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அமைச்சரவை அலுவலகம்

OFFICE OF THE CABINET OF MINISTERS

ජනරජ වතුරළය, ශ්‍රීමත් බාරොන් ජයතිලක මාවත,  
කොළඹ 01.

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

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உமது இல. }  
Your No. }

NOTE TO THE CABINET

**Attending to the functions of the Public Service  
Commission and the National Police Commission as  
an interim measure by the Cabinet of Ministers**

In terms of the decision taken by the Cabinet of Ministers at its Meeting held on 06<sup>th</sup> May 2009 to attend to the functions dealt with by the then Public Service Commission (PSC) and the National Police Commission (NPC) until such time these Commissions are reconstituted, it was decided that matters dealt with by these Commissions could be referred to the Cabinet of Ministers, purely as an interim measure, until these Commissions are re-established. Accordingly, guidelines pertaining to the interim measures to deal with matters falling under the purview of these Commissions were intimated to all Secretaries to Ministries with the approval of the Cabinet of Ministers, by the Secretary to the Cabinet of Ministers on 25.06.2009, and by amended Guidelines dated 11.11.2009.

02. Accordingly, matters pertaining to appointment, promotion, transfer, disciplinary control, dismissal of Public Officers which were dealt with by the PSC in terms of Article 55(1) of the Seventeenth Amendment to the Constitution, were dealt with by the Cabinet of Ministers during this period. Even after the Eighteenth Amendment to the Constitution was promulgated on 09.09.2010, this procedure continued until such time the Public Service Commission was appointed on 13.05.2011 in terms of the provisions of the Amended Constitution. Cabinet of Ministers attended to the above functions, in addition to dealing with matters pertaining to all Heads of Departments and all policy decisions pertaining to Public Officers falling under Articles 55(3) and 55(4) respectively, of the Seventeenth Amendment to the Constitution.

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செயலாளர் } 2329620  
Secretary }

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மேலதிகச் செயலாளர் } 2325279  
Additional Secretary }

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பிரதம இலிசுதர் } 2422438  
Chief Clerk }

03. In dealing with matters referred to in paragraph 02 above, submission of recommendations to the Cabinet was entrusted to the Cabinet Sub-Committee on Establishment Matters appointed by the Cabinet of Ministers at its Meeting held on 07.02.2007, under the Chairmanship of Hon. (Dr.) Sarath Amunugama (the then Minister of Enterprise Development and Investment Promotion) and consisting of four other Ministers as members. In terms of the Cabinet decision of 12.05.2010, the Cabinet Sub-Committee on Establishment Matters functioned under my Chairmanship and consisting of eight other Ministers. Thereafter, this Cabinet Sub-Committee commenced functioning under the Chairmanship of Hon. Ratnasiri Wickremanayaka, Minister (Senior) for Good Governance and Infrastructure and with two (02) other Senior Ministers and eight (08) Ministers, with effect from 22.11.2010.

04. A Committee of Officials consisting of the Secretary to the Cabinet of Ministers and Senior Officials of the Cabinet Office, Secretary, Ministry of Public Administration and Home Affairs, Director General of Establishments together with two Senior Officers of that Ministry and the Deputy Secretary to the Treasury together with two Senior Officers of the Ministry of Finance and Planning, assisted this Cabinet Sub-Committee by expressing their views on the proposals submitted by the Ministers.

05. In attending to the functions by the then Public Service Commission entrusted to it in terms of the provisions of the Constitution, the Commission was assisted by the Chairman and 09 full time members and 25 Staff Officers, including the Secretary, Additional Secretaries, Senior Assistant Secretaries, and about 125 officers of the subordinate staff. **However, Cabinet Office did not have additional staff to handle this work and these functions were attended to by the present staff in the Cabinet Office, working outside normal office hours during week days and also working during weekends and holidays.**

06. From the date of expiry of the term of office of the then Public Service Commission up to the date of the newly appointed Public Service Commission on 13.05.2011, **of the 2418 requests received to be dealt with by the PSC, 2302 requests were dealt with by the Cabinet of Ministers on the recommendations of the Cabinet Sub-Committee on Establishments Matters.** In addition, during this period, of the 663 requests received in terms of the provisions of the Constitution, which had to be purely dealt with by the Cabinet of Ministers itself, 653 were dealt with (Please see Annex 1 for further details). Decisions could not be given on 116 proposals referred to the Cabinet of Ministers, pertaining to matters of the PSC, mainly due to the complexity of the issues, non-submission of required information following the instructions given by the Cabinet Office and also due to the time constraint for in depth studies.

07. While making suitable recommendations on requests received regularly on Establishment related Matters, the Cabinet Sub-Committee on Establishment Matters has made several recommendations from time to time, on policy issues pertaining to various aspects in the Public Service.

08. During the past two year period, the Chairman and Members of the Cabinet Sub-Committee on Establishment Matters had to devote their precious time for efficiently discharging the duties that were to have been dealt with by the above Commissions. It has to be specially mentioned that, the Officials referred to in paragraph 04 above and the staff officers in paragraph 05 had also been assisting the Cabinet Sub-Committee, working untiringly and diligently, outside normal office hours and during weekends.

09. The fact that there had been no appeal by an aggrieved party before a court of law against a decision made by the Cabinet of Ministers on the recommendations of the Cabinet Sub-Committee on Establishment Matters, amply testifies that all requests had been satisfactorily dealt with.

10. Since the Public Service Commission established with effect from 13<sup>th</sup> May 2011, has commenced functioning with effect from 19<sup>th</sup> May 2011 the following are submitted for the information of the Cabinet of Ministers:

- (a) all Secretaries to Ministries to henceforth refer requests pertaining to matters to be dealt with by the PSC, in terms of the provisions of the Eighteenth Amendment to the Constitution, to the PSC; and
- (b) requests submitted to the Cabinet of Ministers but still pending, to be referred back to the Secretaries to the relevant Ministries, to be taken up with the PSC.

Sgd./Mahinda Rajapaksa  
PRESIDENT  
31.05.2011

**Analysis of Proposals received by the Cabinet of Ministers on Establishment Matters that should be attended to be the Cabinet in terms of the Constitution and those to be attended to by the Cabinet due to expiry of the term of office of the Public Service Commission (PSC)**

| Period                   | No. of Sub-Committee Meetings held | Proposals received by the Cabinet | No. of proposals attended by the Cabinet | No. of Proposals received to be dealt with by the Cabinet due to the expiry of the PSC | No. of proposals attended to be the Cabinet from those referred to due to expiry of the PSC | Balance remaining as on 13.05.2011 |             |
|--------------------------|------------------------------------|-----------------------------------|--|--|---|------------------------------------|-------------|
|                          |                                    |                                   |  |  |   | Cabinet                            | PSC Matters |
| 13.05.2009 to 31.12.2009 | 30                                 | 325                               | 325                                      | 658  | 658   | --                                 | --          |
| 01.01.2010 to 31.12.2010 | 34                                 | 206                               | 204                                      | 1,182  | 1,141   | 02                                 | 41          |
| 01.01.2011 to 13.05.2011 | 15                                 | 132                               | 124                                      | 578  | 503   | 08                                 | 75          |
| <b>TOTAL</b>             | <b>79</b>                          | <b>663</b>                        | <b>653</b>                               | <b>2,418</b>   | <b>2,302</b>  | <b>10</b>                          | <b>116</b>  |