

PSC Circular No. 03/2003

My No. E..1/92/1/2003

The Public Service Commission
No. 46, Vauxhall Street,
Colombo 02.
28th November 2003

To : All Secretaries to Ministries,
Chief Secretaries of Provincial Councils
and Heads of Departments

**Instructions on Implementation of the Provisions
of 17th Amendment to the Constitution**

In terms of Article 55(3) of the 17th Amendment to the Constitution, the appointment, promotion, transfer, disciplinary control and dismissal of all Heads of Department are vested in the Cabinet of Ministers who shall exercise such powers after ascertaining the views of the Public Service Commission (PSC). In terms of Article 55(1), the appointment, promotion, transfer, disciplinary control and dismissal of other public officers are vested in the PSC.

02. Accordingly, the appointment of Additional Secretaries to Ministries, Senior Assistant Secretaries and Divisional Secretaries is vested in the PSC. Action will be taken to amend Section 4:1 of Chapter II of the Establishments Code. Criteria for selection will be determined by the PSC in consultation with the appropriate authorities.

03. The appointment of Consultants and advisors to fill regular cadre positions is vested in the PSC, while appointments on contract to posts outside the approved cadre will be made by the Cabinet of Ministers.

04. Release for service outside the Public Service (on secondment to Public Enterprises/Projects) will initially be for a period of two (02) years. If the service of such an officer is required by any Public Enterprise/Project for a further period due to exigency of service or difficulty in finding a successor, a request for any further extension could be submitted by the Public Enterprise/Project through the Secretary to the Ministry in charge of the subject, to the respective appointing authority, who will

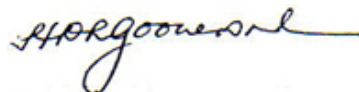
consider the request and grant an extension if this request is justified. The duration of such extension should not exceed one year at a time, subject to a maximum total period of five years.

05. The re-employment of retired officers to cadre posts in the Public Service, other than Head of Departments, is vested in the PSC. Section 9-1 of Chapter II of the Establishments Code will be amended accordingly.

06. In terms of Article 59 of the 17th Amendment to the Constitution, the Administrative Appeals Tribunal (AAT) shall have power to alter, vary or rescind any order or decision made by the PSC. Since the AAT has now been set up, such appeals will be considered by the AAT. Sections 26:10 and 26:12 of Chapter XLVIII (Volume II) of the Establishments Code will be amended accordingly.

07. All Secretaries to Ministries, Chief Secretaries of Provincial Councils and Heads of Departments are directed to adhere to the above instructions with immediate effect.

By order of the Public Service Commission



H.D.L. Goonewardene

Secretary

Public Service Commission