

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

In the matter of an application in terms of Article 126 read with Article 17 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

SC FR NO. 415/2015

1. I. M. Weerasena Premasinghe,
C/O Mr. Balagolla,
Pahala Kotuwella,
Pannala.
2. M. Indika Prabhath Kumara,
Palukadawala yaya,
Kithulwewahara,
Wariyapola.
3. H.M. Athula Weerasingha,
Niyarawalpitiya,
Hengamuwa,
Kobeigane.
4. W.M. Roshan Wanninayaka,
No. 670/5,
Budumuththawa,
Nikaweratiya.
5. P.H. Aruna Lal Ekanayaka,
No. 10,
Abahena,
Heelogama,
Nikaweratiya.
6. R. Sisira Senarathna,
Nikaweratiya Road,

Adigama.

7. M.D. Sarath Weerasingha,
No. 14,
Abahena,
Heelogama,
Nikaweratiya.
8. R.M. Samantha Rajapaksha,
No. 247,
Mahagalkadawala,
Galgamuwa.
9. G.P. Sudath Kularathna,
No. 52/1,
Court Road,
Weehenagama,
Maho.
10. K.D. Chaminda Kumara Wikramasiri,
No. 95,
Pahalgama,
Kakkapalliya.
11. P.G. Don Chaminda Wijerathna,
No. 11/B,
Pahala Mohottimulla,
Dankotuwa.
12. D.M. Mahinda Dissanayaka,
“Sada Hiru Niwasa”
Dalupathggama,
Monnekulawa.
13. S.M. Gamini Adasooriya,

Weraherayagama,

Minuwangate.

14. R.I.B. Herath Karunasena,
Kiridigalla,
Rideebedi ella.
15. R.A. Rohana Pradeep Wijethunga,
No. 38.
Subjarathipura,
Kuliyapitiya.
16. K.P. Bandula Sisira Kumara,
Galagedara,
Nikaweratiya.
17. M. Don Deshapriya Dayarathna,
Moragahawewa,
Nawagaththegama.
18. A.M. Upul Shantha Adikari,
Palukadawala,
Galgamuwa.
19. T.M. Sunil Mahinda Rathna,
Ihala Kithagama,
Kobeigane.
20. J.A. Niroshan Nalaka Kumara Jayakodi,
Thorana Junction,
Temple Road,
Rasnayakapura.
21. I.M. Jagath Indika Karunasena,
No. 165,

Kubuk Wewa,
Jayalathgama,
Balalla.

22. R.A. Gamini Ranasingha,
No. 29,
Rajithpura,
Diullewa,
Maho.
23. W.G. Senarathna,
Anandabodi Road,
Kadahathagama,
Abanpola.
24. J.M. Saman Kumara Jayalath,
No. 45/23,
Samangala Road,
Kurunegala.
25. B.M. Somathilaka Bandara,
Waragammana,
Abanpola.
26. M.H.A. Anurudda Gamini,
Wijebandara,
Sinhandaluwa,
Nikaweratiya.
27. Inaththapuli Henayalage Asoka Karunaratne,
Pahala Heelogama,
Heelogama.
28. H.M. Sarath Kumara Herath,
Samagi Mawatha,

Mirihanegama,

Wariyapola.

PETITIONERS

Vs.

1. Senior Superintendent of Police,
Office of the Superintendent of Police,
Polonnaruwa Division,
Polonnaruwa.
2. Senior Superintendent of Police,
Office of the Superintendent of Police,
Monaragala Division,
Monaragala.
3. Senior Superintendent of Police,
Office of the Superintendent of Police,
Nikaweratiya Division,
Nikaweratiya.
4. Senior Superintendent of Police,
Office of the Superintendent of Police,
Kandy Division,
Kandy.
5. Director,
President's Security Division,
Union Place,
Colombo 02.
6. Director,
Ministers' Security Division,
Union Place,

Colombo 02.

