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வருடாந்த அறிக்கை  
ANNUAL REPORT

**2011**

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இலங்கை சனநாயக சோசலிசக் குடியரசின்  
அரசாங்க சேவை ஆணைக்குழு

**PUBLIC SERVICE COMMISSION  
OF  
THE DEMOCRATIC SOCIALIST REPUBLIC  
OF SRI LANKA**



**PUBLIC SERVICE COMMISSION**  
**ANNUAL REPORT**  
**2011**

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PUBLIC SERVICE COMMISSION  
No. 177, Nawala Road, Narahenpita,  
Colombo 05.

10<sup>th</sup> January,2013

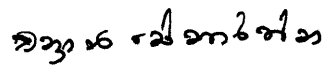
The Secretary General  
Parliament of the Democratic Socialist Republic of Sri Lanka

Sir,

**ANNUAL REPORT OF THE PUBLIC SERVICE COMMISSION**  
**FOR THE PERIOD 1 JANUARY TO 31 DECEMBER 2011**

I am directed by the Public Service Commission to forward through you to Parliament the Commission's Report of its activities for the period 1 January 2011 to 31 December 2011 in terms of Article 55(5) of the Constitution of the Democratic Socialist Republic of Sri Lanka.

Yours faithfully



T.M.L.C. Senaratna  
Secretary  
Public Service Commission

### **Vision**

*To promote and support an efficient, disciplined and contented public service which will serve the public with fairness, transparency, consistency in an equitable manner and assist positively in the democratic governance free of all negative influences such as corruption, politicization, waste, negligence and lethargy.*

### **Mission**

*The Mission of the Commission is to establish and maintain a competent, efficient, impartial and highly motivated body of public officers, dedicated to serving the people.*

## **Members of the Public Service Commission**

### **Chairman**

**Vidya Jhothy Dr. Dayasiri Fernando**

### **Members**

**Mr. Palitha M. Kumarasinghe PC**

**Mrs. Sirimavo A. Wijeratne**

**Mr. S.C. Mannapperuma**

**Mr. Ananda Seneviratne**

**Mr. N.H. Pathirana**

**Mr. S.Thillanadarajah**

**Mr. M.D.W. Ariyawansa**

**Mr. A. Mohamed Nahiya**

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## **1. Introduction**

In terms of Article 54(1) of the Constitution as amended by the 18<sup>th</sup> Amendment, the Public Service Commission consists of not more than 9 members appointed by the President. The President will appoint one of such members as its Chairman. This Commission has been appointed with effect from 13.05.2011. In accordance with the provisions in Article 55(5) of the Constitution the Public Service Commission submits this report to Parliament for the period 1<sup>st</sup> January 2011 to 31<sup>st</sup> December 2011.

## **2. Historical path of the Public Service Commission**

During the era when Sri Lanka was a colony under the British Crown, the first Public Service Commission was established by the Ceylon (Constitution) Order in Council of 15<sup>th</sup> May 1946. The Public Service Commission was thereby vested with the executive powers of appointment, promotion, transfer, disciplinary control and dismissal of public officers.

With the adoption of the first Republican Constitution in 1972 the Public Service Commission which was hitherto in existence for 26 years was abolished and the authoritative power over the public service was vested in the Cabinet of Ministers.

The second Republican Constitution of 1978 reestablished the Public Service Commission and the appointment of members to such Commission was made by the President under Article 56(1) of the said Constitution. This particular Public Service Commission thus became operational subject to delegated authority of the Cabinet of Ministers.

In 1978, the powers of appointment, promotion, transfer, disciplinary control and dismissal of public officers were vested in the Public Service Commission by the Cabinet of Ministers. The Public Service Commission on the direction of the Cabinet of Ministers delegated the authority of appointment, promotion, transfer, disciplinary control and dismissal of public officers to the Secretaries of Ministries and Heads of Departments. The Public Service Commission functioned as the Appellate Authority. The Cabinet of Ministers retained with it the authority to alter, vary or rescind any decision made by the Commission or a Committee thereof with delegated powers.

The 17<sup>th</sup> Amendment to the Constitution in 2001 nullified the hitherto existed Chapter IX of the Constitution concerning the public service and a new chapter was incorporated. As such,



the Public Service Commission consisted of members, not more than nine in number, appointed by the President on the recommendation of the Constitutional Council and one person from among such members was appointed as the Chairman of the Public Service Commission. This particular amendment brought about a robust change into the profile of the Public Service Commission and the authority vested in the Cabinet of Ministers with regard to appointment, promotion, transfer and disciplinary control of the public service was delegated to the Public Service Commission subject to the provisions of the Constitution. Moreover, the Public Service Commission in this instance was made an institution accountable and answerable to the Parliament adhering to its Standing Orders.

In the year 2010, matters pertaining to the establishment and functions of the Public Service Commission have been revised by the 18<sup>th</sup> Amendment to the Constitution. This ought to be a Commission answerable to Parliament in keeping with its Standing Orders. In terms of Sub Article 54(1) of the Constitution as amended by its 18<sup>th</sup> Amendment, the Public Service Commission consists of not more than nine members appointed by the President. The President will also appoint one of such nine members as the Chairman of the Public Service Commission. They hold office for a term of three years and are eligible for reappointment for one further term. In pursuance of Article 55 (1) of the Constitution as amended by its 18<sup>th</sup> Amendment, the Cabinet of Ministers shall provide for all policy matters concerning the public officers. Subject to provisions of the Constitution, the Public Service Commission has been vested with the powers of appointment, promotion, transfer and disciplinary control of the public officers including police officers.

### **3. Powers of the Public Service Commission**

By virtue of the powers vested via 18<sup>th</sup> Amendment to the Constitution, except for members of Army, Navy and Air Force, provincial public officers appointed by the Provincial Public Service Commissions, Ministry Secretaries appointed by the President, Heads of Department appointed by the Cabinet of Ministers, scheduled officers appointed by the Judicial Service Commission and employees of Public Corporations, Statutory Bodies and Government Owned Business Undertakings,

- the appointment
- promotion
- transfer
- disciplinary control and
- dismissal from public service

of all other public officers including officers falling under All Island Services employed in

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the Provincial Councils are handled by the Public Service Commission.

### **3.1 Instances where the decisions of the Public Service Commission can be canvassed.**

The decisions of the Commission cannot be canvassed in any Court of Law or Tribunal except;

- in the Supreme Court under its fundamental rights jurisdiction subject to Article 61A and paras (1), (2), (3), (4) and (5) of Article 126 of the Constitution and,
- in the Administrative Appeals Tribunal established by the Administrative Appeals Tribunal Act No. 4 of 2002 in terms of Article 59(1) of the Constitution.

## **04. General review of the work of the Public Service Commission**

The Public Service Commission, in dealing with matters pertaining to appointments, promotions, transfers and disciplinary process as well as respective appeals thereon, has acted upon in such a manner as to safeguard the aspects of fairness, equitability and transparency with a view to sustain good governance. Arrangements have accordingly been set in motion for appointments to be made by means of public notice after calling for applications, promotions to be based on seniority and competency, disciplinary process to be secured with integrity and accepted norms and imposition of punishments to be dealt with on equal terms. Action has also been taken to follow streamlined schemes of transfer. The Public Service Commission, in order to achieve the desired objectives, has made available the relevant procedures and guidelines to the respective Ministries and other Departments enabling them to deal with such functions in a congruent manner.

