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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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## PART IV (A) — PROVINCIAL COUNCILS

### Provincial Councils Notifications

#### WESTERN PROVINCE PROVINCIAL COUNCIL

##### Proclamations made by the Hon. Governor

I, the Governor of the Western Province, S. Alavi Mowlana, by virtue of powers vested in me as per Clause 32 of Provincial Councils Act, No. 42 of 1987 do hereby announce that the Western Provincial Council Public Service Procedural Rules formulated to allocate provisions for appointments, promotions and transfers and matters consequential to such in the Western Provincial Council Public Service and described in the following Schedule shall be implemented for the Western Provincial Council Public Service with effect from February 01st, 2015.

It is hereby notified further that this Procedural Rules shall be implemented without any detrimental effect to any of the measure taken under a provisional allocation of a circular issued to amend any provision of the Establishment Code of the Democratic Socialist Republic of Sri Lanka or any chapter therein that has been put into operation on behalf of the Western Province Public Service by the date these rules come into effect.

S. Alavi Mowlana,  
Governor of the Western Province.

Governor's Secretariat of Western Province,  
No. 98/4, Havelock Road,  
Colombo 05.  
16th January 2015.

#### CHAPTER I

##### Procedural rules of the Western Provincial Public Service

###### *Establishment*

###### 1. Governor

The Provincial Councils are established in terms of Article 154(a) of the Chapter XVII (A) of the Constitution of the Democratic Socialist Republic of Sri Lanka. In terms of 154(B) of the said Article, the post of Governor is established



for each province and the Governor is appointed by the President by warrant under his hand. These Procedural Rules are imposed in terms of the powers provided for under Section 32 of Provincial Councils Act, No. 42 of 1987.

## 2. Powers

In terms of the provisions of Section 32 of the Provincial Councils Act, No. 42 of 1987 amended by the Provincial Councils Act, No. 28 of 1990, the appointment, promotion, transfer, disciplinary control and dismissal of officers of the Western Provincial Public Service is vested in the Governor of the Western Province subject to the provisions of the act.

3. The Western Provincial Public Service Commission is established in terms of the provisions of Section 33 of the Provincial Councils Act, No. 42 of 1987.
4. The powers vested in the Governor of the Western Province in terms of Section 32(1) of the Provincial Councils Act, No. 42 of 1987, may be delegated from time to time to the Western Provincial Public Service Commission established as mentioned in Section 3 above, subject to Sections 32(2) and 32(3) of the said act.
5. Where there is a difficulty in the interpretation of these rules or the application, or there arises any contradiction between the interpretation and the desired objective of their application or on matters not provided for in these procedural rules, the Governor of the Western Province reserves himself the right of final determination.
6. The Governor of the Western Province shall have power to alter, reduce and rescind an appointment, order of transfer or dismissal or any other order on a disciplinary matter made by the Western Provincial Public Service Commission in terms of Section 33(8) of the Provincial Councils Act, No. 42 of 1987 and an appointment, order of transfer or dismissal or any other order on a disciplinary matter made by an authority on whom powers have been delegated subject to Section 4 of the Provincial Councils (Amendment) Act, No. 28 of 1990 mentioned above.

## Accountability

7. The relevant authorities shall be responsible and answerable to the Governor of the Western Province on the decisions made by the Western Provincial Public Service Commission in the exercise of powers delegated to the Western Provincial Public Service Commission by the Governor of the Western Province in accordance with the provisions of the Provincial Councils Act, No. 42 of 1987 and on the decisions made by an authority on whom powers have been delegated by the Provincial Councils (Amendment) Act, No. 28 of 1990.

## CHAPTER II

### Exercise of Delegated Powers

8. (a) In terms of Sections 32(1) and 32(3) of the Provincial Councils Act, No. 42 of 1987 and subject to any other law, the Governor may, from time to time delegate to the Provincial Public Service Commission of this province the powers of appointment, promotion, transfer, disciplinary control and dismissal of officers of the Western Provincial Public Service.
  - (b) In terms of Section 4 of the Provincial Councils (Amendment) Act, No. 28 of 1990, the powers vested in the Provincial Service Commission may be delegated to the Provincial Chief Secretary or a particular officer.
9. Even when the powers vested in the Governor have been delegated by the Western Provincial Public Service Commission or an officer on whom such powers have been delegated by the Provincial Public Service Commission, the Governor of the Western Province shall have power to alter, reduce or rescind an appointment, order of transfer or dismissal or any other order on a disciplinary matter made by the Western Provincial Public Service Commission or the relevant officer on whom the powers have been delegated by the Provincial Public Service Commission.

10. Any acts or decisions made by any person in excess of the limit of powers vested in the Western Province Public Service Commission or the limit of powers delegated to an officer subject to Section 4 of the Provincial Councils (Amendment) Act, No. 28 of 1990 shall be null and void. The officer or officers who authorized or facilitate such action shall be personally responsible for any harm or loss caused by such acts or decisions.
11. (a) In terms of Section 32 of the Provincial Councils Act, No. 42 of 1987, the powers delegated to the Western Provincial Public Service Commission by the Governor of the Western Province shall be exercised within the scope/limit of such delegation. Any acts or decisions made in excess of the limit of delegation shall be null and void. The Western Provincial Public Service Commission is personally liable for any harm or loss caused by such act or decisions.  
  
