

Public Administration Circular : 14/2022(IV)

My number : EST-6/03/LEA/3162(4)
Ministry of Public Administration, Home Affairs,
Provincial Councils and Local Government
Independence Square
Colombo 07.

07.06.2024

Secretaries to Ministries
Chief Secretaries of Provinces
Heads of Departments

Granting Leave with No Pay to be Spent in or out of the Island to Public Officers without Causing any Prejudice to the Seniority and Pension

Your attention is drawn to Public Administration Circular No. 14/2022 dated 22.06.2022, Public Administration Circular No. 14/2022(I) dated 06.09.2022, Public Administration Circular No. 14/2022(II) dated 15.09.2022 and Public Administration Circular No. 14/2022 (III) dated 13.07.2023 issued on granting no-pay leave to public officers to be spent in or out of the island.

02. It has been decided at the meeting of the Cabinet of Ministers held on 13.05.2024 to take action under the following specific provisions regarding officers who obtain no-pay leave/ had already obtained no-pay leave under the provisions of the said circulars.

2.1 When granting no-pay leave to be spent within/ out of Sri Lanka to Public Officers under Public Administration Circular 14/2022 dated 22.06.2022, Public Administration Circular 14/2022(I) dated 06.09.2022, Public Administration Circular 14/2022(II) dated 15.09.2022 and Public Administration Circular 14/2022(III) dated 13.07.2023, the minimum period of leave should be one year.

2.2 Revising Section “k” of Public Administration Circular 14/2022 dated 22.06.2022 revised by Public Administration Circular 14/2022(I) dated 06.09.2022 in the following manner.

“An Additional Secretary/ Head of a Department authorized by the Secretary of the Ministry may also, on behalf of the Secretary, enter into the agreement with the officer obtaining leave under this circular.”

- 2.3 In addition to Section 10, Chapter XII of the Establishments Code, the Public Officers can obtain lapse leave for completion of training courses required for the purpose of going abroad when obtaining foreign leave as per Public Administration Circular 14/2022 dated 22.06.2022 and the subsequent circulars issued. However, it is compulsory to submit the certificate issued at the end of the training programme confirming that the course has been successfully completed for granting approval for lapse leave. The leave obtained by an officer, who fails to submit relevant certificate, should be treated as no-pay leave.
- 2.4 The officers obtaining no-pay leave to be spent within the island under Public Administration Circular 14/2022(II) dated 15.09.2022 are allowed to commence businesses in the name of the officer and to maintain them under registration during the period of such leave but they are required to perform their duties subject to the provisions in Chapter XXX of the Establishments Code when they report for duty at the end of the period of leave.
- 2.5 The officers, who obtain leave under the provisions of Public Administration Circular 14/2022 dated 22.06.2022 and circulars issued subsequently should, even within the period of leave, have opportunity-
- 2.5.1 To satisfy the requirement of acquiring competency in official language and passing Efficiency Bar examinations.
- 2.5.2 Leave should not be an obstacle for applying for the competitive examinations for the posts of All Island Services or other posts of Public Service, if the officer has possessed all qualifications before getting approval for leave.
- In case where a certain officer has appeared for and passed a competitive examination / interview for appointment or promotion to a post in All-island services or to any other post in the Public Service and selected to the post during the period of leave, such officer has the opportunity to accept the new post. Further, such officer should take action to accept the new post within the due period on termination of the leave obtained so far after reporting back to the service and getting him released properly from the previous service. Further, the remaining period of leave should be obtained in relation to the new post as per the existing provisions of these circulars.
- 2.5.3 When leave to be spent out of the island has been granted under the provisions of these circulars, leave so far obtained should not be an obstacle to coming back to Sri Lanka to sit a competitive examination

or face an interview for an appointment / promotion to a post in the public service and then to leave the island again.

- 2.6 An opportunity has been given to the appointing authority to appoint/ transfer another officer full time to the post held by the officer, who is on leave, considering such a post has fallen vacant at the institution. However, the personal file of the officer, who is on leave, should be maintained at the service station in which the officer served at the time of granting leave. Actions should be taken to keep the information updated on the recovery of contributions to the widows'/widowers' and orphans' pension scheme and the remittance of foreign currency in relation to the officers who are already abroad as well as those who will leave the country in the future.