### **4.1 Dealing with Public Petitions Committee of the Parliament of Sri Lanka**

The members of the Commission on the invitation of the Hon. Speaker held a discussion at the Parliament on how to deal with complaints submitted to the Public Petitions Committee against determinations made by the Public Service Commission and many issues were able to be sorted out there. Accordingly the officers have been educated to present matters in detail to the Public Petitions Committee on how decisions have been arrived at by the Public Service Commission particularly in connection with the appeals made by individual petitioners.

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## **4.2 Dealing with cases filed in the Supreme Court against violation of human rights**

Based on the allegations of non adherence to proper procedures by Ministries, Departments and other related institutions involving issues on appointments, promotions and disciplinary matters a large number of officers have filed cases in the Supreme Court and the Public Service Commission during the period under review has made representations for 26 such cases. In order to circumvent this situation the Department of Police, the Ministry of Education and the Ministry of Health have particularly been summoned before the Public Service Commission on several occasions and the matters have been explained to them.

## **4.3 Special Recruitments for North East regions**

Taking into consideration of the inadequacy of qualified officers for attachment to North East regions for the accelerated implementation of the government's development programme, the Public Service Commission has granted approval to hold special examinations in Tamil Medium to recruit personnel to Sri Lanka Accountants Service and Sri Lanka Administrative Service in deviation of the respective service minute provisions.

## **4.4 Appointments & Promotions**

Granting of approval to requests laid before the Public Service Commission has been delayed due to substantial number of such requests are not in conformity to the provisions of the Procedural Rules of the PSC / Establishments Code and also due to the fact that they are not forwarded together with necessary documents at one stroke.

Acting appointments have been made due to occurrence of large number of vacancies in the public service owing to failure in taking necessary measures and non preparation of time tables to fill them up. The government has confronted with many a problem as such appointments have been made in an irregular manner.

In spite of the fact that the results of interview boards conducted for granting appointments and promotions are to be forwarded to the Public Service Commission without delay there exist observed instances of delayed disposal of respective approvals by the Public Service Commission due to deficiencies such as tardiness in submitting such schedules of interviews, amended marks in such forwarded schedules, no entries of information made in such schedules to substantiate the marks so obtained at the interviews, no submission of connected

documents thereto and no consideration being given to basic qualifications relating to appointments and promotions in such interviews.

There are instances where certain qualified officers had to retire from service even without laying claim for their promotions in view of the failure on the part of the Administrative Authorities to attend to ground work relating to promotions granted on seniority and competency, within the stipulated period. Apart from that the Public Service Commission is finding it difficult to grant approval for antedating of the promotions of officers who covered up duties or acted in the respective posts due to existing circumstances in procedural rules despite their requests to do so.

In instances where applications had been invited in contravention of the respective service minutes and schemes of recruitment relating to appointments and promotions without any formal approval and interviews had been held on the basis of marking schemes that were not met with due approval during the period the Public Service Commission was defunct, granting the approval of the PSC to such appointments and promotions has encountered a problematic situation.

Due to reasons of paucity in filling up of vacancies in the public service at the right time and appointment of officers to respective posts void of a proper methodology, a substantial number of officers coming under the purview of the authorities with delegated power has made appeals before the Supreme Court praying for justice and the Public Service Commission is faced with numerous difficulties in making observations on such matters to the Supreme Court when required to do so.

The Public Service Commission is also confronted with issues such as the authorities with delegated power making requests for confirmation in appointments of the candidates who do not meet with the qualifications set out in the respective schemes of recruitment together with other necessary requirements having recruited them and retained them in public service on temporary or contract basis for a long period of time and also seeking permission for their confirmation in service when they reach their age of retirement.

Moreover, despite the fact that the Public Service Commission is required to approve all service minutes and schemes of recruitment governing officers in the public service in terms of the Public Administration Circular 06/2006, only a handful of them has seen clearance

from the PSC as at present and due to delays in the formulation of these service minutes and schemes of recruitment by the respective Ministries the Commission is not in a position to give them its green light.

#### **4.5 Disciplinary matters**

Successful completion of cases involving disciplinary matters has been hampered by the non compliance with the stipulated method in initiating it with the institution of preliminary investigation in such a manner as to unearth all relevant information relating to the case concerned having employed a suitable Preliminary Investigating Officer well conversant with the aspects involving preliminary investigations. There are instances where the finalization of disciplinary matters gets dragged on over a long period of time in view of the prolonged delays on the part of the Administrative Authorities in initiating disciplinary action that is lying ahead in the case of officers interdicted from service. Besides, failure in making available to the PSC the required information in its entirety once and for all in order to arrive at certain decisions at the very outset and during the course of a disciplinary action also causes long delays in the initiation and conclusion process of the disciplinary matters.

The Administrative Authorities and Preliminary Investigating Officers by trying to frame charges of various components into one single charge sheet in the process of drafting them make such drafts appear more complicated. This consumes excessive time and endeavor in bringing such charge sheets into one simple document.

As the majority of Preliminary Investigating Officers is preoccupied in a fake notion that it is compulsory to submit a draft charge sheet at the conclusion of a preliminary investigation submission of such draft charge sheets even in instances where it ought not to be so devours unwarranted time and labour.

Not resorting to legal action on acts of misconduct involving state property and in instances where the law of the state has been breached is considered to be irresponsible on the part of the relevant authorities. It is important that the Police Department should give priority to such charges and set to doing the needful to wind up the judicial process very quickly.

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## 4.6 Appeals

The decision of the Public Service Commission on appeals made in terms of Article 58(1) of the Constitution has to be conveyed and matters connected thereto have to be wound up at least within a period three months. For doing so, the non availability of promptly forwarded reports requiring submission in connection with such appeals by the respective Departments / Ministries remains a decisive impediment.

Furthermore the instances of non compliance with the relevant rules and regulations in the public service in arriving at decisions by the authorities with delegated power are observed and in consequence, the officers who indulged in acts of malpractice develop a tendency to make it an opportunity to shun them away from impending disciplinary action. Moreover, the chances of reimbursement of losses incurred by the government will thereby become eluded and the sustenance of discipline in the public service will also get affected. Therefore the implementation of the delegated power in congruence with the relevant provisions would minimize the instances of unnecessary submissions of appeals and the role of the Public Service Commission as the Appellate Authority in delivering an efficient and effective performance would be further facilitated.

## 4.7 Dealing with Administrative Appeals Tribunal

Officers aggrieved by an order or decision made by the Public Service Commission have been preserved the right to make appeals before the Administrative Appeals Tribunal established in terms of Article 58 of the Constitution and the Administrative Appeals Tribunal Act No. 4 of 2002.

The PSC, by way of the timely production of reports containing correct information in connection with the appeals made before the AAT against decisions of the PSC and by way of appearing and elucidating matters before the AAT through its officers, has extended its fullest cooperation for AAT to deliver suitable judgments.

## 4.8 Overcoming the drawbacks against office activities in the back to normalcy process with the reconstitution of the Public Service Commission

When the Public Service Commission was reconstituted in May 2011 various reasons such as lack of adequate office accommodation with necessary wherewithal and transferred out

staff strength to almost half hampered the smooth and diligent execution of its routine tasks. However by the end of the year necessary arrangements were put in place enabling an effective service.