(b) In terms of Section 4 of the Provincial Councils (Amendment) Act, No. 28 of 1990, the powers delegated to the Provincial Chief Secretary or any officer by the Western Provincial Public Service Commission shall be exercised within the scope/limit of such delegation. Any acts or decisions made in excess of the limit of delegation shall be null and void. The Provincial Chief Secretary or the relevant officer shall be personally responsible for any harm or loss caused by such acts or decisions.
12. Where powers have been delegated to the Western Provincial Public Service Commission, such powers shall be exercised only by the Western Provincial Public Service Commission, and no action shall be taken presuming that powers have been delegated separately to the members of the Western Provincial Public Service Commission. The Provincial Public Service Commission with delegated powers shall exercise such powers in accordance with the Constitutional Provisions, Provisions set out in the Provincial Councils Act, Provincial Council enactments and legal provisions imposed from time to time by the Governor of the Western Province, impartially, equitably, and in good faith and in a transparent manner.
13. Where powers have been delegated to a relevant officer in terms of the provisions set out in Section 4 of the Provincial Councils (Amendment) Act, No. 28 of 1990, the officer with delegated power shall exercise such powers in accordance with the Constitutional provisions, provisions set out in the Provincial Council Act, Provincial Council enactments and legal and administrative provisions imposed from time to time by the Governor of the Western Province, impartially, equitably, and in good faith and in a transparent manner.
14. Where any problem arises in the exercise of powers delegated to the Western Provincial Public Service Commission, clarifications and instructions shall be obtained from the Governor of the Western Province, and where any problem arises regarding the exercise of powers delegated to an officer in terms of the provisions in Section 4 of the Provincial Councils (Amendment) Act, No. 28 of 1990, clarifications or instructions shall be obtained, as the case may be, from the Western Provincial Public Service Commission or the Governor of the Western Province.
15. In terms of Section 34 of the Provincial Councils Act, No. 42 of 1987, any person who, otherwise than in the course of such person's lawful duty, directly or indirectly, in any manner whatsoever influences or attempts to influence or interfere with any decision of the Western Provincial Public Service Commission or a member thereof, shall be guilty of an offence and on conviction at a case heard in a high court without the Jury, such person shall be liable to a fine not exceeding one hundred thousand rupees or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

### CHAPTER III

#### **Appointment**

16. In terms of Section 32 of the Provincial Councils Act, No. 42 of 1987, the powers of appointment, promotion, transfer, dismissal and disciplinary control of officers of the Western Provincial Public Service are vested in the Governor of the Western Province.

17. The Powers vested in the Governor in terms of Sections 32(1) and 32(3) of the Provincial Councils Act, No. 42 of 1987 may be delegated to the Western Provincial Public Service Commission or to the relevant officers in terms of Section 32(2) of the Provincial Councils Act, No. 42 of 1987.
18. In terms of Sections 33(8) of the Provincial Councils Act, No. 42 of 1987, the Governor has power to alter, reduce or rescind and order of appointment, promotion, transfer or dismissal, or any other disciplinary order made by the Provincial Public Service Commission on which powers have been delegated in terms of Section 32(2) or 32(3) of the Provincial Councils Act, No. 42 of 1987 or by an Authority on whom powers have been delegated as per the provisions in Section 4 of the Provincial Councils (Amendment) Act, No. 28 of 1990.
19. To fill all vacancies in the Provincial Public Service the Appointment Authority shall call for applications by advertisement in accordance with the Service Minute and/or Scheme of Recruitment approved by the Governor except where the appointment is made on acting basis, to attend to the duties or to cover duties.
20. An appointment on contract basis or to attend to the duties of a post or on acting basis or on a permanent basis shall be made only if the post falls within the approved cadre of the relevant institution, has an approved Service Minute or Scheme of Recruitment and for which funds have been provided.
21. An appointment can be made only if a vacancy in the approved cadre occurs. A vacancy occurs only if a new post is created or the services of the holder of a post terminates or is terminated. No vacancy occurs if the holder of a post is on full-pay or no pay leave has been temporarily released for other duties or under interdiction or is on leave preparatory to retirement. Provided, however, the Appointing Authority may make an appointment to attend to the duties of a post or to act in a post for reasons of exigencies of service.
22. All appointments in the Provincial Public Service, other than casual and substitute appointment shall be made in accordance with the approved Service Minute or the Scheme of Recruitment of the respective post.
23. The date of the letter of appointment or the date on which the officer assumes duties, whichever comes later, shall be the effective date of the appointment.
24. No appointment, for whatever reason, shall be ante-dated.
25. No person shall be appointed to a post in the Western Provincial Public Service or employed under any designation on honorary or voluntary capacity.
26. In pursuance of the current provisions for appointment and transfer etc., the Western Provincial Public Service Commission has the power of grading and designating posts in the provincial public service, lay down conditions of service and determine scales of salary or wages within the salary structure.

#### CHAPTER IV

##### **Service Minutes and Schemes of Recruitment**

27. For each approved service in the provincial public service, there shall be a Service Minute and for each post falling outside those services, there shall be a Scheme of Recruitment. Such Service Minute or Scheme of Recruitment shall contain qualifications for recruitment, method of recruitment, salary scale, service conditions, methods of promotion and all other relevant information.
28. Draft Schemes of Recruitment shall be prepared in accordance with the standard format. Draft Schemes of Recruitment and Service Minutes shall be submitted to the Provincial Chief Secretary by the Secretary to the relevant provincial ministry and then to the Provincial Public Service Commission with the recommendations of the Chief Secretary. Such draft shall be forwarded along with a schedule of proposed amendments. The Provincial Public Service Commission shall consider the Draft with recommendations of the Chief Secretary forwarded to it and submit the

same to the Governor along with its recommendation. The said Minute or the Scheme of Recruitment shall come into force with effect from the date of approval of the relevant Draft by the Governor.

