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அமைச்சரவை அலுவலகம்

OFFICE OF THE CABINET OF MINISTERS

ජනරජ, වතුරපුය, ශ්‍රීමත් බාරොන් ජයතිලක මාවත,
කොළඹ 01.

சூடியரசுச் சதுக்கம், சேர் பாரோன் ஜயதிலக்க
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எனது இல. }
My No. }

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உமது இல. }
Your No. }

11th November 2009

Secretary to the President,
Secretary to the Prime Minister,
Secretaries to All Ministries.

**Interim Measures for Establishment Matters coming under the Public Service
Commission (PSC) and the National Police Commission (NPC)**

The following is hereby substituted in place of the instructions of even number dated 25th June 2009 issued by me in respect of the above, to be effective from 11.11.2009.

02. Cabinet of Ministers at its Meetings held on 17.06.2009 and 14.10.2009 granted approval to instruct all Secretaries to Ministries to adopt the following procedure, in addition to the powers vested in terms of Sections 55(3) and 55(4) of the Constitution, in dealing with Establishment Matters in the Public Service, including the Sri Lanka Police Service, as an interim measure, until such time the Public Service Commission (PSC) and the National Police Commission (NPC) are properly re-constituted. In these instructions, "Administrative Authority" means a public officer who has been designated to carry out administrative functions and "Appointing Authority" means an authority vested with powers for appointment, promotion and transfer of a Public Officer. "Disciplinary Authority" means an authority vested with powers of disciplinary control and dismissal of Public Officers. During the period of implementation of these interim measures, matters pertaining to the Public Service will be implemented by these Authorities and the Cabinet of Ministers as indicated below:

(03) Appointments, Efficiency Bars, Promotions and Transfers:

- (i) Appointments in the Staff Grades, including All Island Services and in Non Staff Grades, should be done by the relevant Administrative Authorities of such services, following the Procedural Rules of the PSC, relevant Service Minutes/Schemes of Recruitment and the guidelines laid down in the Management Services Circular No.36 and 36(i).

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செயலாளர் }
Secretary }

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மேலதிகச் செயலாளர் }
Additional Secretary }

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Chief Clerk }

- (ii) Urgent requirements for recruitment to Staff Grade Posts in the Public Service should be done following the existing Service Minutes/Schemes of Recruitment, after getting the relevant salary scales identified by the National Salaries and Cadres Commission (NS&CC) in terms of P.A. Circular No.06/2006. Meanwhile, action should be taken to get the relevant Service Minutes/Schemes of Recruitments amended in terms of P.A. Circular No.06/2006 with the recommendation of the NS&CC. When forwarding such requests to the NS&CC the standard specimen form prepared by the PSC should be used and a copy should be sent to the Director General of Establishments (DGE). The Service Minutes/Schemes of Recruitments recommended by the NS&CC, in consultation with the DGE should be submitted to the Cabinet of Ministers for approval, during the period of implementation of the interim measures.
- (iii) Appointment of Additional Secretaries, Senior Assistant Secretaries to Ministries, Directors, Commissioners and Officers in such parallel Grades (inclusive of appointments on acting basis and attending to duties), should be done with the approval of the Cabinet of Ministers. The concurrence of the Administrative Authority should also be obtained when an officer of the All Island Services is so appointed to such a post.
- (iv) Promotions in Staff Grade posts in the Public Service, other than in the All Island Services, should be done by the relevant Appointing Authorities in terms of the relevant Service Minutes/Schemes of Recruitment, after getting them amended as indicated in paragraph (ii) above. In granting promotions in the All Island Services, the approval of the Cabinet of Ministers should be obtained with the submission of a certificate from the Secretary to the Ministry/Administrative Authority to the effect that action has been taken following the relevant Procedural Rules of the PSC and relevant Service Minutes/Schemes of Recruitment. In instances where promotions are to be granted under exceptional circumstances in terms of the Service Minutes/Schemes of Recruitment, prior approval of the Cabinet of Ministers should be obtained for the purpose.
- (v) Appointment to act in a post of a higher grade should be made from the senior most and the most suitable officer selected from among the officers who possess the necessary qualifications to be appointed to act in the post. An officer who does not possess the required qualifications to such post, should only be appointed to attend to the duties of the post. In such instances, remuneration to be paid to the relevant officer should be determined in terms of provisions of the Procedural Rules of the PSC and the Establishments Code. Appointment to act or attend to the duties of Staff Grade Posts which are not the posts of Heads of Departments in the Public Service and except in the case of posts mentioned in paragraph (iii) above should be made by the relevant Administrative Authority of the post.