#### **4.9 The Procedural Rules issued by the Public Service Commission**

For the purpose of providing for appointment, promotion and transfer of public officers and matters incidental thereto, the Public Service Commission, by virtue of the powers vested in it by Article 61B of the Constitution formulated a set of Procedural Rules and published it in the Gazette Extraordinary No.1589/30 of 20.02.2009. Work on the updated version of these procedural rules commenced during the year.

#### **4.10 Educating the Public Institutions**

In order to overcome problems, delays and difficulties encountered in the course of business with the PSC by Ministries, Departments and other institutions steps were taken to call up the respective senior officials before the Commission and explain matters to them through discussions in a reciprocally amicable way.

### **05. Decisions made to improve the performance of the Public Service Commission**

#### **5.1 Delegation of powers of the PSC appropriately to the Ministry Secretaries and Heads of Departments with a view to carry out functions involving appointment, promotion, transfer and disciplinary control of public officers without delay.**

In pursuance of the Constitution the powers vested in the Public Service Commission have been delegated with effect from 01.01.2012 having issued the Gazette Extraordinary No.1733/52 of 25.11.2011.

In accordance with this Gazette Notification, the authority involving appointments and disciplinary matters of part of the tertiary level officers and the senior level officers has been retained in the Commission itself and the powers over all other categories of officers have been delegated to Heads of Departments thereby making it possible to expedite the matters concerning appointments, promotions, transfers and disciplinary control of the public officers.

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## **5.2 Provision of more friendly service to stakeholders**

For the benefit of the public officers and the general public visiting the Office of the PSC looking for information and for lodging complaints and making appeals, Wednesday has been set apart. With a view to looking into their grievances and making observations thereon services of an Assistant Secretary have been made available. For individual information purposes a form in all three languages has been introduced and an officer has also been assigned for assistance thereby making it a satisfactory service for visitors to PSC.

## **5.3 Making available information on the Public Service Commission to general public and public officers**

The website of the PSC has been updated and for the purpose of retrieving necessary information particulars relating to role of the PSC, delegation of powers, members of the Commission etc. have been uploaded into it. In addition, following information has also been included in the website. ([www.psc.gov.lk](http://www.psc.gov.lk))

- Circulars and forms of the PSC.
- Particulars relating to the role of individual divisions.
- Particulars on appointments and promotions approved by the Commission from time to time.

## **5.4 Forging a friendly relationship with each other when dealing with public institutions.**

The Commission in the process of gathering information required for its decision making has maintained a good rapport and understanding with the public institutions bringing about more salutary responsiveness from them thereby creating a background conducive for facilitation of such work.

## **5.5 Establishment of a computer network aimed at streamlined and efficient office activities**

In order to bring about a streamlined office system the use of new technology has become a timely necessity and hence, all staff officers and a substantial number of officers in the Public Management Assistants Service have been provided with computers. Staff officers have been furnished with internet facilities as well and an environment with connectivity to facilities for attending to any official duty via emails has been created.



### **5.6 Installation of Document Management System**

Information relating to each and every letter received in the office in connection with the work of the PSC is entered into this system and it also handles the distribution of letters to every division, assignment of duties to officers of such divisions and the management of information relating to the decision making process involving such duties at its initial stage on a daily basis.

Accordingly the process involving the inward letters of this office has duly taken root and the work involving the assignment of duties is making headway in tandem with the reorganization introduced. This has paved the way for the successful evaluation of officer performances and supervision of their duties.

As every preliminary step of the decision making process is gaining entry into the Information Management System it has now been made possible a prompt retrieval of information for inquiries made by the public officers. It has also paved the way for getting down information which is important towards the decision making process as applicable and also for evaluating the performance involving the entire process of decision making.

### **5.7 Installation of a sophisticated telephone system**

A telephone system with modern facilities that enables the internal and external users quick access to information has been installed.

### **5.8 Setting up of an Information Technology Unit to streamline the tasks involving information technology**

An Information Technology Unit has been set up with officers of the Sri Lanka Information and Communication Technology Service in attendance with a view to actively maintaining the computer network established for the purpose of providing efficient and effective service and also to appropriately using the information technology for office work. This unit attends to the up to date maintenance of the website, facilitation of the efficient use of the internal computer network and internet system as well as the upkeep of such systems.

## **6. Performance of the main Divisions of the Office of the Public Service Commission**

### **6.1 Establishments Division**

Article 61B of the Constitution of the Republic spells out that until the Commission otherwise provides, all rules, regulations and procedures relating to the public service are in force on the date of the coming into operation of such Chapter, shall mutatis mutandis, be deemed to continue in force as rules, regulations and procedures relating to the public service, as if they had been made or provided for under such Chapter.

Accordingly the Establishments Division was set up as a new division in the Office of the PSC for the purpose of making provisions for rules, regulations and procedures concerning the public service. The approved cadre for the Establishments Division of the Office of the PSC is as follows:

Additional Secretary	01
Senior Assistant Secretary	01
Assistant Secretary	04
Management Assistant	05

With the appointment to the post of Additional Secretary on 15.11.2008 the Establishments Division commenced functioning and the required staff was attached to the Division from time to time thereafter.

#### **6.1.1 Role of the Establishments Division**

- Matters relating to delegation of authority, responsibilities and powers within the scope of the PSC.
- Formulation, amendment and publication of the PSC Procedural Rules.
- Formulation of guidelines based on the Procedural Rules of the PSC and conducting awareness programmes thereon.
- Issue of circulars, orders and instructions.
- Formulation and amendment of Service Minutes and Schemes of Recruitment concerning the public service.
- Dealing with instances of deviations from the PSC Procedural Rules, Service Minutes, Schemes of Recruitment, Circulars and Orders.
- Interpretation of matters not covered by Procedural Rules.

- Development, updating and maintenance of the Database on the public service and dissemination of information.
- Formulation of procedures for conducting Efficiency Bar and Language Proficiency Examinations and matters pertaining to deviations from such procedures.
- Formulation and amendment of the Transfer Schemes of public officers.
- Dealing with matters pertaining to internal and external training for the Staff of the PSC office.

### **6.1.2 Work carried out during the period from 01.01.2011 to 12.05.2011 when the PSC was defunct**

The Establishments Division in relation to its basic functions of,

- formulation, examination and amendment of schemes of recruitment,
- formulation, examination and amendment of schemes of annual transfers,
- duties pertaining to matters not covered by Procedural Rules and
- duties pertaining to internal and external training,

has carried out tasks given below;

- studying and making amendments to the draft of the special guidelines on the formulation of schemes of recruitment and service minutes in order to laying it before the Public Service Commission no sooner was it constituted,
- identifying necessary amendments to Volume I of the PSC Procedural Rules having observations thereon obtained from the officers of the PSC Office,
- preparing necessary forms and a set of guidelines on efficiency bar concessions in order to facilitate the bringing down of required particulars accurately in one go when making requests for such concessions from the PSC,
- increasing the number of the training opportunities for officers of the Public Management Assistants Service and putting in place follow-up programmes thereon and in addition, providing local training opportunities to other members of the staff with a view to getting the work done efficiently and flawlessly once the Public Service Commission was appointed.