7. Deputy Inspector General of Police,
(Personnel Range),
Police Headquarters,
Colombo 01.
8. Director (Personnel),
Police Headquarters,
Colombo 01.
9. Director (Personal),
Special Task Force,
Gonahena,
Kadawatha.
10. Inspector General of Police,
Police Headquarters,
Colombo 01.
11. The Secretary,
National Police Commission,
Block No. 9,
BMICH Premises,
Baudhaloka Mawatha,
Colombo 07.
12. Prof. Siri Hettige,
Chairman,
National Police Commission,
Block No. 9,
BMICH Premises,
Baudhaloka Mawatha,
Colombo 07.

13. Mr. P.H. Manatunga,
Member,
National Police Commission,
Block No. 9,
BMICH Premises,
Baudhaloka Mawatha,
Colombo 07.

14. Ms. Savithree Wjiesekara,
Member,
National Police Commission,
Block No. 9,
BMICH Premises,
Baudhaloka Mawatha,
Colombo 07.

14A. A. Tilak Collure,
Member,
National Police Commission,
Block No. 9,
BMICH Premises,
Baudhaloka Mawatha,
Colombo 07.

14B. Frande Silva,
Member,
National Police Commission,
Block No. 9,
BMICH Premises,
Baudhaloka Mawatha,
Colombo 07.

15. Mr. Y.L.M. Zawahir,
Member,
National Police Commission,

Block No. 9,
BMICH Premises,
Baudhaloka Mawatha,
Colombo 07.

16. Mr. Anton Jeyanadan,
Member,
National Police Commission,
Block No. 9,
BMICH Premises,
Baudhaloka Mawatha,
Colombo 07.
17. Wijesingha (15478)
President's Security Division,
Union Place,
Colombo 07.
18. Silva (18366)
President's Security Division,
Union Place,
Colombo 07.
19. Rohan (39310)
President's Security Division,
Union Place,
Colombo 07.
20. Kumara (33646),
Ministers' Security Division,
Colombo 02.
21. Sugath (5583)
Police Headquarters,
Colombo 01.

22. Herath (38961)
Office of the Superintendent of Police,
Nikaweratiya Division,
Nikaweratiya.
23. Thudugala (11141)
Office of the Superintendent of Police,
Pollonnaruwa Division,
Pollonnaruwa.
24. Walisundara (39386)
Office of the Superintendent of Police,
Kandy Division,
Kandy.
25. Wijesinghe (40326)
Office of the Superintendent of Police,
Monaragala Division,
Monaragala.
26. The Honourable Attorney General,
Department of the Attorney General,
Colombo 12.

RESPONDENTS

BEFORE : **P. PADMAN SURASENA, CJ**
MAHINDA SAMAYAWARDHENA, J
M. SAMPATH K. B. WIJERATNE, J

COUNSEL : Saliya Pieris PC, with Thanuka Nandasiri for the Petitioner.

Rajitha Perera, DSG for the Hon. Attorney General.

ARGUED ON : 04-09-2025

DECIDED ON : 16-01-2026

P. PADMAN SURASENA, CJ

The Petitioners in this case were Police Constables at the time they filed this Petition, i.e. on 13th November 2015. They have challenged the promotion granted to the 17th to 25th Respondents as Police Sergeants.

The 17th to 25th Respondents had applied for the said post pursuant to the notice dated 20th May 2015 (marked **10R1C**) issued by the Headquarters of the Special Task Force, calling for applications for promotion to the post of Police Sergeants in the Special Task Force to fill the vacancies existing in the Special Task Force. The said notice mandates a minimum service period of 12 years as a Police Cosntable.

The 1st to 3rd, 5th to 23rd and 25th to 27th Petitioners were directly recruited to the Regular Service of Sri Lanka Police between 1993 and 1999 (as per annexures **P2A - P2AB**).

The 4th Petitioner, being a person recruited as a Reserve Police Constable to the Sri Lanka Police Reserve in June 1993, had subsequently faced the examination for the recruitment of Police Constables to the Regular Service of Sri Lanka Police. It was thereafter that the Petitioner was recruited to the Regular Service of Sri Lanka Police as a Constable with effect from 01st June 1997. The Petitioner claims that his service as a Reserve Police Constable in the Sri Lanka Police Reserve must be added as a part of his service in the Regular Service in Sri Lanka Police.