- (vi) Granting of permanency after completion of the stipulated acting period by a serving Public Officer when appointed or promoted to another post should be done by the relevant Appointing Authority/Administrative Authority, following the Procedural Rules of the PSC and the relevant Service Minute/Scheme of Recruitment and other relevant provisions. The same procedure should be followed in granting of permanency to a new recruit appointed to a post, on completion of the stipulated probation period in terms of the relevant Service Minute/Scheme of Recruitment of such post.
- (vii) It is the responsibility of the Appointing Authority/Administrative Authority to make necessary arrangements to conduct Efficiency Bar Examinations during the stipulated period to enable an officer to pass such examinations relevant to the post. In instances of this nature in the Public Service, action should be taken in terms of the Procedural Rules of the PSC (other than Rule 125 and 127, until a further order is made).
- (viii) Recruitment to the Police Service should be done by the Inspector General of Police, with prior approval of the General Treasury and the Secretary to the Ministry of Defence, Public Security, Law and Order. However, in the case of recruitment to the grade of Assistant Superintendent of Police, approval of the Cabinet of Ministers should be obtained giving all relevant particulars before making such appointments.
- (ix) Approval of the Cabinet of Ministers should also be obtained for granting promotions to the rank of Assistant Superintendent of Police and above.

(04) **Extensions of Service, retirements and re-employment:**

- (i) Granting an extension of service to a Staff Grade Officer other than a Head of Department, should be done by the relevant Administrative Authority, in terms of the Procedural Rules of the PSC. Approval of the Cabinet of Ministers should be obtained in case such extension to a Staff Grade Officer is rejected.
- (ii) Normal retirement of Public Officers hitherto attended to by the PSC should be implemented by the relevant Administrative Authorities, with the concurrence of the relevant Secretaries to Ministries, as the case may be. In instances where disciplinary action has been initiated or envisaged against a Staff Grade Officer such retirements should be implemented by the relevant Administrative Authorities under Section 12 of the Minute on Pensions, in consultation with the relevant Secretaries to Ministries.
- (iii) Re-employment of a Staff Grade officer for the period of un-availed leave should be approved by the relevant Administrative Authority.



- (iv) Requests for re-employment of a retired Staff Grade Officer or Non-Staff Grade Officer in a vacant post should be made only when a suitable officer cannot be found for appointment on permanent basis or on acting basis or on the basis of attending to duties, and such requests should be submitted to the Cabinet of Ministers for consideration. Such requests should be supported by a certificate of the relevant Appointing/Administrative Authority to the effect that an officer is not available for appointment to the post on a permanent basis and the requests should be forwarded in the specimen indicated in Annex 1 to these instructions together with the Bio-data of the relevant officer.

(05) Resignation and Release of Public Officers:

- (i) Resignations under normal circumstances (other than on disciplinary matters) of Public Officers should be dealt with by the relevant Appointing Authority/Administrative Authority.
- (ii) Release of Staff Grade Officers, including officers of All Island Services, to other institutions, projects on a temporary basis should be done by the relevant Appointing/Administrative Authority of that Service/Post, following the Procedural Rules of the PSC and relevant Circular Instructions. Any deviations from the existing provisions should be referred to the Cabinet of Ministers for consideration.
- (iii) Release of officers with full pay up to a period of five (05) years to hold a relevant office in a Trade Union/Federation of the Public Service with a stipulated number of members, should be done by the relevant Administrative Authority following the Procedural Rules of the PSC. Approval of the Cabinet of Ministers should be obtained for a release for a period beyond five (05) years.

(06) Disciplinary Action:

- (i) In dealing with disciplinary matters against all Staff Grade Officers, all matters indicated in Volume II of the Establishments Code attended to by the PSC, other than the issuing of disciplinary order in the case of charges mentioned in Schedule I therein and all courses of action relating to matters in the case of charges mentioned in Schedule II inclusive of the issue of disciplinary orders should be done by the relevant Administrative Authority..
- (ii) Approval of the Cabinet of Ministers should be obtained for imposing punishments on Staff Grade Officers found guilty of charges framed against them or exonerating them when not found guilty of charges coming under Schedule I of Part II of the Establishments Code. When forwarding such documents, copies of the relevant charge sheets and conclusion of the inquiry officer together with a report containing the recommendation of the Administrative Authority should be attached to the Original document of the Cabinet Memorandum. The report of the formal disciplinary inquiry should also be submitted on request.

