumbura,
Minister of Environment,
Sobadam Piyasa,
No. 416/C/1, Robert
Gunawardana Mawatha,
Battaramulla.
31. Hon. Susil Premajayantha,
Minister of Education,
Isurupaya, Battaramulla.
32. Hon. Wijayadasa Rajapakshe,
Minister of Justice,
Prison Affairs & Constitutional
Reforms,
Superior Courts Complex,
Adhikarana Mawatha,
Colombo 12.

33. Hon. Harin Fernando,
Minister of Tourism & Lands,
25th Floor, West Tower,
World Trade Centre, Colombo 01.
- 33B. Hon. Harin Fernando,
Minister of Tourism & Lands,
Minister of Sports & Youth,
25th Floor, West Tower,
World Trade Centre, Colombo 01.
34. Hon. Manusha Nanayakkara,
Minister of Labour & Foreign
Employment,
6th Floor,
Mehewara Piyasa,
Narahenpita, Colombo.
35. Hon. Nalin Fernando,
Minister of Trade, Commerce &
Food Security,
No. 492, R.A. De Mel Mawatha,
Colombo 03.
36. Hon. Tiran Alles,
Minister of Public Security,
14th Floor,
Suhurupaya, Battaramulla.
37. W.M.D.J. Fernando,
Secretary,
Cabinet of Ministers,
Office of the Cabinet of Ministers,
Lloyd's Building,
Sir Baron Jayatilake Mawatha,
Colombo 01.

38. Hon. Attorney General,
Attorney General's Department,
No. 159, Hulftsdorp,
Colombo 12.

RESPONDENTS

SC/FRA/429/2019

1. R.H.M. Nawaratne Rajakaruna,
Wanniamunukole,
Mahananneriya.
2. S. Anura Seneviratne,
No. 7/3/A, Perakum Mawatha,
Pothanegama, Anuradhapura.
3. D.S. Wijesinghe,
No. 114, Janaudanagama,
Murawesihena, Barawakumbuka.
4. A. Abeygunawardene,
No. 42, Mudiyansegewater,
Aluth Road, Dickwella.
5. C.T. Ramanayake,
Godakanduruwatte,
Murathamuraya, Hakmana.
6. E.M.A.S Priyantha,
No. 6213, Muwanpellesa,
Sooriya Wewa.
7. U.J. Dangalla,
No.11/1, Bogodawatte,
Palugama, Dompe.
8. K.A.J.P.R. Perera,
No. 368/A, Gamamada Road,
Thudella, Ja-ela.

9. N.K.V.K. Wijegunasekara,
No.116/5, Nisala Mawatha,
Elawella Road, Matara.
10. U.G.T. Sisira Kumara,
Godagangodawatta, Sandawala,
Baddegama.

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Adhikarana Mawatha,
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35. Hon. Nalin Fernando,
Minister of Trade, Commerce &
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37. W.M.D.J. Fernando,
Secretary, Cabinet of Ministers,
Office of the Cabinet of Ministers,
Lloyd's Building,
Sir Baron Jayatilake Mawatha,
Colombo 01.

38. Hon. Attorney General,
Attorney General's Department,
No. 159, Hulftsdorp Street,
Colombo 12.

RESPONDENTS

Before	: P. Padman Surasena, C.J. : Mahinda Samayawardhena, J. : Sampath B. Abayakoon, J.
Counsel	: M.U.M. Ali Sabry, P.C. with Ruwantha Coray instructed by Dhammika Jiminige for the Petitioners. : Ganga Wakishta Arachchi, D.S.G. instructed by Rizni Firdous for all Respondents.
Argument on	: 15-05-2025
Written Submissions	: 05-06-2025 (By the Respondents in SC/FRA/402/2019) : 11-08-2025 (By the Petitioners in SC/FRA/402/2019) : 20-09-2023 (By the Petitioners in SC/FRA/429/2019)
Decided on	: 11-09-2025

Sampath B. Abayakoon, J.

The petitioners in both these Fundamental Rights Applications allege that their fundamental rights guaranteed in terms of Article 12(1) and/or Article 14(1)(g) of the Constitution have been infringed and/or continued to be infringed by the actions of one or more respondents named in their petition; and seeks redress as prayed for in their respective petitions.

The Fundamental Rights Application No. SC/FRA/402/2019 has been instituted on 24-10-2019, while SC/FRA/429/2019 has been instituted on 08-11-2019.

