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**இலங்கை மனித உரிமைகள் ஆணைக்குழு**  
**HUMAN RIGHTS COMMISSION OF SRI LANKA**

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දිනය } 2025.05.08  
திகதி }  
Date }

Ms. T. J. Jayasundara  
No:11 A, 8<sup>th</sup> Lane,  
Jambugasmulla Mawatha,  
Nugegoda.

**Complainant**

General Manager,  
Central Engineering Consultancy Bureau,  
415, Bauddhaloka Mawatha,  
Colombo 07.

**Respondent**

**Complaint No: HRC/4040/22**

**Complainant's Claim**

The complainant lodged a complaint with the Human Rights Commission of Sri Lanka on 21st October 2022, stating that she is the most senior Deputy General Manager and is eligible for the vacant position of Additional General Manager (Design 1) at the Central Engineering Consultancy Bureau (CECB). However, the General Manager, without prior notice, issued Bureau Circular No. 42/2022 dated 24th August 2022, appointing Engineer S.S.A. Kalugaldeniya, who was serving as Additional General Manager (Design 3), to the position of Additional General Manager (Design 1) without any advertisement or interview.

The complainant further states that the respondent's actions violated her fundamental right to be considered for the position of Additional General Manager (Design 1), adversely affecting her professional dignity, as she is now required to report to a person with fewer qualifications and less experience. She also claims that the appointment was made effective from 1st September 2022, pending the approval of the Board, and that she has made several appeals to both the Chairman and the General Manager, but no action has been taken.

The complainant seeks the intervention of the Human Rights Commission in this matter and requests that necessary steps be taken to instruct the Board of Directors to revoke the

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| ප්‍රධාන කාර්යාලය<br>பிரதான அலுவலகம்<br>Head Office | 14, எஃர். ஏ. டி. மேல் மாவத்தை, கொழும்பு - 04.<br>14, ஆர்.ஏ.த. மேல் மாவத்தை, கொழும்பு - 04.<br>14, R. A. De Mel Mawatha, Colombo - 04. | සභාපති<br>தவிசாளர்<br>Chairperson | 011-2505451 | ෆැක්ස්<br>தொலைநகல்<br>Fax        | 011-2505541 / 74 | ෆීඩ්බැක්<br>மின்னஞ்சல்<br>E-mail | sechrc@gmail.com |
| දුරකථන<br>தொலைபேசி<br>Telephone                    | 94-11-2505580 / 81 / 82                                                                                                               | දේශීය<br>செயலாளர்<br>Secretary    | 011-2505521 | කණික<br>துரித அழைப்பு<br>Hotline | 1996             | වෙබ්<br>இணையம்<br>Web            | www.hrcsl.lk     |

appointment of Mr. S.S.A. Kalugaldeniya, ensure a respectful working environment, and appoint her to the position of Additional General Manager (Design 1).

In addition to the original complaint, the complainant tendered her written submission on 5th April 2023. In that submission, she stated that she joined the CECB on an assignment basis with full professional qualifications and was assigned to perform the duties of Deputy General Manager (Structural 1-1 AGM). She was subsequently confirmed in the position of Deputy General Manager (Structural 1-1) with effect from 01.02.2015.

The complainant further stated that, as Deputy General Manager (Structural 1-1), she was under the supervision of the Additional General Manager (Design 1) [AGM (D-1)], and her next promotional path would be to AGM (D-1), which she considers her legitimate expectation.

She further asserted that a vacancy arose in 2022 following the retirement of the previous AGM (D-1), and that the vacant position should have been filled by appointing the most senior DGM of the relevant section, either in an acting capacity or to attend to the duties. However, Eng. S.S.A. Kalugaldeniya was appointed as Additional General Manager (Design 1) with effect from 01.09.2022, in addition to his current duties as AGM (Design 3). The complainant states that this appointment was made without the approval of the Board and that Eng. S.S.A. Kalugaldeniya is junior to her in service.

She insists that the management of CECB has arbitrarily deviated from the customary procedures established within the institution by appointing a person to the position, despite a more suitable officer being available.

The complainant further contends that AGM (Design 1) and AGM (Design 3) are two independently operated design sections within the CECB. She did not apply for the post of AGM (Design 3) when applications were called, as its job description is entirely different from that of AGM (Design 1). She chose instead to wait patiently, based on her legitimate expectation of promotion to AGM (D-1), and continued to perform her duties with utmost satisfaction to the clients.