29. Where need arises to amend the Service Minute or the Scheme of Recruitment, the schedule referred to above shall include the reasons for such amendment, matters to be amended, and relevant paragraphs and texts etc. Further, the draft of the amended Service Minute or the Scheme of Recruitment shall be prepared by incorporating the proposed amendments and highlighting them by underlining.
30. The Governor shall have the power to approve or return for revisions or reject or revoke a Scheme of Recruitment or Service Minute or the proposed amendments submitted by the Provincial Public Service Commission or the Chief Secretary, Similarly, the Governor shall have the power to order the relevant authorities to create a Service Minute or Scheme of Recruitment for a particular post or service in the provincial public service or to amend any approved Service Minute or Scheme of Recruitment, in consultation with the relevant authorities or under his directive.

## CHAPTER V

### **Persons not qualified for appointment to the Provincial Public Service**

31. A person who has been in the provincial public service of another province or in the public service or in a public corporation or authority or government owned company and has been compulsorily retired for general inefficiency or retired as a merciful alternative to dismiss or retired as a punishment or who has been dismissed after a formal inquiry or who has vacated his post is disqualified for appointment to the Western Provincial Public Service.
32. A person convicted by a court of law for a criminal offence committed against the Democratic Socialist Republic of Sri Lanka is disqualified to be appointed to the provincial public service.
33. Any person convicted by a court of law in any criminal proceedings or convicted by a court of law after summary inquiry in terms of Section 449 of the Criminal Procedure Code is disqualified for appointment to the provincial public service.
34. Any person who had been declared as bankrupt is disqualified to be appointed to the provincial public service.
35. A person who is not a citizen of Sri Lanka or who does not have citizenship rights is disqualified for appointment to the provincial public service.

## CHAPTER VI

### **Terms of Conditions Governing Appointments**

36. All officers of the provincial public service shall hold posts on public trust. Every person who is appointed to a post in the provincial public service shall diligently discharge the duties of the post to which he is appointed for the benefit of the country and its people.
37. Every officer in the provincial public service shall discharge his duties, responsibilities and obligations in accordance with Government policy, rules and regulations enacted from time to time by the Governor and the Provincial Public Service Commission in respect of the Provincial Public Service, Further, he shall be subject to the Establishment Code, Financial Regulations, Provincial Financial Rules, provisions in the Provincial Councils Act, other Government Regulations applicable to Provincial Public Service, Circulars, Instructions, provisions in these Procedural Rules and amendment made thereto from time to time.
38. Every person who is appointed to a permanent and pensionable post in the provincial public service shall contribute to the Widows' and Orphans' Pension Scheme or to the Widowers' and Orphans' Pension Scheme as the case may be. The amount of contribution shall be as declared by the government from time to time.

39. Any officer of the Provincial Public Service shall furnish a security deposit as per the Public Officers' Security Ordinance, in such sum as decided upon by the Head of Department.
40. An officer appointed to the Provincial Public Service is bound to service in any part of the Western Province.
41. Every officer appointed on permanent or contract basis to a post in the provincial public service shall be certified by a medical examination that he is physically and mentally fit to serve in any part of the Western Province.
42. This medical examination shall be held in a government hospital in such manner as decided upon by the Director General of Health Services.
43. Every person appointed to a post in the provincial public service, shall make and subscribe or take and subscribe the affirmation or the oath in terms of Schedule 4 and 7 of the Constitution.
44. Every officer appointed to a post in the provincial service shall acquire proficiency in Sinhala, Tamil and English in such manner as stipulated by Government Policy.
45. An officer of the provincial public service who receives monthly salary and who wishes to resign his post must, unless otherwise stated in his letter of appointment, give at least one calendar month's notice in writing to the Appointing Authority in accordance with these rules. If the Appointing Authority agrees he may pay a sum equivalent to a month's salary to the provincial council in view of one month calendar notice and resign his post. However, a resignation of an officer of the provincial public service will come into effect only after the written intimation of the acceptance of the resignation by the Appointing Authority.
46. The Appointing Authority may terminate the appointment of a casual officer and substitute without notice.
47. When the Appointing Authority intends to terminate, in accordance with the conditions given in the letter of appointment, the appointment of a monthly paid officer who is not confirmed in the provincial public service, he must be given a month's notice.
48. Where it is duly established at any time whatever after the assumption of duties that an officer has been appointed to a post in the provincial public service on false and erroneous information or documents submitted by that officer to the Appointing Authority or any other relevant Authority such appointment shall forthwith be treated as null and void and the appointment revoked, subject to such officer is given due notice of the allegation and an opportunity to explain. If it is established that the appointment has been received on false and erroneous documents, action shall be taken in terms of the provisions in the Penal Code in this connection.

## CHAPTER VII

### Procedure relating to Appointments

49. In case of appointment of an officer belonging to the All Island Services to a post in the provincial council, appointments shall be made by the Governor subject to the powers reserved to himself, as it deems fit.
50. Appointments and transfers within the grades are done by the Western Province Public Service Commission in terms of the relevant Schemes of Recruitment and Services Minutes, subject to the delegation of power by the Governor.
51. Appointment/selection and transfer of officers shall be done by the Appointing Authorities in terms of the Service Minutes and Schemes of Recruitment, subject to the powers delegated and to be delegated in future by the Governor.

52. Where a vacancy occurs in a post in the provincial public service or where such a post is created anew, the Heads of Department shall report such fact to the Appointing Authority of relevant service or post. Also, he shall forthwith mention whether or not he recommends the appointment of an officer of the provincial public service to that post.
53. On receipt of document in terms of Section 52, the Appointing Authority having satisfied himself that the relevant examinations and interviews have been held in accordance with the Service Minute or the Scheme of Recruitment, where relevant in accordance with the approved marking scheme and having considered the recommendation of the interview board, if there are any, shall select a person/persons on the order of merit of marks obtained at the examination and/or interview, in compliance with the provisions of the Scheme of Recruitment. A formal letter of appointment shall be issued by the Appointing Authority as per Appendix 01 or 02 (a) with changes where necessary.
54. When appointing the officers belonging to the All Island Services to the posts in the provincial public service, those officers shall be issued a formal letter of appointment by the relevant Authorities.