### 6.1.3 Review of the progress during the period from 13.05.2011 to 31.12.2011 when the PSC was in operation

During the period above approval of the Public Service Commission has been granted in connection with following subjects.

	Matter	Total
1	New Schemes of Recruitment	36
2	New Service Minutes	2
3	Amendment to Schemes of Recruitment	2
4	Amendment to Service Minutes	1
5	Matters pertaining to Efficiency Bars	31
6	Schemes of Transfer	4
7	Matters pertaining to SC/AAT/CA	5
8	Circulars	5
9	Requests on deviations from Schemes of Recruitment and Service Minutes in exceptional cases	30
10	Policy Matters	61
11	Matters relating to Procedural Rules of the PSC	12
12	General	08
13	<b>Total</b>	<b>197</b>

Table No. 01

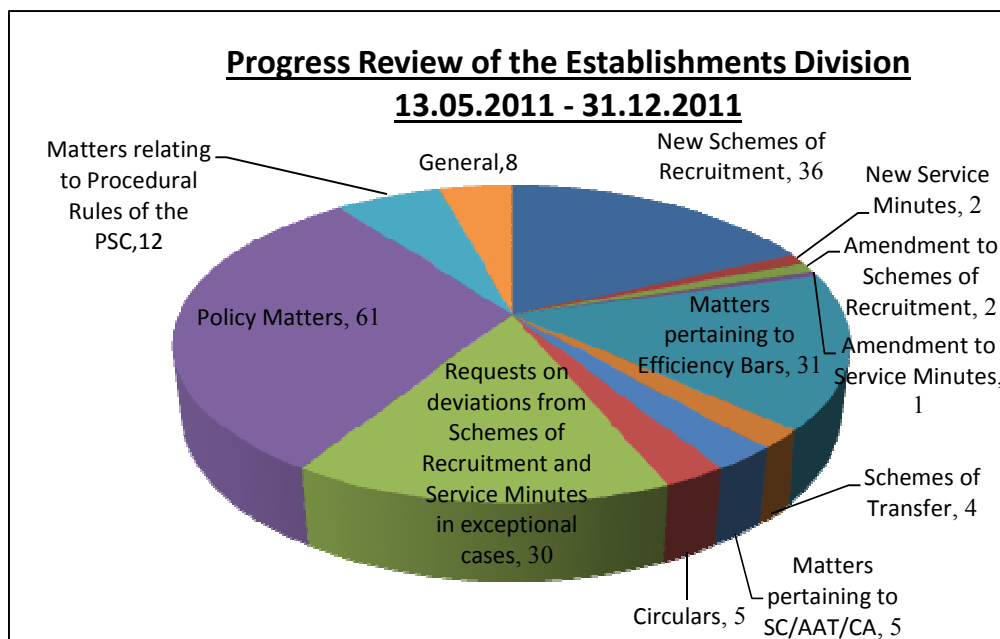


Diagram No. 01

#### 6.1.4 New measures adopted with a view to providing an efficient and effective service

- Requests by public officers for concessions on efficiency bars and language proficiency are made to this office. In order to make prompt decisions on these requests action was taken to issue the Public Service Commission Circular No. 02/2011 containing a prescribed form and a set of guidelines for that purpose.
- Drafts of the service minutes and schemes of recruitment amended and formulated anew in terms of section 4:3 of Annex 01 of the Public Administration Circular 06/2006 are forwarded to the Public Service Commission with the recommendations of the National Salaries and Cadres Commission and Director General of Establishments. In order to deal with such drafts, arrangements were made to conduct discussions and workshops having invited the Director General of Establishments and the officials from the National Salaries and Cadres Commission and the Ministries concerned. Through these measures, work in relation to new schemes of recruitments and service minutes could be carried out expeditiously and successfully.
- Work on the delegation of powers in relation to appointment, promotion, transfer, disciplinary control and dismissal of public officers identified as per authority vested in the Public Service Commission in pursuance of the provisions in Article 55 of the Constitution of the Democratic Socialist Republic of Sri Lanka was made operational on the direction of the Cabinet of Ministers. Towards that end action was taken to publish the Gazette Extraordinary No. 1733/52 of 25.11.2011.

#### 6.2 Appointments and Promotions Division

Following functions relating to the appointment and promotion of public officers (other than Ministry Secretaries, Heads of Departments and officers of the Provincial Public Service and Judicial Service) in respect of whom the powers of the Public Service Commission have not been delegated on the direction of the Cabinet of Ministers are carried out by the Appointments and Promotions Division of the PSC. This Division consists of the following staff.

Senior Assistant Secretary	02
Assistant Secretary	08
Management Assistant	27

## **6.2.1 Role of the Appointments and Promotions Division.**

The role played by the Appointments Division is divided into two main sections as shown hereunder.

### **I. Appointments**

- Recruitment in accordance with approved Service Minutes/Schemes of Recruitment and transfer.
- Confirmation in service.
- Termination of service.
- Reversion to the former post.
- Appointment on acting/attending to duties basis.
- Release (outright/temporary).
- Appointment to Scheduled posts (where applicable) of the Service Minutes.
- Recruitment on contract basis.
- Resignation from service.
- Reappointment to the service/post.
- Retirement (in terms of P.A. Circular 30/88 and on optional/compulsory/medical grounds.)
- Re-employment of retired public officers on contract basis.
- Transfer in deviation of the Schemes of Transfer approved by the PSC.

### **II. Promotions**

- Promotion/appointment to posts as per approved Service Minutes/Schemes of Recruitment (on seniority and the results of structured interviews).
- Dealing with matters involving cases filed in the AAT, Supreme Court and Court of Appeal against orders/decisions made by the Public Service Commission in connection with above functions.

## **6.2.2 Work carried out during the period from 01.01.2011 to 12.05.2011 when the PSC was defunct**

Staff Officers of this office attended to the work involving the submission of reports and relevant documents on matters pertaining to the decisions of the Public Service Commission in connection with petitions/appeals made to the Supreme Court/Court of appeal/AAT during

the period from 01.01.2011 to 31.12.2011 and associated themselves in the consultations on such cases where necessary at the Attorney General's Department and also appeared for cases heard before the AAT.

