

My No: IV/2/9/3361/10(H)

Ministry of Public Administration, Home Affairs,
Plantation Industries and Parliamentary Affairs,
Independence Square,
Colombo 07.

01.03.1996.

All Secretaries and
Heads of Departments.

**Submission of appeals to the Public Service
Commission, inquire them and issue of orders**

The Cabinet of Ministers has decided to revise Chapter XLVIII Volume II of the Establishments code as follows.

The following new section is substituted for existing section

- 17:4 Any Public Officer who is aggrieved by any order of transfer or dismissal or any other order relating to a disciplinary matter made by a disciplinary authority, delegated by the Public Service Commission or any Committee thereof shall have the right to make a single appeal to the Public Service Commission.
- 17:4:1 The above appeals should be submitted in writing within three months of the date from which the order is received from the disciplinary authority. The Public Service Commission may, at its discretion, consider an appeal which is made after 3 months but not later than 6 months provided it is satisfied with the reasons for the delay.
- 17:4:2 When the Public Service Commission summons any person for any clarification in connection with an appeal, if it appears to the Public Service Commission that any such clarification is likely to affect the evidence given at the domestic inquiry, then a similar opportunity should be given to the affected person also to make appropriate clarification.
- 17:4:3 The decision of the Public Service Commission on an appeal shall be communicated to the appellant directly, if he is no longer in service, or through the Head of the Department if the appellant is in service, In either case a copy of the decision shall be sent to the Head of the Department.

17:4:4 In reporting on appeals the disciplinary authority should make observations on each and every averments in the appeal, keeping to the format as appearing in Schedule III.

17:4:5 A further appeal against the decision given by the Public Service Commission or its Committee may be made to the Cabinet. The Public Service Commission or its Committee should not entertain any appeal made against their own decision. Exceptionally, a Committee may exercise its discretion for the correcting of errors of a minor nature. Any other appeals should be referred to the Cabinet for consideration.

02. The following rules have been made by the Public Service Commission for prosecuting officers to be followed in addition to their normal duty for prosecution.

- (i) Verbal and documentary evidence should be led appropriately enabling the build up of each charge.
- (ii) They should ensure that the summary of the written evidence of the prosecution is submitted to the inquiring officer within 21 days from the date of completion of the inquiry. The oral and written evidence should be indicated separately in that report showing that each charge is proved.
- (iii) The prosecuting officer should immediately after the completion of inquiry, inform the inquiring officer that the summary of evidence would be forwarded in the above manner.

Sgd. R.S. Jayaratne
Secretary
Ministry of Public Administration,
Home Affairs, Plantation Industries
and Parliamentary Affairs.