#### **General Conditions relating to Appointment**

55. The Appointing Authority shall make appointments in accordance with the provisions of the Service Minutes or the Schemes of Recruitment.
56. Unless otherwise provided for in the Scheme of Recruitment, a board of interview shall have at least three members including the Chairperson who shall be an officer of the provincial public service. However the maximum number of members in a board of interview shall be limited to five. Unless otherwise provided for in the Service Minute or the Scheme of Recruitment, at least one member of the board of interview shall be from a Ministry or Department which is outside the Ministry or Department where the vacancy occurs. Similarly at least one female officer shall be appointed to a board of interview whenever possible. Nevertheless, a public officer or an officer of the provincial public service of another province may be appointed as a member of the board of interview where necessary.
57. Unless otherwise provided for in the Service Minute or Scheme of Recruitment the number of applicants to be called for the interview where applicable shall be determined by the Appointing Authority in order of the marks obtained by them at the written examination and/or the trade test, as the case may be, and the number of vacancies.
58. Where marks are allocated at the interview the Marking Scheme shall be included in the advertisement calling for applications to fill the vacancies.
59. Where selections are made only through an interview, or an interview and a trade test such interview shall be structured and the Marking Schemes of the interview and the trade test shall be included in the advertisement calling for applications for the post.
60. The board of interview shall be provided with the following documents to carry out its functions.
  - (i) Service Minute or the Scheme of Recruitment.
  - (ii) Advertisement calling for applications.
  - (iii) Schedule of interview with Summary of Qualifications.
  - (iv) Number called for the interview.
  - (v) If it is a structured interview, the Marking Scheme approved by the Appointing Authority and other relevant documents.
61. Every applicant shall be interviewed by a plenary session of the board of interview. In recording marks at the interview, a carbon pen or a pen with indelible ink shall be used and not pencils. Every member of the interview board shall be present at all times during the interview.

62. Immediately after the interview is over, the board of interview shall prepare a merit list in order of the marks obtained by the applicants ; include it in the schedules of interview, and certified. Members of the board of interview shall sign each page of such schedules.
63. Where an interview has to be held to allocate marks after a written examination and/or a trade list, marks obtained by the applicants at the written examination and/or the trade test shall not be made available to the board of interview. The results of a written examination and/or the trade test shall not be publicized for whatever reason until the Appointing Authority takes a final decision regarding the appointments. Its confidentiality shall be preserved to the utmost.
64. Where the interview is not structured it should be held only for the purpose of verifying the certificates of the applicants for confirmation of their qualifications.
65. The Appointing Authority shall take action to draw the attention of the members of the respective boards of interview to these rules before an interview or trade test is held.
66. Where appointments are made on the order of merit and where there are several applicants who had obtained equal marks for the last vacancy or vacancies, the final decision to fill the vacancy or vacancies on the results of the interview, the written test or the professional, test as the case may be rests with the Appointing Authority.
67. Where recruitment is done only on the results of a competitive examination, appointments shall be made in order of merit of the marks obtained by the applicant at the competitive examination.
68. Where appointments are to be made on the results of written test, interview and trade test the Appointing Authority shall aggregate the marks obtained by each of the applicants at the written test, the interview and the trade test and make appointments in order of merits.

#### **Procedure to be followed after appointment**

69. A person who had received a letter of appointment issued by the Appointing Authority appointing him to a particular post in the provincial public service shall forthwith inform the Appointing Authority in writing as per Appendix 03 whether or not he accepts the post subject to the conditions mentioned in the letter of appointment.
70. It shall be the responsibility of the Appointing Authority or Administrative Authority or Head of the Department or Head of the Institution to ascertain the identity of the person who accepts the appointment in accordance with the letter of appointment.
71. The appointee within one month of his appointment shall made the affirmation or take the oath on the form set out in Schedules 04 and 07 of the Constitution of the Democratic Socialist Republic of Sri Lanka before, as the case may be, the Appointing Authority or Administrative Authority or Head of Department or Head of Institution. It shall be the responsibility of such authorities to make arrangements for the appointee to make the affirmation or take the oath. The appointment of a person, who fails to make affirmation or take oaths, during the stipulated period, shall cease at the expiry of such period, provided that the delay is attributable to the appointee.
72. The appointee to the provincial public service, on the first day itself of assuming duties shall hand over a letter as per Appendix 04 confirming that he reported for service to, as the case may be, the Appointing Authority or the Administrative Authority or the Head of Department or Head of Institution.
73. The appointee to the provincial public service, on assuming duties shall hand over the following documents to, as the case may be, the Appointing Authority or Administrative Authority or Head of Department or Head of Institution.
  - (i) Certified copy of the National Identity Card ;
  - (ii) Birth Certificate ;