Supreme Court cases	-	26
Court of Appeal cases	-	08
AAT cases	-	14

### 6.2.3 Review of the progress during the period from 13.05.2011 to 31.12.2011 when the PSC was in operation

	<b>Matter</b>	<b>Number</b>
1	Retirements	868
2	Confirmations	632
3	Recruitments	1571
4	Promotions	1804
5	Reappointments	1
6	Exemptions from E.B.	58
7	Appointments to act in posts	220
8	Releases outright	71
9	Releases compulsory	19
10	Reemployments in service	106
11	Extensions of service	2466
12	Appointments to posts	106
13	<b>Total</b>	<b>7922</b>

**Table No. 02**

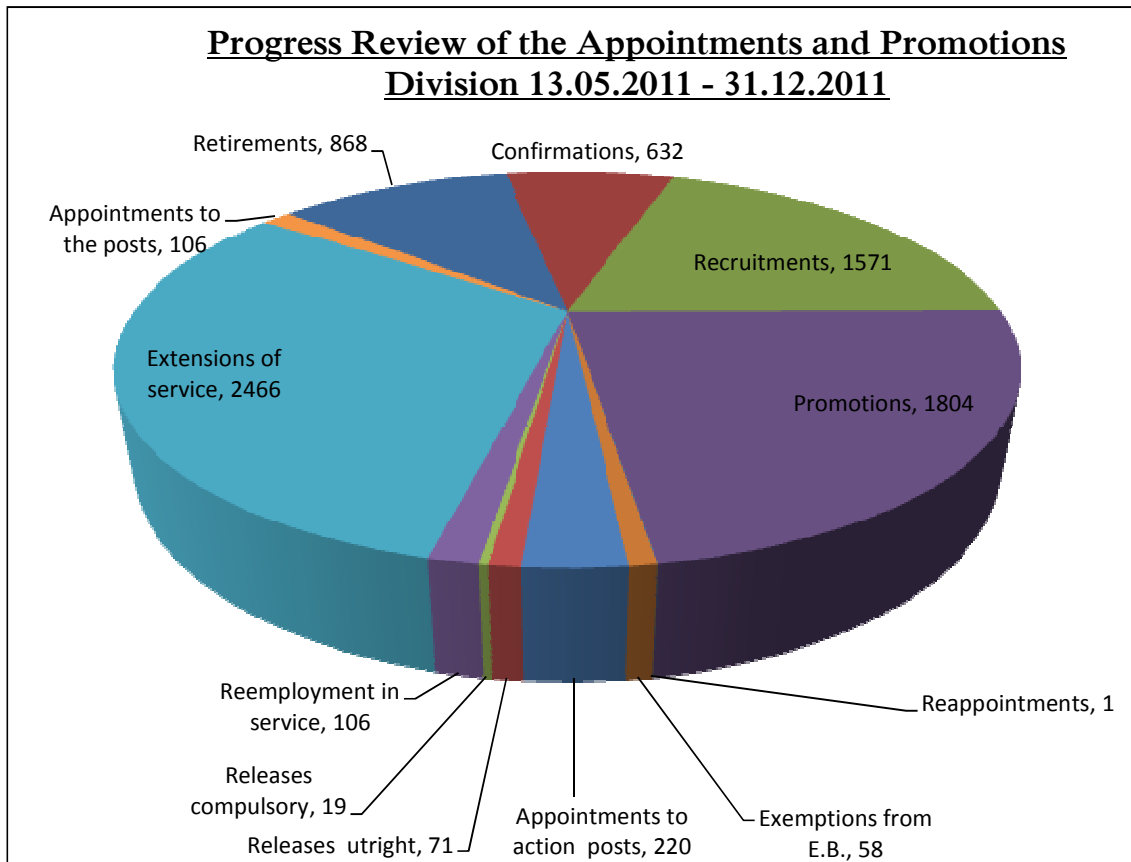


Diagram No. 02

#### 6.2.4 New measures adopted with a view to providing an efficient and effective service

- Instead of the earlier adopted distribution of duties Ministrywise respective duties were allocated subjectwise to individual groups of Public Management Assistants of this Division after dividing them into separate teams thereby making it possible to efficiently perform the duties of the Division with the resultant good understanding of the subject they have been assigned with.
- Common format was introduced for submission to the Commission aimed at facilitating its decision making process relating to routine matters thereby making it possible for staff officers to tender relevant files to the Commission without ambiguity and delay.
- Standard forms were introduced for routine matters aimed at minimizing delays paving the way for submission of requests with regard to identical matters on several officers to the Commission's approval at one stretch.



- In order to avoid unwarranted delays on the part of the authorities concerned due to non submission of correct and vital information when approval of the PSC was sought for recruitment and promotion, respective officers from the Ministries / Departments were educated to forward essential and right documents of such matters along with the formal recommendations thereon having identified and discussed the issues at length thereby making it possible to process the PSC orders expeditiously.
- New forms for seven such matters were introduced with a view to minimizing delays in the submission of cases similar in nature to each other to the Commission separately.
- This Division, having observed the fact that various reports seeking the Commission approval were forwarded with recommendations in the absence of necessary documents, is in the process of even preparing check lists in order to see such recommendations (other than the aforesaid seven matters) from the respective institutions appropriately accompany required documents free of any defects.
- In order to overcome delays in issuing formal letters of appointment and promotion due to time spent in anticipation of processed letters for that purpose from the Ministries concerned, arrangements were made to process and issue formal letters of appointment and promotion by the Division itself after causing Ministries to send confirmed information that was required for the issuance of such letters.

### **6.3 Disciplinary Division**

The Public Service Commission has exercised its administrative powers concerning offences set out in first schedule of Chapter XLVIII of the Establishments Code in relation to staff officers of the Central Government. Apart from this, the Public Service Commission functions as the Appellate Authority over disciplinary control on offences set out in second schedule of Chapter XLVIII of the Establishments Code concerning public officers. The Disciplinary Division, in terms of the aforesaid powers vested in the PSC, extends much needed corporation by way of making observations and recommendations to the Commission in order that it could arrive at decisions when and where necessary. This Division consists of following personnel.

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Senior Assistant Secretary	01
Assistant Secretary	03
Management Assistant	15

### **6.3.1 Role of the Disciplinary Division**

This Division handles the work in relation to disciplinary matters involving all staff officers of the Central Government based on the preliminary investigations conducted by Heads of Departments and Secretaries of Ministries. On receiving a preliminary investigation report to the Disciplinary Division and following a proper study thereon with appropriately constructed observations the Public Service Commission will make a suitable determination on whether charge sheets should be served or not against offending officers. If decided to serve a charge sheet action will be taken to hand over such charge sheet to the officer concerned through the Ministry Secretary and Head of Department. Upon consideration of the answers furnished by the accused officer to such charge sheet and the observations and recommendations thereon made by the respective Head of Department and Secretary of the Ministry a decision will be made as to whether the institution of a formal disciplinary inquiry on the matter is feasible or not.

Where the decision is to institute a Formal Disciplinary Inquiry it is required to be held following the appointment of a suitable Inquiry Officer selected from the Panel of Inquiry Officers maintained by the PSC for such purpose. However if decided against holding a formal disciplinary inquiry the accused officer will either be exonerated from all the charges or be subject to the imposition of a suitable punishment based on the answers filed by the accused officer and the observations and recommendations thereon by the respective Head of Department or Secretary of the Ministry.

Where a formal disciplinary inquiry is held, the PSC, following the receipt of the report of such inquiry, takes into account all oral and documentary evidence that were laid before the said inquiry and makes an appropriate disciplinary order either to exonerate the accused officer from all the charges or to hold him an offender to one or several or all the charges.

Furthermore as a part of the disciplinary procedure an accused officer can be interdicted from service or reinstated in service following his interdiction or he could even be sent on compulsory retirement. If the officer concerned is to be retired from service pending disciplinary action it can be so done by retiring him under Section 12 of the Minute on Pensions.

In addition to these tasks, appeals made by staff officers against vacation of post orders will be reconsidered by the Commission in deciding whether to reinstate the suitable officers in service or not.

