

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

In the matter of an application under Articles  
17 and 126 of the Constitution of the  
Democratic Socialist Republic of Sri Lanka.

**SC. FR. Application  
No. 466/2015**

1. M. G. Padmaseeli  
No. 08-B, 63/4, National Housing  
Scheme,  
Mattegoda.
  2. K. G. I. Shirani  
No. 191/2/D, Hubutiyawa,  
Nittambuwa.
  3. L. A. Samanthi Gunasinghe  
No. 203/14, Kotagedara Road,  
Madapatha,  
Piliyandala.
  4. H. G. Malani  
No. 55-C2, Suriya Garden,  
Maalapalla,  
Homagama.
  5. W. M. V. Priyanthi Sirisuriya  
No. 241/1/C, 3<sup>rd</sup> Lane,  
Kalapaluwawa,  
Rajagiriya.
  6. S. P. Neela Kumudini  
No. ¾, “Amba Sewana”,  
Pilikuththuwa,  
Buthpitiya.
- Petitioners**

Vs.

1. Sri Lanka Transport Board,  
No. 200, Kirula Road,  
Colombo 05.
2. Ramal Siriwardena  
Chairman,  
Sri Lanka Transport Board,  
No. 200, Kirula Road,  
Colombo 05.
3. P. D. Balasuriya  
Chief Executive Officer,  
Sri Lanka Transport Board,  
No. 200, Kirula Road,  
Colombo 05.
4. N. Godakanda  
Director General,  
Department of Management Services,  
Ministry of Finance,  
General Treasury,  
Colombo 01.
5. Hon. Attorney General  
Attorney General's Department,  
Colombo 12.  
**Respondents**

**BEFORE** : Sisira J. de Abrew, J.  
Nalin Perera, J. and  
Prasanna S. Jayawardena, PC, J.

**COUNSEL** : J. C. Weliamuna, PC, with Pasindu Silva for the  
Petitioners.  
  
Dr. Avanti Perera, SSC, for the Attorney General.

**ARGUED &  
DECIDED ON:**

16.05.2018

**Sisira J. de Abrew, J.**

Heard both Counsel in support of their respective cases.

The Petitioners were recruited to the Sri Lanka Transport Board on contract basis, and their contracts had gone on till December, 2015. The Sri Lanka Transport Board in October 2015 has taken a decision to absorb the 06 Petitioners to the permanent cadre. This is reflected in 2R5. But this decision has not been implemented and after December 2015 the contracts of the Petitioners had not been extended. The Petitioners therefore complained that their fundamental rights guaranteed under Article 12(1) of the Constitution have been violated. Under Section 11 (1) B of Sri Lanka Transport Board Act No. 27 of 2005, the Sri Lanka Transport Board has the power to recruit security officers to the Sri Lanka Transport Board.

According to the document marked 'P7' which is the list of security officers of the Sri Lanka Transport Board, the approved cadre of security officers is thirteen.

It appears that in P7, 08 contract security officers (lady security officers) had been included in the approved cadre of thirteen. This includes the 06 Petitioners.

Thus it appears that the Board has the capacity to appoint the 06 Petitioners as security officers to the permanent cadre. They have in fact decided do so by document marked 2R5. We therefore hold that

the decision not to recruit the 06 Petitioners to the permanent cadre is unreasonable and arbitrary.

For the above reasons, we hold that Sri Lanka Transport Board (1<sup>st</sup> Respondent) has violated the fundamental rights of the Petitioners guaranteed by Article 12 (1) of the Constitution.

Considering all these matters, we direct the 1<sup>st</sup> Respondent to recruit all 06 Petitioners to the permanent cadre with immediate effect.

The 1<sup>st</sup> Respondent is directed to recruit the 06 Petitioners to the permanent cadre as security officers grade ix.

The 1<sup>st</sup> Respondent is directed to implement the direction given by this Court within 02 months from the date of this judgment (toady).

**JUDGE OF THE SUPREME COURT**

**Nalin Perera, J.**

I agree.

**JUDGE OF THE SUPREME COURT**

**Prasanna S. Jayawardena, PC, J.**

I agree.

**JUDGE OF THE SUPREME COURT**

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