- (iii) Original and a set of photo copies confirming basic educational qualifications, any other academic and professional qualifications (After verifying the photo copies with the originals the relevant authority shall certify and sign that the photo copies are those of the originals and the officer shall certify and sign that those photo copies are copies of genuine certificates. The photo copies shall then be retained by the authority and the originals returned to the officer)
  - (iv) Marriage Certificate, if married, Birth Certificate of spouse, copies of Birth Certificate of Children, if any
  - (v) Service Agreement on Form General 160
  - (vi) Declaration of Assets on Form General 261
  - (vii) Declaration of Assets & Liabilities in terms of the Declaration of Assets & Liabilities Act, No 01 of 1975 of the National State Assembly, amended by Act, No 77 of 1988
  - (viii) Address, telephone number and e-mail address (if available) of permanent and temporary residence.
74. After an appointee reports for duty, the Appointing Authority or Administrative Authority or Head of Department or Head of Institution, as the case may be, shall take action to open up a personal file for the officer containing the documents referred to at Section 73 above and the documents referred to below in this Section and maintain it up to date.
- (i) Copy of the Letter of Appointment.
  - (ii) Oath taken by the relevant officers in terms of Schedule 4 and 7 of the Constitution
  - (iii) The letter confirming that the relevant officer has assumed duties in the relevant post.
  - (iv) History Sheet.
  - (v) Copy of declaration under the Widows' & Orphans' Pension Scheme or the Widowers' & Orphans' Pension Scheme, as applicable.
  - (vi) Certified copy of the certificate of furnishing security, if required on the nature of the appointment.
  - (vii) Medical Report on Form Health 169.
75. Once the officer has reported for duty the Appointing Authority or Administrative Authority or Head of Department or Head of Institution shall attach the officer to a unit or branch in his office, or another office or station under him. Similarly, the Head of the particular office shall without delay hand over the duty list to the officer in writing.
76. Once an officer of the provincial public service has reported for service the relevant Authority shall inform the Auditor General that the officer has assumed duties.
77. Where the publication of the appointment of an officer to a particular service or post in the provincial public service in the government *Gazette* is a legal requirement, it shall be the responsibility of the Appointing Authority to take prompt action to publish such appointment in the government *Gazette*.
78. Once an officer of the provincial public service has been assigned duties, the Appointing Authority or Administrative Authority or Head of Department or Head of Institution shall provide him with training before a year of the date of appointment or based on the need so that his services could be obtained more productively and efficiently. Where training is mentioned in any Service Minute or Scheme of Recruitment, the training shall be conducted in such manner as to meet the requirements mentioned therein. It shall also be the responsibility of the officer to duly participate in such training programmes.
79. The Medical Report to be furnished by a new entrant to the provincial public service shall be obtained from a District Medical Officer of a government hospital and shall be forwarded to the Appointing Authority/Administrative Authority Head of Institution within 03 months of the appointment. It shall also be the responsibility of the relevant Authority to obtain this Medical Report within the stipulated period.
80. Where an officer had been declared physically or mentally unfit for provincial public service after a medical examination, the Administrative Authority Head of Institution shall report such fact to the Appointing Authority of the officer concerned without any delay as soon as the report indicating such fact is received from the Director General of Health Services. Accordingly, the Appointing Authority shall take action to terminate the appointment of such officer.

### Concession to Ex-Servicemen

81. Ex-servicemen of the Army, Navy and Air Force, who are not over 50 years of age, seeking appointment in the provincial public service shall be given the following concessions:

i. Age Limit

If an ex-serviceman falls within the maximum age limit of a post to which he seeks appointment after the period of his service in an armed service is subtracted from his age he shall be treated as falling within the prescribed age limit.

ii. Educational Qualifications

If he has obtained the next lower educational level of the minimum educational qualifications prescribed in the relevant Service Minute/Scheme of Recruitment for the post, other than a post for which a degree from a recognized university has been prescribed as educational qualifications, he shall be treated as having the prescribed educational qualifications.

iii. Technical and Professional Qualifications

An ex-serviceman who has gained skills and experience working in relevant technical units of armed services shall be treated as having the required technical and professional qualifications.

### CHAPTER VIII

#### Period of Probation, Period of Acting and Confirmation of Appointment

82. The Appointing Authority shall subject every officer appointed to a permanent post in the provincial public service to a probation period of three years.
83. An officer holding a permanent post in the provincial public service when appointed to another permanent post in the provincial public service shall be subject to an acting period of one year.
84. An officer of the provincial public service appointed subject to a period of probation or acting shall prove his suitability for provincial public service by diligently fulfilling during such period the obligations and responsibilities imposed on him by his letter of appointment, good conduct and efficient service.
85. Where during his period of probation, he shows any tendencies which render doubtful his suitability for permanent retention, he should at once be warned and given such assistance as may be possible to correct his failings by the Administrative Authority. Any admonition administered for any serious act or omission or any fault of conduct or character which, if persisted in, may prevent his confirmation, should be communicated to him in writing and acknowledgment obtained. Such acknowledgment shall be conclusive proof of the fact that the officer was warned of his failings and given an opportunity for improvement.
86. It shall be the duty of the Appointing Authority to terminate the services of an officer on probation where the relevant Administrative Authority reports that specific instances of misconduct cannot be urged against the officers but whose temperament, behavioural pattern and other defects render him unsuitable for further retention in the provincial public service. In such an instance, the Appointing Authority shall ensure that all reasons which led to such a decision are recorded in detail in the relevant file and all factors that support his decision are kept secured. The letter of termination shall be as per Appendix 6 with changes where necessary.
87. The Head of the Department shall prepare at the end of first and second year of probation a Review Report as per Appendix 05. On receipt of each of the report it should be carefully considered and where necessary he should be warned of any short comings. The final Review Report together with first and second year report should be submitted to the Appointing Authority at least 3 months prior to the expiry of the probationary period. Before the

expiry of the period of probation all three reports should be taken into consideration by the Appointing Authority and an order be made either confirming or extending the period of probation. The officer concerned, should be informed of the decision in each case.