Appeals laid before the Superior Courts, Administrative Appeals Tribunal, Human Rights Commission, Public Petitions Committee and Ombudsman against the disciplinary orders or decisions made by the PSC on such disciplinary matters would be appropriately dealt with.

Prime task of the Disciplinary Division is to lay before the Commission the cases without any ambiguity having made a thorough scrutiny of all connected documents received in the Division for the Commission to take unbiased decisions.

### **6.3.2 Work carried out during the period from 01.01.2011 to 12.05.2011 when the PSC was defunct**

During the period from 01.01.2011 to 12.05.2011 following cases before the Supreme Court, Court of Appeal and Administrative Appeals Tribunal were represented by the Disciplinary Division having them studied with the relevant documents.

Supreme Court Cases	-	05
Court of Appeal Cases	-	07
AAT Cases	-	08

### **6.3.3 Review of Progress during the period from 13.05.2011 to 31.12.2011 when the PSC was in operation.**

	<b>Matter</b>	<b>Number of Orders</b>
1	Issuance of charge sheets	15
2	Amendments to charge sheets	07
3	Exoneration from charges	16
4	Dismissal from service	05
5	Other punishments	61
6	Reinstatement in service	19
7	Dismissal of appeals	09
8	Retirement under Section 12 of the Pension Minute	18
9	Compulsory retirement	06
10	Interdiction from service	24
11	Appointment of disciplinary inquiry officers	93
12	Conversion of retirement under disciplinary grounds to normal retirement	02
13	Retirements from service	02
14	Other general orders	28
	<b>Total</b>	<b>305</b>

**Table No. 03**  
Office of the Public Service Commission

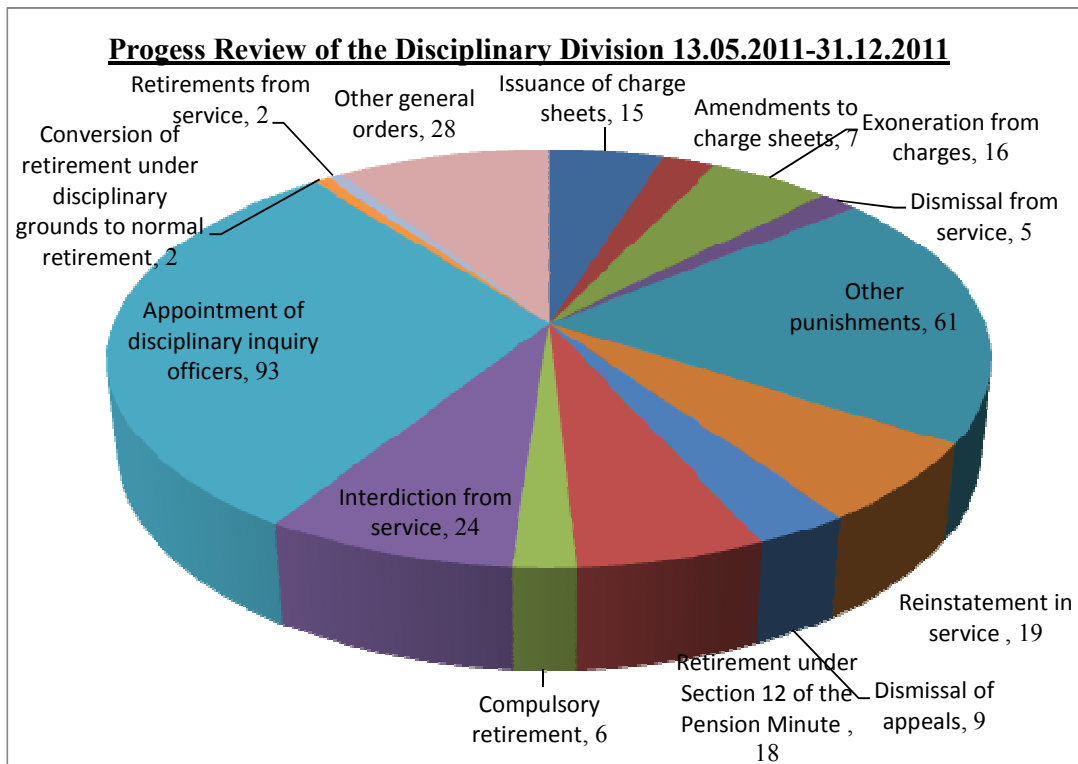


Diagram No. 03

During the period from 13.05.2011 to 31.12.2011 following cases before the Supreme Court, Court of Appeal and Administrative Appeals Tribunal were represented by the Disciplinary Division having them studied with the relevant documents.

Supreme Court Cases	-	07
Court of Appeal Cases	-	06
AAT Cases	-	22

#### **6.3.4 New measures adopted with a view to providing an efficient and effective service**

Upon establishment of the New Commission following changes were made with effect from 18.08.2011 (on the approval of the Commission) with a view to enhancing the efficiency and quality of this Division's activities.

- The hitherto adopted method of allocating the entirety of duties in connection with single disciplinary matter concerning the staff officers of the All Island Services and those under each Ministry to an officer in the Public Management Assistant Service under one Staff Officer from the opening of the relevant file up to its closure was replaced with the assignment of duties performed by the Division to 05 separate groups comprising staff officers and officers of the

Public Management Assistants Service.

- Through this measure single duty involvement by officers brought about a high level of efficiency and accuracy in the delivery of such tasks and a frugality in the case of office stationery was also evident.
- Problems faced in the distribution of letters at the Tappal following the reshuffles of the Ministries and Departments from time to time have been circumvented as a result.
- There were signs of officers getting attitudinally used to execute their duties as a team.
- In order to prevent the nature of duties getting monotonous reshuffling of officers between groups were scheduled to be made effective once in six months.
- In addition, all files lying at this Division were brought into a database and the shifting of files involves an updated data entry as appropriate. This enables the expeditious tracing of the respective file.
- Competency gained in the proper execution of their own assignment of work by individuals would also contribute towards facilitating the management of disciplinary action through this programme. (Eg: Construction of charge sheets in an accurate and simplistic manner has prevented the charges being framed wrongfully.)

#### **6.4 Appeals Division**

Article 58(1) of the Constitution provides for public officers aggrieved by an order made by a committee or an officer on whom powers have been delegated by the PSC, right of appeal to the Commission against such order.

Similarly, Article 58(2) provides for PSC on receipt of such appeal to grant relief to public officers in an appropriate manner by rescinding or altering or confirming such order having looked into the matter concerned. In accordance with these provisions the Commission constantly receives large number of appeals from public officers. This Division which deals with such appeals consists of following staff.

Senior Assistant Secretary	01
Assistant Secretary	02
Management Assistant	12

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### **6.4.1 Role of the Appeals Division**

The Public Service Commission in determining the scope within which it acts as an Appellate Authority in pursuance of the 18<sup>th</sup> Amendment to the Constitution should pay heed to following perimeters of delegated authority that are in force under provisions of Articles 61B and 155L of the Constitution.

- Delegation of powers over appointment, promotion, transfer, disciplinary control and dismissal of public officers as set out in the Gazette Extraordinary No. 1295/96 of 02.07.2003 by PSC in terms of Article 57 of the Constitution.
- Delegation of powers over appointment, promotion, transfer, disciplinary control and dismissal of public officers as set out in the Gazette Extraordinary No. 1449/12 of 13.06.2006 by National Police Commission in terms of Article 155H(1) of the Constitution.