Similarly, the 24th and 28th Petitioners were recruited to the Sri Lanka Police Reserve as Reserve Police Constables on 23rd July 1992 and 10th February 1993 respectively and subsequently, upon facing the examination for the recruitment of Police Constables to the Regular Service, they were recruited to the Regular Service of Sri Lanka Police as Police Constables with effect from 5th of May 1996. They too claim that their service as Reserve Police Constables in Sri Lanka Police Reserve should be added to their service in the Regular Service in Sri Lanka Police.

It is on the above basis that the Petitioners claim that they have more than 15 years of service in the Regular Service of Sri Lanka Police and therefore were expecting a promotion to the

rank of Police Sergeant. The complaint made to this Court by the Petitioners is that the 17th to 25th Respondents had received promotions to the rank of Police Sergeant while they (the Petitioners) were not promoted.

The issue whether the Petitioners' service in the Reserve Force should be considered in calculating the eligibility of the Petitioners for promotion in the Regular Service of Sri Lanka Police has been dealt with by this Court in SC/FRA/47/2014, decided on 28-03-2025. The relevant portion from the Judgment in that case is reproduced below:

"13. The primary issue before the Court is whether the Petitioners' service in

the Reserve Force should be considered when calculating their eligibility for promotion to Chief Inspector of Police and whether the differential treatment between them and officers absorbed in 2006 constitutes an infringement of their constitutional rights.

14. This Court finds that the Petitioners' period of service in the Reserve Force

in the rank of Inspector of Police cannot be added when considering their promotion to the rank of Chief Inspector of Police in the Regular Force in 2013. The Petitioners, who were absorbed into the Regular Force in 1999, cannot be equated with the Inspectors of Police of the Reserve Force, who were absorbed into the Regular Force on the 24th February 2006 and whose past service in the Reserve Force was given due recognition..."

Be that as it may, the real issue in this case is whether the Petitioners who are non-STF constables can claim the promotions granted to STF constables as per a promotion scheme dedicated only to STF members. Therefore, the issue whether the Petitioners possess 12 years' experience in normal Police Force would not be relevant to decide this case.

Admittedly, 17th to 25th Respondents are persons serving in the Special Task Force. They had applied for the promotion of Police Sergeant in the Special Tasks Force while serving as Police Constables in the Special Task Force. This is confirmed by the documents which the 10th Respondent (Inspector General of Police) has produced, marked **10R1a**, **10R1b** and **10R1c**.

The communication marked as **10R3** shows that the 17th to 25th Respondents had earned this promotion of Police Sergeant for the services they had rendered in the Police Special Task

Force. They are not promotions granted to them for their service in the normal police service. The Petitioners are not entitled to use the fact that the 17th to 25th Respondents had commenced their services in the normal Regular Service of Sri Lanka Police at the time the Police Special Task Force approved and granted the promotion they had earned for their service rendered as Police Constables in the Special Task Force, to argue that they (the Petitioners) have been discriminated. This is because the 17th to 25th Respondents had rightly earned that promotion for the service they had rendered as Police Constables in the Special Task Force.

Petitioners have not claimed that they have also served in the Special Task Force. Therefore, they could not have been granted these promotions. That is simply because they have not served in the Special Task Force. The Petitioners in this case have not challenged the promotion scheme applicable to Special Task Force. Instead, the Petitioners only pray that they also be promoted as Police Sergeants with effect from 17th July 2015 and be paid back wages and increments since that day. That is the date from which the promotions granted to the 17th to 25th Respondents took effect.

For the above reasons, I am of the view that there is no justification whatsoever for the promotion claimed by the Petitioners in this case. Accordingly, I hold that the Petitioners are not entitled to succeed with their applications. Accordingly, I direct that this Petition must stand dismissed without costs.

CHIEF JUSTICE

MAHINDA SAMAYAWARDHENA, J

I agree.

JUDGE OF THE SUPREME COURT

M. SAMPATH K. B. WIJERATNE, J

I agree.

JUDGE OF THE SUPREME COURT