88. Where an inquiry into an irregularity committed by an officer on probation cannot be completed before the expiry of the period of probation, his probationary appointment should be terminated or the period of probation extended taking into consideration the circumstances of the case.
89. If the Appointing Authority decides that the officer be given some time to improve his shortcomings his period of probation may be extended by one year at a time subject to a maximum period of three years and defer the officer's increment.
90. At the end of each extended period of probation the Administrative Authority shall prepare a Review Report as per Appendix 05. Where such report reveals deficiencies that may prevent his suitability for confirmation in his post, it shall be the responsibility of the Appointing Authority to extend the period of probation or terminate the appointment of the officer subject to Section 87 and 89 above. In such an instance, the relevant Authority shall ensure that all reasons which led to such a decision are recorded in detail in the relevant file and all factors that support his decision are kept secured.
91. Where an officer confirmed in a permanent post in the provincial public service is appointed to another permanent post in the provincial public service subject to an acting period of one year, the Administrative Authority shall prepare a Review Report as per Appendix 05.
92. Where such Review Report reveals any deficiencies that might prevent the above officer's suitability for confirmation in his post such fact must be forthwith communicated to the officer in writing and timely guidance given by the immediate Administrative Head, and the Appointing Authority shall defer the officer's increment and extend his period of acting by one year at a time subject to a maximum period of three years.
93. Where at the end of the each extended period the officer shows no progress in accordance with the Review Reports prepared by the Administrative Authority as per Appendix 05, it shall be the responsibility of the Appointing Authority to extend the period of probation or terminate the appointment of the officer subject to the above section and in the event of termination of appointment revert him to his former post, in the event such post is no longer vacant appoint on supernumerary basis. In such an instance, the Appointing Authority shall ensure that all reasons which led to such a decision are recorded in detail in the relevant file and all factors that support his decision are kept secured. Letter of termination shall be as per Appendix 7.
94. The Appointing Authority or an authority on whom powers have been duly delegated shall ensure that an officer on probation or acting, as the case may be, is confirmed on completion of the period of probation or acting or his period of probation or acting is extended or his appointment is terminated. If his period of probation had been extended on grounds that were within his control, his salary increment shall invariably be deferred until he is confirmed in his post. All such decisions, whatever, shall be communicated to the officer in writing by the appointing Authority.
95. Where all requirements have been fulfilled on the due date, the confirmation of an officer of the provincial public service in a permanent post will become effective only after the appointing Authority issues a formal letter conveying such fact. Until such a letter has been issued the officer of the provincial public service shall be deemed as not having been confirmed in his appointment. In order to avoid any hardship that may be caused to the officer by the delay in issuing a letter even after the fulfillment of all requirements, the relevant Appointing Authority shall be mindful of the fact that such letters should be issued duly and without delay. In fulfilling this task, it shall be the responsibility of the immediate Administrative Authority to duly submit all the relevant documents to the Appointing Authority.
96. Where an officer of the provincial public service had been unable to obtain qualifications during the prescribed period for confirmation in his appointment owing to reasons beyond his control, the Appointing Authority may

extend his probation by a reasonable period of time. It shall be the duty of the officer to obtain the required qualifications for confirmation in his appointment during the extended length of time. In such an instance, the officer shall be confirmed in his appointment in such manner that it will have no adverse effect on his seniority and salary increments. Provided, however, that the Appointing Authority shall terminate his appointment if the officer fails to obtain the required qualifications during the extended period of probation owing to his negligence or inattention.

- 97 Where an officer of the provincial public service fails to qualify for confirmation at the proper time, that is within the initial period of probation or acting period, for reasons within his control, but qualifies for confirmation during an extension of the period of probation or acting granted to him, the salary increment falling due after the expiry of the initial period of probation will be deferred by the length of time taken in excess of the initial period allowed to qualify, he shall be confirmed in his appointment with effect from the date of his appointment and seniority in his grade or service will be determined by the date on which he qualified for confirmation.
98. The confirmation of an officer on probation or acting in a permanent appointment in the provincial public service shall become effective from the date of his appointment to the post. However, he shall have no claim whatsoever for salary increments deferred owing to his deficiencies.

## CHAPTER IX

### **Appointment to act in a post or attend to the duties of a post**

99. An officer of the provincial public service may be appointed to act in a particular post only under the following circumstances:-
- i. To bear the responsibilities and perform the work of a particular post in an approved cadre of a ministry, department or institution under- the purview of the provincial council the substantive holder of which is away from work for a particular length of time with due approval, or;
  - ii. To bear the responsibilities and perform the work of a particular vacant post in an approved cadre of a ministry, department or institution under the purview of the provincial council until such time the Appointing Authority makes a permanent appointment to fill the vacancy.
100. The authority for making an appointment to act in a post or to attend to the duties of a post lies solely with the Appointing Authority duly delegated for making appointments to the relevant post.
101. Only an officer of the provincial public service who is confirmed in his substantive post serving in a Comparable Post or a post immediately below it and has fulfilled all the qualifications stipulated in the approved Service Minute or ,the Scheme of Recruitment of the relevant post can be appointed to act.
102. An acting appointment is made for the performance of, as the case may be, the work of a post on full-time basis or in addition to the work of a post the relevant officer already holds.
103. An officer holding an acting appointment shall have no claim for the salary scale of the post on a permanent basis by virtue of the fact that he did act in the post.
104. Where no officer of the provincial public service qualified for appointment in terms of Section 101 above to act in a vacant post in an approved cadre is available the most suitable officer of the provincial public service may be appointed to attend to the duties of the post by the Appointing Authority duly authorized in this regard.
105. Any allowance and privilege attached to a particular post may be enjoyed by an officer of the provincial public service acting or attending to the duties in such post during the period of acting or the period of attending to the duties of the post. He shall have no claim for such allowance or privilege when the acting appointment or period of attending to the duties is terminated.

