

**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. 344/2020**

N.W. Chaminda Kudahetti,  
7/5/L,  
Nagahawatta Place,  
Ambalanwatta,  
Galle.

**PETITIONER**

**Vs.**

1. State Engineering Corporation  
No. 130,  
W.A.D. Ramanayake Mawatha,  
Colombo 02.
2. Mr. Rathnasiri Kalupahana,  
Chairman/CEO,  
State Engineering Corporation,  
No. 130,  
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3. Eng. Bhagya Jayathilaka,  
Vice Chairman,  
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No. 130,  
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  - a. Eng. Y.D.C. Weerakkody,

Director,  
State Engineering Corporation,  
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Colombo 02.

4. Ms. Malarmathy Gangaratharan,  
Director (Treasury Representative),  
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10. K.D.S. Priyadarshana,  
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Colombo 02.
11. Hon. Attorney General,  
Attorney General's Department,  
Colombo 12.

**RESPONDENTS**

**SC FR NO. 345/2020**

P. L. Nishantha Fernando,  
No. 217/05,  
Temple Road,  
Ganemulla.

**PETITIONER**

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11. Hon. Attorney General,  
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Colombo 12.

**RESPONDENTS**

**SC FR NO. 346/2020**

W. T. Nayanadarshani,  
No. 140/17,  
Poththagala Road,  
Udammita,  
Weyangoda.

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11. Hon. Attorney General,  
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**SC FR NO. 347/2020**

K. K. Rohitha Sarathchandra,  
124D,  
Thammita,  
Makevita.

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**RESPONDENTS**

**SC FR NO. 348/2020**

C. H. Saman Kumara,  
317/9/G-1,  
Nugagahawatta Road,  
Hokandara North,  
Hokandara.

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11. Hon. Attorney General,  
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**RESPONDENTS**

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R. G. Wasantha Karunathilaka,  
73M,  
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**RESPONDENTS**

**BEFORE** : **P. PADMAN SURASENA, CJ**  
**ACHALA WENGAPPULI, J &**  
**MENAKA WIJESUNDERA, J**

**COUNSEL** : Nuwan Bopage with Manoj Jayasena instructed by  
Ramzy Bacha Associates for the Petitioner.

K.G. Jinasena with Ms. Imalika Dissanayake instructed by  
D.K. Vikum Jayanath for all the Respondents except the  
Hon. Attorney General.

Navodi de Zoysa, SC for the Hon. Attorney General.

**ARGUED &**

**DECIDED ON** : **15-09-2025**

**P. PADMAN SURASENA, CJ**

The learned Counsel for both parties agree that Court can consolidate all these cases and conduct one hearing in respect of all of them. They also agree that it would suffice for this Court to pronounce one Judgment in respect of all these cases i.e. SC/FR/344/2020, SC/FR/345/2020, SC/FR/346/2020, SC/FR/347/2020, SC/FR/348/2020 and SC/FR/349/2020.

Court heard the submissions of the learned Counsel for the Petitioner and also the submissions of the learned Counsel for the Respondents and concluded the argument of this case.

According to the Petition, the Petitioner has joined the State Engineering Corporation of Sri Lanka in the year 1999 as a Security Officer (Casual). Thereafter, by the letter dated 09-03-2006 (**P2** and **P3**) he was promoted to the Post of Clerk Grade XIII while being absorbed in to the permanent carder of the Corporation.

Thereafter, by the letter dated 30-10-2009 (**P4**), the Petitioner was appointed to the Post of Management Assistant Grade III of the Corporation with effect from 01-11-

2009. Thereafter, the Petitioner was promoted to the Post of Management Assistant Class II of Grade III of the Corporation by the letter dated 11-08-2010 (**P5**). Subsequently, by the letter dated 16-05-2006, the Petitioner was again promoted to the Post of Administrative Officer Grade III of the Corporation (**P6**).

Admittedly, the Petitioner was engaged in active Politics for a specified Political Party while working as a Committee Member for a specified Trade Union of the Corporation. (Vide paragraph 19 of the Petition dated 16-12-2020)

Petitioner in his Petition has also admitted having being engaged in political activities in the Country from time to time.

In the instant case, the Petitioner has challenged the documents marked **P8** and **P23**. By **P8**, the 1<sup>st</sup> Respondent has transferred the Petitioner to another station in Ekala. This transfer was based on the document marked **P23**.

The Petitioner has presented this case on the basis that the Respondents have effected the impugned transfer for political reasons. However, we observe that no document produced by the Petitioner has successfully established this assertion before us.

The minute made on **P23** is by an official. There is no indication whatsoever that the discussion referred to in that minute has been made for political reasons. The transfer of the Petitioner has been effected on this decision.

The learned Counsel for the Respondents has taken up the position that the Petitioner having joined as a Security Officer (Casual) has unduly raised himself up to the position of Administrative Officer Grade III of the 1<sup>st</sup> Respondent Corporation purely due to political affiliations the Petitioner has had with the afore-said specified Political Party.

The learned Counsel for the Respondent submits that this has happened in total disregard to the accepted Scheme of Recruitment.

Indeed, we observe that the document marked **R4** has shed some light on this. According to **R4**, the 1<sup>st</sup> Respondent Corporation has informed the Petitioner that it is in the process of conducting an Inquiry to ascertain whether the Petitioner has necessary qualifications to hold the Post he is currently holding.

In the above circumstances, we are unable to agree with the submissions of the learned Counsel for the Petitioner that the transfer of the Petitioner effected as per **P8** has been done by the Respondents illegally, unlawfully, arbitrarily, capriciously or unreasonably as claimed by the Petitioner.

For the above reasons, we hold that the Petitioner is not entitled to succeed with this Petition.

Therefore, we decide to dismiss this case without costs.

The issue in the other cases are the same. Therefore, this Judgment must apply to all the other cases and all the other cases, i.e. SC/FR/344/2020, SC/FR/345/2020, SC/FR/346/2020, SC/FR/347/2020, SC/FR/348/2020 & SC/FR/349/2020 must stand dismissed without costs.

**CHIEF JUSTICE**

**ACHALA WENGAPPULI, J**

I agree.

**JUDGE OF THE SUPREME COURT**

**MENAKA WIJESUNDERA, J**

I agree.

**JUDGE OF THE SUPREME COURT**