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Ministry of Public Administration,
Disaster Management and
Livestock Development
Independence Square
Colombo 07.

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Secretaries to Ministries
Chief Secretaries of Provinces
Heads of Departments

Revision of sub sections 13:2, 21:2, 22:1:1 and 14:12
Chapter XLVIII, Volume II of Establishments Code

Your kind attention is drawn to sub sections 13:2, 21:2, 22:1:1 and 14:12, Chapter XLVIII, Volume II of Establishments Code.

02. It has been decided at the meeting of Cabinet Ministers held on 27.08.2019 to revise the said sub sections including the following provisions.

I. Revision of the sub section 13:2, Chapter XLVIII, Volume II of the Establishments Code.

13:2 An authority ordering a preliminary investigation into an act of misconduct should, at the same time that such order is issued, strictly order the officer or the Committee of Officers of the preliminary investigation to conclude the preliminary investigation within a period of two months. However, in case where any additional period is required, the officer or the Committee of Officers of the preliminary investigation should obtain the approval of the relevant authority on submission of acceptable reasons. Nevertheless, all relevant parties should ensure that such preliminary investigation is carried out and completed with the least possible delay.

II. Revision of the sub section 21:2, Chapter XLVIII, Volume II of the Establishments Code.

21:2 Where the accused officer absents himself from the inquiry consecutively on two occasions without giving prior notice indicating valid reasons for his absence, the inquiry should be held exparte by the Tribunal. Accordingly, the Tribunal should inform the accused officer under registered post that the inquiry will be held exparte. Where the accused officer fails to appear when the inquiry is resumed on the next date, the Tribunal should proceed with the inquiry whether or not the accused officer participates in the proceedings.

III. Revision of the sub section 22:1:1, Chapter XLVIII, Volume II of the Establishments Code.

22:1:1 A disciplinary inquiry conducted on a charge sheet issued against a misconduct of an officer should be concluded within a period of six months from the commencement of such disciplinary inquiry. However, the officer of the investigation should obtain the approval of the Disciplinary Authority in case where an additional period is required for the disciplinary inquiry. However, in case where the disciplinary inquiry is delayed for more than six months due to a reason other than the delay occurred from the part of the accused officer and where the charge is not fallen under sub section 31:11 and the officer has been interdicted, the salaries can be paid to the accused officer reinstating him in service on the discretion of the Disciplinary Authority subjected to the matters mentioned in the disciplinary inquiry. Whenever the disciplinary order is issued, action should be taken regarding the salary, which was not paid so far, in accordance with the content of the disciplinary order.

IV. Revision of the sub section 14:12, Chapter XLVIII, Volume II of the Establishments Code.

14:12:1 At such occasion where a Public Officer has satisfied all the pre qualifications required to sit for an examination for promotion or departmental examination or efficiency bar examination relevant to a certain post shall not be disqualified to sit for an examination for promotion or departmental examination or efficiency bar examination based only on interdiction.

Sgd/ J.J. Rathnasiri
Secretary
Ministry of Public Administration,
Disaster Management and Livestock Development