In terms of Article 58(1) of the Constitution, public officers aggrieved by an order made by a delegated authority referred to above enjoy the right to submit a written appeal to the Commission and the matters pertaining to appeals so made are dealt with by the Appeals Division.

In addition, this Division also handles matters pertaining to the appeals made to Administrative Appeals Tribunal and the applications laid before Superior Courts against decision of the Commission concerning the tasks above.

### **6.4.2 Work carried out during the period from 01.01.2011 to 12.05.2011 when the PSC was defunct**

Clarification sought by the Supreme Court, Court of Appeal, and AAT was furnished with information derived from the connected files.

### 6.4.3 Review of the Progress during the period from 13.05.2011 to 31.12.2011

	Matter	Appeals of Police Department	Other Appeals	Total
1	Appeals awaiting reports	590	275	865
2	Appeals being processed on receipt of reports	08	95	103
3	Appeals finalized	40	189	229
4	Existing No. of court cases	11	01	12
5	Existing No. of AAT cases	02	13	15
6	No. of inquiries from Public Petitions Committee	0	08	08
	<b>Total</b>	<b>651</b>	<b>581</b>	<b>1232</b>

Table No. 04

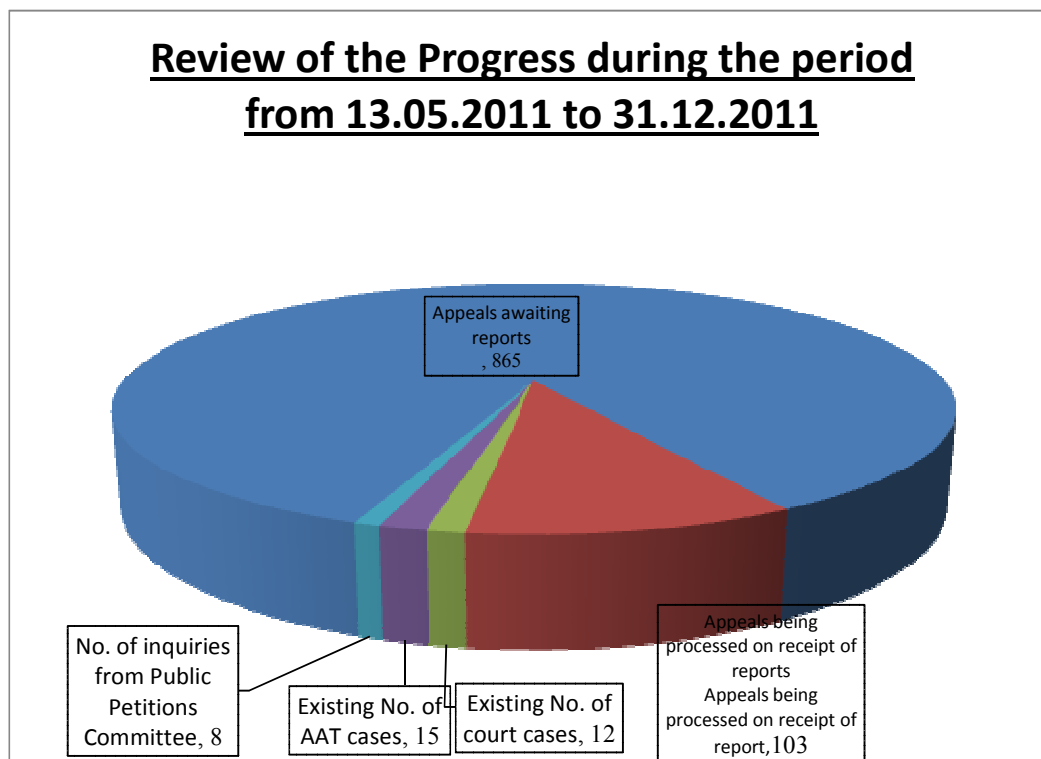


Diagram No. 04

#### **6.4.4 New measures adopted with a view to providing an efficient and effective service**

In view of the Police Officers also being considered as public officers falling under the purview of the Public Service Commission in terms of the 18<sup>th</sup> Amendment to the Constitution, the number of appeals received in the Appeals Division were substantially on the increase and necessary steps had to be taken to see that the Commission decisions on such appeals are made without delay.

- Necessary action was taken to computerize the information on appeals received and manage such data by the use of computer technology.
- Management of files in the Appeals Division was further streamlined and the internal assignment of duties was accordingly reorganized.
- Matters outside the ambit of the Appeals Division were analyzed and the course of action thereon was proactively decided thereby revitalizing the whole process involving such appeals.
- Action has been taken to identify the feasibility of the reorganization work presently undertaken and further changes where necessary through the progress review on monthly basis.
- Guidelines that are required towards the enhancement of staff awareness on matters connected to the scope of duties are being carried out.
- Information sought by public officers on appeals made by them is furnished particularly on Wednesdays thereby alleviating the misunderstandings that might possibly crop up.

#### **6.5 Administration Division**

General administration of the Office of the Public Service Commission is entrusted with the Administration Division. The Additional Secretary (Administration) functions as the Head of this Division.

The Administration Division handles following areas of work :

- Overall administration of the Office of the Commission
- Human resources management of the Office of the Commission
- Activities of information management.



This Division consists of the following staff.

Additional Secretary	01
Assistant Secretary	01
Administrative Officer	01
Translator	02
Management Assistant	11

### **6.6 Accounts Division**

This Division provides financial services to the Office of the Commission ensuring an uninterrupted financial information and management system. Following tasks for that purpose are carried out.

- Formulation and implementation of financial plans for the Office of the Commission.
- Supply of goods and services.
- Management of fixed assets.
- Guidelines and advice on financial matters.
- Provision of updated information on activities of the Accounts Division to the Secretary who is the Chief Accounting Officer.
- Co-ordination of financial activities between Divisions.
- Execution of procurement work.

This Division consists of the following staff :

Accountant	01
Management Assistant	06

### **07. Financial Provision**

The summary of expenditure of the Office of the Public Service Commission for the period from 01.01.2011 to 31.12.2011 is as follows:

	<b>Allocation</b>	<b>Expenditure</b>	<b>Balance</b>
Recurrent	114,615,000.00	79,579,451.71	35,035,548.29
Capital	11,280,000.00	7,986,693.74	3,293,306.26
Total	125,895,000.00	87,566,145.45	38,328,854.55

**Table No. 05**

## **08. Staff**

### **8.1 Organization Chart**

Please see page No. 30 for Organization Chart.

### **8.2 Details of Staff**

During the period under review the approved cadre of the PSC consisted of 204 personnel with its constituent 09 members including Chairman and the actual cadre strength employed in the Office of the PSC during this particular period was 150 (due to 54 vacant positions). Details of the composition of the staff are as follows:

Secretary	<b>01</b>
Additional Secretary	<b>02</b>
Senior Assistant Secretary	<b>04</b>
Assistant Secretary	<b>22</b>
Accountant	<b>01</b>
Administrative Officer	<b>01</b>
Translator	<b>02</b>
Public Management Assistant	<b>83</b>
Driver	<b>12</b>
Office Employee	<b><u>22</u></b>
<b>Total</b>	<b><u>150</u></b>

### **8.3 Staff Training**

With a view to improving subject based knowledge of the staff members of the PSC in language proficiency, technological knowhow and other specialized management skills they were provided with opportunities to participate in different training programmes during the year 2011 as well.