When both these applications were supported together by the learned President's Counsel who represented the petitioners, having considered the relevant facts and the circumstances, this Court granted Leave to Proceed on 25-10-2020 in terms of Article 12(1) of the Constitution against all the respondents named in their respective applications.

At the hearing of this application, all parties agreed for a common judgment since the facts, circumstances and the reliefs sought were identical.

This Court heard the submissions of the learned Counsel for the petitioners and that of the learned Deputy Solicitor General (DSG) for the respondents. This Court also had the benefit of considering the written submissions tendered in determining the applications.

The facts that led to these applications can be summarized in the following manner.

All the petitioners are retired police officers of Sri Lanka Police Service, who held different ranks at the time of their retirement.

The petitioners belong to a group of police officers who sustain injuries on various occasions due to terrorist activities while performing their official duties. After their recovery from the said injuries, they have earned promotions within the ranks as serving police officers.

However, the petitioners being subsequently adjudged medically incapable of serving or continuing to serve in Sri Lanka Police due to their physical impairments and disabilities suffered during the separatist war, they have been sent on retirement on the recommendations made by a Medical Board appointed for that purpose.

According to the contents of the petition, the petitioners, having been sent on retirement, had become entitled to the following benefits in terms of Sri Lanka Administrative Circular 21/88 dated 13-07-1988.

- a. Monthly salary up to the attainment of age 55 computed on the basis of the last drawn salary.
- b. Monthly payable pension as at the date of retirement calculated on the basis of the last drawn salary.

The petitioners state that they were made aware that a policy decision had been made by the government of Sri Lanka in pursuance to a decision by a Cabinet of Ministers to, '*Grant promotions to male and female police officers of the police rendered disabled due to LTTE acts of terrorism.*'

The petitioners are seeking to challenge the aforementioned Cabinet decision, on the basis that it led to discriminatory promotions, where police officers with less seniority in their ranks to that of the petitioners were promoted ahead of them, and thereby treating the equals unequally.

In paragraph 05 of SC/FRA/402/2019, the petitioners have pleaded the following;

5. The petitioners therefore, by this application is seeking the intervention of Your Lordship's Court to remedy the said serious inequities which had been caused to the petitioners **as a direct result of the said impugned Cabinet decision** and to grant promotions to male and female police officers of the Sri Lank Police rendered disabled/ medically condemned due to LTTE acts of terrorism and backdating the said promotions to the date of said injury (*the emphasis is mine*).

The corresponding paragraph 07 of SC/FRA/429/2019 reads as follows;

7. The petitioners therefore, by this application is seeking the intervention of Your Lordship's Court to remedy the said serious inequities which has been caused to these petitioners as a direct result of not granting any relief whatsoever, in **pursuance to the impugned Cabinet decision** and also by the conduct of the state to treat equals unequally in the manner morefully pleaded herein in detailed, thus violating and/or continuing to violate the rights of these petitioners (*the emphasis is mine*).

It is therefore manifestly clear from the contents of the petitions that the petitioners have come before this Court on the basis of violation of their fundamental rights as a result of a Cabinet decision by the Cabinet of Ministers to grant promotions to police officers rendered disabled due to the acts of terrorism as stated earlier.

The relevant Cabinet Memorandum No. 10/2015 dated 26-03-2015 has been presented by the Subject Minister having considered the necessity to grant special relief to those police officers who had received injuries due to terrorist activities, proposing and recommending several reliefs. (The document marked P-05).

For better understanding of the scheme of reliefs, I will now reproduce the said recommendations in its full, which reads thus;

නිර්දේශය

1. එල්.ටී.ටී.ඊ. ත්‍රස්තවාදී ක්‍රියා හේතුවෙන් වෛද්‍ය හේතූන් මත 2014.05.18 දිනට පෙර විශ්‍රාම ගන්නා ලද සහ අනතුරට පත්වූ දින සිට 2014.05.18 දින දක්වා උසස්වීම් නොලද නිලධාරීන්/නිලධාරිනියන් සඳහා ඊළඟ තනතුරට උසස් කිරීමටත්,
2. මෙම කාලය තුළ අනතුරට පසු උසස්වීමක් ලබා ඇති නිලධාරීන්/නිලධාරිනියන් සඳහා එම උසස්වීම් අනතුරට පත්වූ දිනට පෙරදාතම කිරීමටත්,
3. වෛද්‍ය නිර්දේශ මත සැහැල්ලු රාජකාරිවල යොදවා ඇති අනතුරට පත්වූ දින සිට මේ දක්වා කිසිදු උසස්වීමක් ලැබී නොමැති නිලධාරීන් හා නිලධාරිනියන්ට විශේෂ වැටුප් වර්ධක දෙකක් ලබාදීමටත්,