Finally, the complainant argues that even though the respondent claims CECB is currently facing serious economic difficulties and that the amalgamation of design sections is necessary to address them, filling the vacancy in the post of AGM (Design 1), without abolishing the post, would not impose any additional financial burden.



### **Respondents' Contentions**

The respondent General Manager of the Central Engineering Consultancy Bureau states in his submission that Central Engineering Consultancy Bureau (CECB) as a dynamic organization restructured its management functions as the level of Additional General Manager (AGM) sections and Deputy General Manager (DGM) units to effectively manage the high volume of time targeted works for several mega projects that were awarded and accordingly the structural Engineering functions too were restructured in year of 2023. Thus then exiting posts AGM (Design, Research & Development) and AGM (Special projects 3) in the consultancy division were amalgamated and restructured creating three AGM sections with redesigned posts as AGM (Structural Design 1), AGM (Structural Design 2) and AGM (Structural Design 3).

The respondent further states that three (03) new DGM units namely DGM (Structural Design 01), DGM (Ports and Coastal Structures) and DGM (Water supply & Drainage) created under AGM (Design 1) to support the expanding opportunities in these sectors and to enhance better client focus and delivery of quality services as well. The respondent states that in 2015 the design officers of consultancy divisions were reorganized as AGM (Design 1), AGM (Design 2) and AGM (Design 3) sections with 4 DGM units namely DGM (SD 1), DGM (SD 3), DGM (Water Supply & Drainage) and DGM (Geotechnical Engineering) created under AGM (Design 1) section.

Moreover, the respondent states that as a commercial operating organization filling of vacant positions of AGM and DGM over the years has been on need, relevancy, merit and clause (ii), Section 3.4 of operational manual for state owned enterprises introduced by PED Circular 01/2021. The respondent states that the appointments of CEO and the immediate next Senior Manager level to the CEO should not be decided by the seniority alone and he has mentioned some example of appointment in the respondent institutions and Eng. S.S.A. Kalugaldeniya too has been appointed in this manner.

Furthermore, the respondent states in his lengthy report that due to the COVID-19 pandemic, the country's national construction industry was severely affected. This led to the suspension of new state projects as well as all ongoing project activities, pursuant to National Budget Circular No. 03/2022 dated 26.04.2022 and Public Enterprises Circular No. 04/2022 dated 08.08.2022. The respondent further notes that the budget proposal does not provide any positive consideration for the construction industry, and the circulars also restrict new recruitments.



The respondent, General Manager, further states that under these circumstances, the CECB appointed a review committee on the utilization of staff, vehicles, and rental houses. In line with Public Enterprises Circular No. 04/2022, a high-level committee was also established to focus on expenditure management and business sustainability of commercial corporations, statutory boards, and government-owned companies, emphasizing the productive use of human resources.

The respondent further explains that the vacancy for the position of AGM (Design 1) arose due to the retirement of Eng. Ms. S.W. Jayawardene. However, considering the critical situation currently faced by the CECB, the absence of new projects, and state-imposed restrictions, the higher management decided not to appoint a new AGM for the post until the recommendations of the restructuring committee are finalized. Instead, it was decided that the section would be managed by a suitably experienced Senior AGM. Accordingly, Eng. S.S.A. Kalugaldeniya, AGM (Design 3), who has held that post for the last seven years, was assigned the responsibility of managing the AGM (Design 1) section in addition to his current duties.

The respondent states that this situation was fully explained to the complainant, Ms. T. J. Jayasundara, both verbally and in writing. It is further clarified that salary scales are fixed and aligned with grades, not with designations such as AGM or DGM. Promotions are based on necessity and seniority, and maintaining a separate AGM section would incur uneconomical overhead costs under the present circumstances.

Finally, the respondent assures the Human Rights Commission that no rights of the complainant, Ms. T. J. Jayasundara, have been violated and that no injustice has been caused to her.