106. An officer in the provincial public service can be appointed to act in a particular post or attend to the duties of a particular post only if that post is either a Superior post or Comparable Post to the post presently held by that officer.
107. Where selection is made for appointment to a post no officer of the provincial public service shall be afforded special entitlement, special advantage under Service Minute/Scheme of Recruitment or additional marks solely on the basis of his having acted or attended duties in that particular post. Other than an officer has been appointed to act in a post or attend to the duties of a post by the Appointing Authority, such officer is not entitled to an additional remuneration. Where an officer covers the duties of a post under a departmental cause of action for covering duties in a vacant post, such officer is not entitled to an additional remuneration.

## CHAPTER X

### Efficiency Bar

108. Efficiency Bar/Bars shall be conducted, as it deems fit, for all officers recruited to the provincial public service. Such fact shall be mentioned in the appointment letter other than in the Service Minutes and Schemes of Recruitments for recruitment of the respective officers.
109. An officer of the provincial public service shall fulfill the requirements of the Efficiency Bar/Bars for confirmation of the appointment or promotion to a higher post or grade in the respective service or to pass over a specific salary step.
110. Efficiency Bar examinations shall be conducted within appropriate time limits, as prescribed by the designated authority in accordance with the Service Minute or Scheme of Recruitment. In the event that the Service Minute or Scheme of Recruitment does not specify the authority who should conduct the Efficiency Bar examinations, then the said Efficiency Bar examinations shall be conducted by the Appointing Authority or officer designated by the appointing Authority.
111. Where an officer of the provincial public service has acquired the necessary qualifications to pass over the Efficiency Bar, the Appointing Authority shall issue to such officer without delay a letter as per Appendix 08 that he has passed the Efficiency Bar. Further, a photo copy of that letter shall be attached to the relevant form required for the approval of the next salary increment of such officer by the appropriate Authority.
112. Where an officer of the provincial public service fails to pass an Efficiency Bar on the due date, the Administrative Authority or the Appointing Authority, as the case may be, shall defer the increment of such officer with effect from that date and formally inform the officer of such fact.
113. The Appointing Authority may allow an officer who has failed to pass the Efficiency Bar on the due date one year extension at a time subject to a maximum period of three times to qualify himself. This relief can only be given in the event that the relevant Authority fails to conduct Efficiency Bar Examinations or Tests.
114. Where an officer of the provincial public service whose salary increment has been deferred in terms of Section 112 above fails to qualify himself to pass the Efficiency Bar within a period of three occasions from the date of deferment of his salary increment, his service shall stand terminated on grounds of inefficiency with effect from the last day of finishing the three occasions.
115. Provided, however, that if the officer of the provincial public service has been confirmed in his service and the officer has acquired pensionable status by that time he shall be retired on grounds of inefficiency with effect from the said date. In such a situation the officer shall draw his pension when he reaches the optional age of retirement and in accordance with the Minute on Pension.
116. Where the service of an officer of the provincial public service stands terminated in terms of Section 114 above, the Appointing Authority shall issue a letter as per appendix 09.

## CHAPTER XI

### Seniority

117. The seniority of officers of the provincial public service holding posts of equal status in a class or grade of a particular service or in a ministry, department or institution belonging to the provincial public service shall be determined based on the dates on which those officers assumed duties in the respective posts.
118. Where more than one officer of the provincial public service had assumed duties on a particular day their seniority shall be determined in the order of cumulative total of marks obtained by them at the written and trade tests and interviews held for recruitment, in accordance with the Service Minute or Scheme of Recruitment. Where there are officers who had obtained equal marks, all of them shall be treated as having the same seniority.
119. Where the period of probation or acting of an officer of the provincial public service has been extended owing to unsatisfactory work, conduct and attendance, his seniority in class/grade shall be readjusted by subtracting a period of time equal to the period of time extended.
120. Where an officer of the provincial public service has failed to pass the Efficiency Bar examination on the due date despite the fact that circumstances were within his control, his seniority shall be readjusted by subtracting the additional period of time taken by the officer to pass the Efficiency Bar.
121. Where a specific disciplinary order to reduce the seniority or any other disciplinary order that will affect seniority of an officer has been made by the Disciplinary Authority the seniority of the officer shall be readjusted in terms of the respective disciplinary order.
122. Where an officer of the provincial public service has been temporarily released from the provincial public service on his request for a post in a university or a government corporation or Authority or a government project or a company owned by the government or of which the government holds shares, or in some other institution as agreed upon by the Provincial Public Service Commission, such period shall not be considered as part of his period of service for the purpose of deciding his seniority.
123. Where an officer of the provincial public service has availed no-pay leave on his request for a job outside the provincial public service such period shall not be considered as part of his period of service for the purpose of deciding his seniority.
124. Where an officer of the provincial public service appointed to another post reverts or reverted to his former post, during the acting period, for reasons other than disciplinary, his period of service in that post shall be treated as part of the service in deciding his seniority in his former post.
125. The manner in which the seniority of an officer absorbed from one service to another is to be determined shall be stated lucidly and clearly in the decision taken for his absorption.
126. The manner in which the seniority of the relevant officer is to be determined when two or more services are amalgamated shall be stated lucidly and clearly in the decision taken for such amalgamation.
127. The manner in which the seniority of the relevant officer is to be determined when posts of equal status in the same institution or various institutions are amalgamated shall be stated lucidly and clearly in the decision taken for such amalgamation.
128. Where the Supreme Court has made an order, relating to the seniority of an officer of the provincial public service his seniority shall be determined in accordance with that order. Also, in the event that an officer of a particular service who has been released from a provincial public service of another province takes up a post in this provincial public service, the seniority of such officer shall be placed at the end of the existing seniority list for the relevant Class or Grade pertaining to the relevant service in this provincial public service.