- (iii) All appeals against disciplinary orders pertaining to Non-staff Grade Officers should be submitted to the Cabinet of Ministers together with a report of the relevant Secretary to the Ministry/Administrative Authority.
- (iv) In instances where reports of formal disciplinary inquiries or preliminary investigations have already been submitted to the PSC, the relevant documents/copies should be obtained from the Secretary to the PSC and action taken in terms of these instructions.
- (v) Action should also be taken in terms of these instructions, in respect of reports of formal disciplinary inquiries received by the Administrative Authorities after 08.04.2009.
- (vi) Issuing of a notice of Vacation of Post to an officer should be done in terms of Rule 172 of the Procedural Rules of the PSC and appeals pertaining to same submitted within the specified period should be dealt with by the relevant Disciplinary Authority. All appeals which should have been submitted to the PSC, should be submitted to the Cabinet of Ministers with all particulars pertaining to them.
- (vii) If it is found necessary to interdict an officer, send him on compulsory leave, confirm a Vacation of Post, re-instate him or place him on half pay during a course of disciplinary action against a Staff Grade Officer, action should be taken by the relevant Administrative Authority, in accordance with the relevant provisions.
- (viii) In instances where action is being taken or action already taken on orders imposed against a Staff Grade Officer by a Judicial Institution or Statutory Authority, action should be taken by the relevant Administrative Authority in terms of paragraph (ii) above with regard to the measures to be adopted in terms of the provisions of the Establishments Code. In instances where a misconduct has been revealed through an Audit Examination etc. action should be taken by the Administrative Authority in terms of paragraph (i) and (ii) above.
- (ix) When a Staff Grade Officer is to be retired under general inefficiency, the relevant Administrative Authority should obtain the approval of the Cabinet of Ministers.
- (x) Requests for granting Leave Abroad of officers against whom disciplinary action has been initiated, should be submitted to the Cabinet of Ministers for consideration. In an instance where a Staff Grade Officer has submitted his letter of resignation during the period in which disciplinary action has been initiated, such instance also should be referred to the Cabinet of Ministers for a decision.



- (xi) Implementation of decisions made by the Administrative Appeals Tribunal on all appeals made against the decisions of the Public Service Commission/National Police Commission, should be done by the relevant Administrative Authority, after obtaining Cabinet approval for same.
- (xii) No submission should be made to the Cabinet of Ministers relating to matters pending in the Administrative Appeals Tribunal (AAT) or matters already decided upon by the AAT.

(07) Matters pertaining to Provincial Councils:

Matters contained in these instructions will not apply to the Provincial Public Services. However, the provisions in these instructions will be applicable to Officers of the All Island Services released to Provincial Councils. Approval of the Cabinet of Ministers should also be obtained when retired officers are re-employed in the posts of All Island Services of the Provincial Councils.

- (08) Any other matters not stated in these instructions should be referred to the Cabinet of Ministers for consideration.



S. Abeysinghe
Secretary to the Cabinet

Copied to: Secretary, Public Service Commission.
Auditor General.

(Should be furnished in addition to the Bio-data of the Officer)

Annex 1

Certificate to be submitted by the Secretary to the Ministry/Head of Department in the Re-employment on contract basis of a retired officer for the vacancy in a Government Post

01 Particulars of the retired officer proposed to be re-employed:

- (i) Name in Full :
- (ii) Private Address:
- (iii) Date of Birth:
- (iv) Posts held in the Public Service during the 05 years preceding retirement:

Institutions -	Post held	Period:	
		From:	To:
.....
.....
.....

- (v) Had the officer been subjected to any disciplinary action during the last 5 years in the Public Service? If so details

.....
.....
.....

(the Secretary to the Ministry/Head of Department should be personally satisfied in respect of the above details).

- (vi) The manner in which the retirement was made (strike off what is inapplicable)
 - (a) Reaching the age of compulsory retirement
 - (b) Reaching the age of optional retirement
 - (c) Retirement on Voluntary Retirement Scheme
 - (d) Retirement on Disciplinary Grounds
 - (e) Any other manner (give reasons)

- (vii) Details if re-employed after retirement:

Institution	Post	Service(with Class/ Grade)	Period
.....
.....
.....

- (viii) The manner in which selection was made for re-employment
 ((strike off what is inapplicable))
 - (a) Nominated by the relevant Administrative Authority
 - (b) Calling for applications through Public Advertisement
 - (c) On a request made by the retired officer
 - (d) Any other manner (give details.....)

- (ix) Fitness of the retired officer
 - (a) Physical:
 - (b) Mental

02. Details of the post in which the officer is to be re-employed:

- (i) Designation (with Class/Grade)
- (ii) Nature of the Post: Permanent/Temporary/Contract basis)
- (iii) Facilities relevant to the post:
 - (a) Salary Scale :
 - (b) Others :
- (iv) Reason for the vacancy
- (v) Was a request made for a successor?
- If so, reasons for not getting a successor:
- (If a successor cannot be sent, a certificate to that effect obtained from the Administrative Authority should be annexed).
- (vi) The manner in which the duties of the post were covered so far:
 (If more than one month has lapsed since the occurrence of the vacancy)

- (vii) Details of the officers who covered the duties of the officer who held the post during he was on leave:

Name	Post	Class/Grade
.....
.....
.....

- (viii) Whether the post is a promotional post for other officers in the institution (If so give details.)

Number of approved relevant Posts	Number of Officers presently serving in these posts
.....

03. Institutional details:

- (i) Post parallel and immediately below the relevant post and details pertaining to employment of officers in such posts (Pl. state if vacant)

Number of Post	Number of Officers presently serving
.....

(ii) (a) Whether an above officer could be employed permanently/on acting basis/to cover up duties of the post:.....

(b) If not possible reasons for same:.....
.....

I certify that the details given above are true and correct to the best of my knowledge.

Date:.....

Signature of Head of Department
Seal:

I am satisfied with the particulars given above and recommend the re-employment on contract basis fromto

Date:

Signature of the Secretary to the Ministry
Seal: