

My No. E/9/6/48
Ministry of Public Administration
and Home Affairs
Independence Square
Colombo - 07
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Secretaries to Ministries
Chief Secretaries of Provincial Councils and
Heads of Departments

Revision of Chapter XLVIII of the Establishments Code

The Government has decided to revise the provisions of Part II, Chapter XLVIII of the Establishments Code as shown below. Therefore the said Part II Chapter XLVIII of the Establishments Code will be revised in such a manner that it will not affect prejudicially the disciplinary inquiries in which charge sheets have already been issued.

I. The Sub-Section 19:5 of Chapter XLVIII of the Establishments Code is substituted with the following provision.

19:5 The Secretary in charge of the subject of Public Administration should constitute a panel of Disciplinary Inquiry Officers consisting of retired officers who have not been punished under Schedule A of the Establishments Code during their period of service and who count a service of ten years or more in a staff grade post or retired officers who possess more than five years experience by serving as a Disciplinary Inquiry Officer, Prosecuting Officers or a Defending Officer with eight years service in a Staff Grade post, and Attorneys -at-Law with more than ten years practice, and maintain such panel continuously revising it whenever appropriate. It will also be the responsibility of the Secretary in charge of the subject of Public Administration to inform particulars regarding such panel from time to time to Secretaries to Ministries, Heads of Departments and other relevant authorities.

II. The following Sub-Section 22:1:1 is inserted immediately after Sub-Section 22:1

22:1:1 The Disciplinary Authority should take necessary steps to conclude the relevant inquiry and to issue the disciplinary order within a period of one year from the date of serving of a charge sheet against an accused officer. Except where the charge is not in terms of Sub-Section 31:11, and except where the proceedings and the issue of disciplinary order are delayed for more than one year due to the lapse of the part of the accused officer, he should if under interdiction be re-instated in service and paid his salary from that date. Regarding the unpaid salary up to that date action should be taken as stated in the disciplinary order received.

III. Following new Sub-Sections 27:10:1 and 27:10:2 are inserted immediately after Section 27:10

27:10:1 The Disciplinary Authority may, except where the charges are under Bribery or Corruption anti-government, or terrorist activities, re-instate an officer who has been charged in a Court of Law on a criminal offence not relevant to his official duties if he decides that such re-instatement will not adversely affect the interests of the Public Service, depending on the nature of charges framed.

27:10:2 If the Disciplinary Authority is of the opinion that re-instatement under Sub-Section 27:10:1 will be prejudice to the Public Service such officers should be kept under interdiction until the court order is delivered. However, if there is a delay of more than one year in the delivery of the court order, the Disciplinary Authority may order that the officer be paid an amount not exceeding half his salary.

IV. The following Sub-Section 31:12:1 is inserted immediately after Sub-Section 31:12

31:12:1 If the court order is not delivered within a year under circumstances stated in Sub-Section 27:10:2 the Disciplinary Authority may order that the officer be paid an amount not exceeding half his salary.

Sgd./ S. C. Mannapperuma
Secretary
Ministry of Public Administration
and Home Affairs