ඉහත (1,2,3) කරුණුවලට අදාළව උසස්වීම් හා වැටුප් වර්ධක ලබාදීමේදී එම නිලධාරීන් හා නිලධාරිනියන්ට වැටුප්/විශ්‍රාම වැටුප් ගෙවීමට පහත පරිදි වාර්ෂිකව (දළ ඇස්තමේන්තුව) රුපියල් මිලියන 348 ක් වැයවේ. (...)

4. මෙම උසස්වීම්වලට අදාළ හිඟ වැටුප් 2009.05.18 දින සිට පමණක් ගෙවීමටත්,
 5. වැටුප් වර්ධක ලබාදීමේදී 2009.05.18 දින සිට ඇති හිඟවැටුප් වර්ධක මුදල් පමණක් ගෙවීමටත්,
- අමාත්‍ය මණ්ඩල අනුමැතිය අපේක්ෂා කරමි.

The petitioners' position is that they fall into to the 2nd group of police officers as detailed in the petition.

The document marked P-06 along with the petition, which is the relevant Cabinet decision in relation to the above Cabinet Memorandum, shows that the Cabinet of Ministers have decided to implement the said recommendations at the Cabinet meeting held on 23-05-2017. It has been decided to grant approval to the previous Cabinet Memorandum and to implement it.

Accordingly, Secretary to the Cabinet has been directed to communicate to the relevant authorities to implement the said decision, which reads as follows;

- (i) එවකට මහජන සාමය සහ ත්‍රිස්තියානි ආගමික කටයුතු ඇමති තුමා ඉදිරිපත් කළ 2015-03-26 දිනැති සංදේශයේ සඳහන් නිර්දේශ (1), (2), (3), (4), සහ (5) සඳහා අනුමැතිය ලබා දීම; සහ
- (ii) ජාතික පොලිස් කොමිෂන් සභාව විමසමින් ඉහත (i) හි සඳහන් තීරණය ක්‍රියාත්මක කිරීම පිණිස අවශ්‍ය පියවර ගන්න ලෙස නීතිය හා සාමය සහ දක්ෂිණ සංවර්ධන අමාත්‍යාංශයේ ලේකම් ට උපදෙස් දීම.

The petitioners state that giving effect to the said Cabinet decision the then Inspector General of Police issued a directive dated 18-03-2019, outlining the dates of which the appointments of all eligible officers who had already received promotions after sustaining respective injuries were to be backdated based on their date of sustaining the injury.

The petitioners claim that by granting promotions in terms of the recommendation 01 to those officers who were similarly circumstanced and retired without earning a promotion, and making the petitioners earned promotions while in service backdated to their date of injury, amounts to equals being treated unequally.

At the hearing of these applications, it was the submission of the learned Counsel for the petitioners that since the petitioners have already earned a promotion before their retirement, they should have been granted a further promotion rather than backdating their earned promotions to their date of injury.

In their petitions, the petitioners have averred that once they came to know about the directive of the Inspector General of Police, marked P-06A and P-07 in the respective petitions, they lodged a complaint with the Human Rights Commission in this regard. They have submitted the findings of the Human Rights Commission along with the petition to substantiate the said fact.

It clearly appears that the complaints to the Human Rights Commission by the individual police officers had been after the Inspector General of Police issued the letter dated 18-03-2019 where he published the name list of the police officers whose promotions were back dated in compliance with the earlier mentioned Cabinet decision.

The 1st and the 37th respondent, namely, the Inspector General of Police and the Secretary to the Cabinet of Ministers, have taken up the position that the relevant authorities have already implemented the decision of the Cabinet of Ministers. They have also taken up several objections as to the maintainability of these applications. The main objection amongst them is that the applications are time bared in terms of Article 126(2) of the Constitution.

Therefore, let me first deal with the said main preliminary objection pertaining to the time bar as it amounts to a matter that goes into the core of the applications before the Court.

I am of the view that if the said objection succeeds, considering the other factual matters would become irrelevant.