Grade	Course Type	Institute	No. of Officers
Staff Officers	Long Term (Foreign)	Australian National University, Australia	01
Staff Officers	Short Term (Foreign)	Civil Service College, Singapore	01
Staff Officers	Short Term (Foreign)	Lal Bahadur Shastri National Academy of Administration, India	01
Staff Officers	Short Term (Foreign)	Singapore Cooperation Programme, Singapore	01
Staff Officers	Long Term (Local)	Post Graduate Institute of Management	01
Staff Officers	Short Term (Local)	SLIDA	05
Staff Officers	Long Term (Local)	SLIDA	01
Officers of the P.M.A.S	Short Term (Local)	PSTI	83
Officers of the P.M.A.S	Long Term (Local)	INGAF	02
Entire Staff	Half Day	SLSI	150

Table No. 06

**09. Number of Cases to which submissions have been made by each Division during 2011**

Division	Supreme Court	Court of Appeal	AAT
Establishments	02	00	03
Appointments	26	08	14
Disciplinary	12	13	30
Appeals	09	03	15
<b>Total</b>	<b>49</b>	<b>24</b>	<b>62</b>

Table No. 07

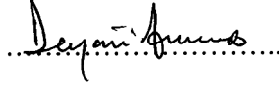
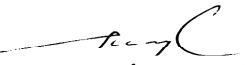
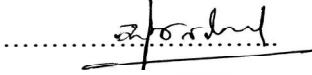


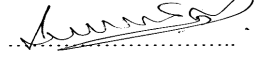
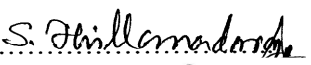
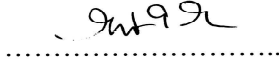
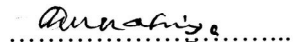
## 10. Commission Meetings

71 Commission meetings have been held during the period under review from 19.15.2011, the date on which the PSC was recommenced up to 31.12.2011

## 11. Acknowledgement

The Public Service Commission acknowledges with profound gratitude the co-operation and contribution extended by all Secretaries of Ministries and Heads of Departments, particularly,

- Presidential Secretariat,
- Office of the Cabinet Ministers,
- Ministry of Public Administration and Home Affairs,
- Ministry of Finance and Planning,
- National Salaries and Cadres Commission,
- Information and Communication Technology Agency, and
- Entire staff of the PSC.

Vidya Jyothy Dr. Dayasiri Fernando	Chairman	
Mr. Palitha M. Kumarasinghe PC	Member	
Mr. Sirimavo A. Wijeratne	Member	
Mr. S.C. Mannapperuma	Member	
Mr. Ananda Seneviratne	Member	
Mr. N.H. Pathirana	Member	
Mr. S. Thillanadarajah	Member	
Mr. M.D.W. Ariyawansa	Member	
Mr. A. Mohamed Nahiya	Member	

**Organization Chart**  
**Public Service Commission**

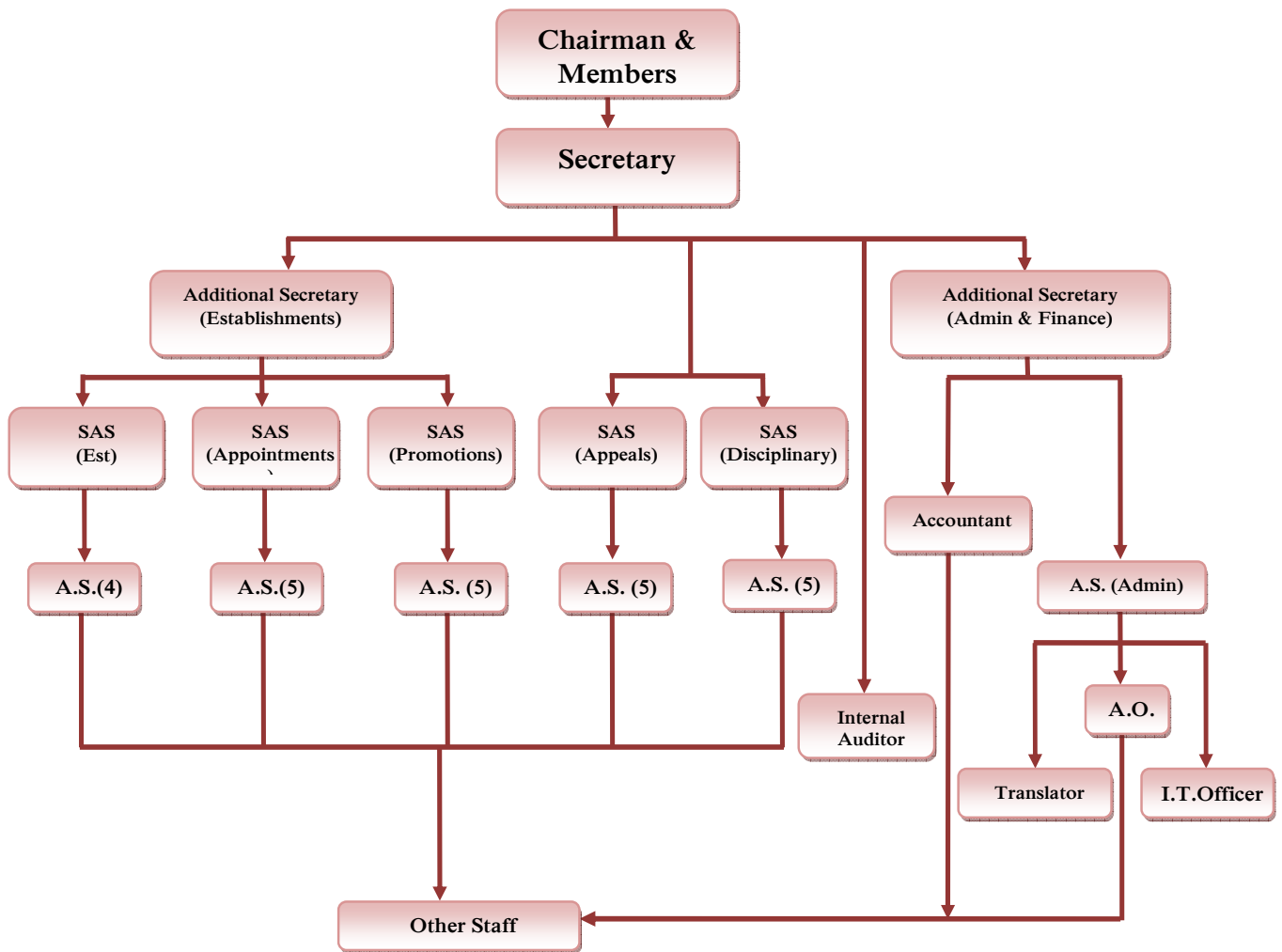


Diagram No. 05

**Note :**

S.A.S - Senior Assistant Secretary

A.O. - Administrative Officer

A.S. - Assistant Secretary

I.T. Officer - Information &amp; Communication Technology Officer