Further, no officer should be appointed to act /perform duties in the post on behalf of the officer who obtains leave under these circulars except on the concurrence of the appointing authority in case of dire necessity.

- 2.7 The period of no-pay leave obtained as per the Public Administration Circular 14/2022 dated 22.06.2022 and the circulars issued subsequently, should be only applicable for the seniority and the pension of the officers who obtained leave approval until 10.07.2023 as well as for the pension of the officers who obtain leave approval since 11.07.2023. Further, it should not be applicable as an active period of service for any other occasion.

Accordingly, this period of no-pay leave should not be made applicable as an active period of service for the purpose of granting vehicle import permit on concessionary terms issued at the time of retirement under Public Administration Circular 22/99.

- 2.8 The administrative authorities relevant to each service and post of the public service should identify whether there is a cadre in excess in such services/ posts and the administrative authority should further maintain a registry of names of those officers in this regard.

Accordingly, administrative authority should take action to attach officers to the posts which are fallen vacant at the institutions due to no-pay leave obtained by officers as per Public Administration Circular 14/2022 dated 22.06.2022 and the provisions of the circulars issued subsequently from the aforesaid registry under the internal transfer scheme.

- 2.9 The application for granting no-pay leave to be spent within/out of the island under the provisions of Public Administration Circular 14/2022 dated

22.06.2022 and the provisions of the circulars issued subsequently should be submitted to the Committee at least three months prior to the date of commencing leave.

- 2.10 Contributions to the Agrahara Insurance Scheme should not be recovered from the officers, who obtain no-pay leave under the provisions of these circulars during the period of no-pay leave, and they are not entitled to Agrahara benefits during that period.
- 2.11 The officers obtaining no-pay leave are not entitled to railway warrants during the said period of leave.
- 2.12 There is no obstacle to be employed in a Corporation or a Statutory Institution obtaining no-pay leave to be spent within Sri Lanka under the provisions of these circulars.
- 2.13 An amount of international currency equivalent to the amount of US Dollars prescribed under section 'o', serial number 10 of Public Administration Circular 14/2022(I) dated 06.09.2022 can be remitted (in relation to the date of remittance).
- 2.14 A period of concession of two months has been granted from the date of departure in order to remit the currency prescribed under section 'o', serial number 10 of Public Administration Circular 14/2022(I) dated 06.09.2022. The currency should be remitted along with arrears commencing from the third month.
- 2.15 In an instance where an officer returns to the country after staying abroad on approving no-pay leave to be spent out of the country and if the amount of money which was to be remitted relevant to the period of stay abroad in terms of the provisions of Public Administration Circular 14/2022(I) dated 06.09.2022 has not been remitted, the period of leave obtained by the officer should be treated as a period of no-pay leave which is not applied for the purpose of seniority and pension and further, such period of leave obtained by the officer as per Public Administration Circular 14/2022(III) dated 13.07.2023 should be treated as a period of no-pay leave which is not taken into account for the pension.
- 2.16 An officer who is employed in private sector obtaining no-pay leave to be spent within the country under Public Administration Circular 14/2022(II) dated 15.09.2022 shall be entitled to the benefits of the Employees' Provident Fund.

2.17 At such occasions where the officers, who have obtained proper approval for no-pay leave to be spent within/ out of Sri Lanka before 10.07.2023, request to extend the said period of leave, such revision should be granted as per the provisions of Public Administration Circular 14/2022(III) dated 13.07.2023.

2.18 The no-pay leave to be spent within/ out of the island, which is obtained under Public Administration Circular 14/2022 dated 22.06.2022 and subsequent circulars should be taken into account for the purpose of salary increment.

Such officer can be placed on the salary step which he could have earned unless he obtained no-pay leave. However, such action should be taken generally where an unsatisfactory report pertaining to his work and conduct, which makes him disqualify for the salary increment during the period of no-pay leave, has not been submitted to the authority for granting salary increment.

03. The provisions of this circular shall be effective with effect from 13.05.2024.

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