The relevant Article 126(2) of the Constitution reads as follows;

126. (2) Where any person alleges that any such Fundamental Rights or Language Right relating to such person has been infringed or is about to be infringed by executive or administrative action, he may himself or by an attorney-at-law on his behalf, within one month thereof, in accordance with such rules of Court as maybe in force, apply to the Supreme Court by way of petition in writing addressed to such Court praying for relief or redress in respect of such infringement. Such application maybe proceeded with only with leave to proceed first had and obtained from the Supreme Court, which leave maybe granted or refused, as the case maybe, by not less than two judges.

As I have highlighted previously, the petitioners have come before this Court challenging the constitutionality of the Cabinet Memorandum No. 10/2015 dated 26-03-2015, and the Cabinet decision taken in that regard on 23-05-2017. I find that, in their petition, the petitioners have conveniently failed to mention when they become aware of the said Cabinet decision.

However, it appears that by referring to the document marked P-06(A), which is the letter issued by the Inspector General of Police on 18-03-2019 as to the officers who would stand benefited from the said Cabinet decision, the petitioners stand appears to be that, since they have lodged complaints with the Human Rights Commission, the time limit of one month should not be computed as a bar in view of the inquiry into their complaints by the Commission.

The relevant section 13 of the Human Rights Commission of Sri Lanka Act No. 21 of 1996 which refers to the applicability of the time limitation in terms of Article 126(2) of the Constitution reads as follows;

13 (1). Where a complaint is made by an aggrieved party in terms of section 14, to the Commission, within one month of the alleged infringement or imminent infringement of a fundamental right by executive or administrative action, the period within which the inquiry into such complaint is pending before the Commission, shall not be taken into account in computing the period of one month within which an application may be made to the Supreme Court by such person in terms of Article 126 (2) of the Constitution.

The above section clearly provides that to claim protection under section 13(1); an aggrieved party must complain about the alleged or imminent infringement of a fundamental right within one-month of the occurrence of it to the Human Rights Commission.

Evidently, the petitioners who are seeking to challenge the Cabinet Decision taken on 23-05-2017 have failed to lodge a complaint to the Human Rights Commission within one month of the said decision.

I find no basis to consider that the alleged infringement amounts to a continuous violation of human rights as claimed in the respective petitions. As I have discussed previously, the petitioners have come before this Court based on the Cabinet decision, and not on the basis that the relevant authorities to whom the Secretary to the Cabinet communicated the Cabinet Decision for its implementation infringed their fundamental rights in any manner.

In fact, the letter issued by the Inspector General of Police on 18-03-2019 clearly establishes that the petitioners, who fall under the 2nd category of officers and are entitled to be benefited in terms of the relevant Cabinet decision.

This Court has consistently held that the time period of one month set out in Article 126(2) of the Constitution shall be considered applicable, unless the alleged infringement amounts to a continuous infringement of fundamental rights or falls under the terms of section 13(1) of the Human Rights Commission Act.

In the case of **Edirisuriya Vs. Nawarathnam and Others (1985) 1 SLR 100 at page 105**, it was observed:

“This court has consistently proceeded on the basis that the time limit of one month set out in Article 126(2) of the Constitution is mandatory.”

It was observed in the case of **Gamaethige Vs. Siriwardena (1988) 1 SLR 385**:

“Three principles are discernible in regard to the operation of the time limit prescribed by Article 126(2). Time begins to run when the infringement takes place; if knowledge on the part of the petitioner is required (e.g. of other instances by comparison with which the treatment meted out to him becomes discriminatory), time begins to run only when both infringement and knowledge exists.”

It is my considered view that the petitioners should have known that the Cabinet Decision reached on 23-05-2017 will not allow them an additional promotion rather than backdating the promotion they have already received to their date of sustaining the respective injuries. I find no basis for one to argue that fact was not within their knowledge. They would have known very well that there was no Cabinet Decision that would grant them an additional promotion.

For the matters considered as above, I hold that the objection raised as to the time bar of these two applications shall succeed, and the applications should stand dismissed on that ground alone.

In view of the above, I find that it is unnecessary for me to consider the other factual matters urged before this Court.

Accordingly, while upholding the objection raised as to the maintainability of the action on the basis that both the applications are time barred, I dismiss the two petitions filed before the Court by the petitioners.

Having considered the relevant facts and the circumstances, I order no costs.

Judge of the Supreme Court

P. Padman Surasena, C.J.

I agree.

Chief Justice

Mahinda Samayawardhena, J.

I agree.

Judge of the Supreme Court