### **Observations**

The complainant joined the respondent institution as a Chartered Engineer on an assignment basis in 2007 and was subsequently absorbed into the permanent cadre of the CECB as a Civil Engineer. She was later promoted to Acting Specialist Engineer (Structural Design) and assigned to perform the duties of Deputy General Manager (Structural 1-1) (DGM). Ultimately, she was confirmed in the position of DGM (Structural 1-1), effective from 01.02.2015, as clearly stated in her appointment letters.

The Human Rights Commission of Sri Lanka recognizes that every officer serving in a government institution has a legitimate expectation of career progression, and it is their right

to be considered for promotion once qualified. In this context, the complainant, as the Deputy General Manager (Structural 1-1), works directly under the supervision of the Additional General Manager (Design 1), which is her next potential promotional position.

It was revealed that the position of Additional General Manager (Design 1) became vacant following the retirement of the previous officer. However, the CECB management failed to follow a formal and methodical procedure to fill this high-level vacancy, such as conducting a structural interview or publishing an advertisement. Instead, Eng. S. S. A. Kalugaldeniya, who was already holding the post of Additional General Manager (Design 3), was appointed to the Additional General Manager (Design 1) role as well.

It is important to note that Design 1 and Design 3 are two separate entities, and the complainant reports directly to the Additional General Manager (Design 1). The rationale behind appointing Eng. Kalugaldeniya who is already serving in a different and unrelated position and is junior to the complainant is unclear. The respondent has not provided any valid or special reason for this decision.

As a result, the complainant, Ms. T. J. Jayasundara, a senior officer, is now required to work under a junior officer, leading to mental distress and professional humiliation. This situation has negatively affected her performance and workplace morale.

The respondent has claimed that due to the economic crisis in 2022, the management decided to amalgamate certain units within the CECB and impose a freeze on new government sector recruitments. However, the complainant asserts that amalgamation would not impose any additional financial burden on the CECB, and the Human Rights Commission concurs finding that no financial burden was borne by the CECB even in the absence of such amalgamation.

Furthermore, the appointment of Eng. S.S.A. Kalugaldeniya was made without the approval of the board, constituting an arbitrary act. If the board was not in place at the time, the respondent should have waited until its appointment before making such a significant decision. The Commission finds no justification for the respondent's haste in making this appointment improperly.

It is also noted that the complainant stated she did not apply for the position of Additional General Manager because the advertised vacancy was irrelevant to her career and job description. She was instead awaiting the opening of the Additional General Manager (Design 1) position.



## Conclusion

Considering the above circumstances, the Human Rights Commission is of the view that the respondent's failure to conduct a structured interview for the post of Additional General Manager (Design 1) breached the legitimate expectation of the complainant to be considered for promotion. Moreover, appointing an individual to the position without conducting an interview deprived the complainant of the opportunity to apply for the said post, despite possessing the necessary qualifications. Therefore, the respondent has violated the complainant's right to equality, as guaranteed under Article 12(1) of the Constitution of Sri Lanka, 1978.

## Recommendation

In view of the notification to the HRCSL that no prejudice will be caused to Eng. S. S. A. Kalugaldeniya, who formerly held the position of Additional General Manager (Design 1) but, no longer does, the respondent shall conduct an interview for the post of Additional General Manager (Design 1) and select the most qualified candidate for the position within two months.

It is notified to the respondent to implement the aforementioned recommendation before 15.07.2025 and report back to the Human Rights Commission of Sri Lanka on the progress made with respect to measures taken to implement the recommendation, in terms of Section 15(7) of the Human Rights Commission of Sri Lanka Act No. 21 of 1996.

Also, it is notified to the complainant to inform the Commission about the implementation or non-implementation of the recommendation within a week from the prescribed date of implementation and the requests submitted after the date will not be considered.

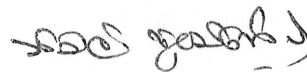


Justice L.T.B. Dehideniya

Chairman

Human Rights Commission of Sri Lanka

Justice L.T.B. Dehideniya  
Judge of the Supreme Court (Retired)  
Chairman  
Human Rights Commission of Sri Lanka



Nimal G. Punchihewa

Commissioner

Human Rights Commission of Sri Lanka

Nimal G. Punchihewa  
Senior Counsel  
Commissioner  
Human Rights Commission of Sri Lanka

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Ministry of Agriculture, Lands, Livestock,  
Irrigation, Fisheries and Aquatic Resources,  
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- For your reference