129. Where an officer of the provincial public service on whom a vacation of post notice has been issued by the respective authority deeming him to have vacated his post is reinstated after considering his explanation or an appeal submitted by him, his seniority shall be determined in terms of the conditions stated in the decision for reinstatement.

## CHAPTER XII

### **Release of an Officer of the Provincial Public Service temporarily or permanently from the Provincial Public Service**

130. The instances an officer of the provincial public service who is confirmed in his post may he released by the Appointing Authority on the request of the officer or on the need of the relevant service with the consent of the officer, shall be as follows:-

- I. to the Public Service
- II. to another post of the Provincial Public Service of other province
- III. to a post in the Presidential Secretariat
- IV. to a post in the staff of the Parliament of Sri Lanka
- V. to a post in the approved personal staff of a minister of the Provincial Council
- VI. for a service in a Volunteer Force
- VII. for service in a Presidential Commission appointed by the President under the Commission of Inquiry Act
- VIII. to a post in a University in Sri Lanka recognized by the University Grant Commission
- IX. to a post in a Public Corporation or Authority
- X. to a post in a Government Project
- XI. to a post in a company owned by the Government
- xII. to a post of a statutory institution of the Western Provincial Council
- XIII. to a post in a company of which the Government holds more than 50% of shares and controlling interest
- XIV. for work in a trade union in the public sector with the approved number of members and which is in conformity with the provisions in Para. 4 of Chapter XXV of the Establishments Code
- XV. for work in a welfare union in the public sector with the approved number of members

131. Where the officer requests for release at his own instance he shall apply to the Appointing authority as per Appendix 10 and if the release is done on the needs of the government, the Secretary to the Ministry to which the officer is proposed to be released shall make the application as per Appendix 11 along with a letter of consent from the officer. The Secretary, ministry of Public Administration shall be the relevant Secretary for the purpose of the Sections other than Section 130 (ii), 130 (v) and 130 (xii) while the Western Provincial Chief Secretary shall be the relevant Secretary for the purpose of Section 130 (ii), 130 (v) and 130 (xii).

132. The Appointing Authority shall have the power to reject a request made in terms of Section 131 in anyone of the following instances:
- i. Where the relevant officer is not confirmed in the Provincial Public Service
  - ii. Where the relevant officer has not passed the required Departmental examinations or Efficiency Bars which the officer should have passed by the date he requests for release from the provincial public service
  - iii. Where the officer is over 57 years of age
  - iv. Where disciplinary action against the officer is in progress or is contemplated against him
  - v. Where there is legal proceedings against the officer relating to any matter connected with the Government
  - vi. Where the officer has been provided with special training to facilitate the performance of the functions of the post he holds
  - vii. Where there is a legal agreement binding the officer of the provincial public service for service to the Government or the Provincial Council for a pending period
  - viii. Where the release of the officer of the provincial public service will adversely affect the performance of duties in the Department or institution in which the officer now working

- ix. Where no arrangements have been made to settle in full or in installments the balance of a loan obtained by the officer from the provincial council, in accordance with the relevant Regulations and Circular instructions
  - x. Where there is an outstanding amount of money due to the Provincial Council from the officer other than the unsettled loans
  - xi. Where he has not absolved the Provincial Council of all responsibilities regarding any relief for privilege granted to him by a third party under the Provincial Council securities when he was working as an officer of the provincial public service.
  - xii. Where he has entered into a surety agreement or any such similar bond with the Provincial Council and where a new surety has not entered into a surety agreement with the Provincial Council
  - xiii. Where the consent of the Secretary to the Ministry in charge of the department to which the officer of the provincial public service is attached has not been received.
133. The provisions in Section 132 above shall be subject to the following exceptions :
- i. Notwithstanding the provision in Sub Section VI above, if an officer who has received specialized training is requested to be released for a post where his specialized training could be more productively utilized, such training shall not be an impediment for his release.
  - ii. Notwithstanding Sub Section IX above, if the relevant Head of the Institution to which the officer of the provincial public service is to be released has given an undertaking in writing to recover the balance of the loan due to the Provincial Council, in installments from the Public Officer and remit same to the relevant Head of the Department, such balance of a loan shall not be an impediment for his release.
134. The period for which the Appointing Authority may release an officer of the provincial public service shall be as follows:
- i. Permanent basis or for a definite period on temporary basis to a post in a volunteer force or a post in the staff of the Parliament of Sri Lanka
  - ii. For a period requested by a Commission appointed by the President under the Commissions of Inquiry Act.
  - iii. Permanent basis or for a period of 02 years on temporary basis to a University or Public Corporation; or government project or a company owned by the government or a company of which government holds more than 50% shares and controlling interest.
  - iv. Release on permanent basis an officer who does not belong to the All Island Services for the provincial public service of another province
  - v. For service in a trade union or in a welfare union in the public sector or in the provincial public service registered by the Registrar of Trade Unions for a period of 02 years or for the period he holds the post in the respective union, whichever is less.
135. Where it is found necessary to extend the temporary period of release in any of the instances mentioned in Section 134 above, the Appointing Authority shall forward such request to the Provincial Public Service Commission for approval at least 03 months before the end of the period together with the letter of consent of the officer, written request of the respective Head of institution and the recommendation of the Appointing Authority where the Provincial Public Service Commission is not the Appointing Authority. Where the Provincial Public Service Commission is the Appointing Authority such recommendation shall be given by the Secretary to the Ministry and Head of the Department relating to the substantive post of the officer. However, in any of the instances mentioned in Section 134 above, the period that an officer could be temporarily released from the provincial public service during his entire career shall be subject to a maximum of 05 years.
136. Where an officer of the provincial public service has been temporarily released to an outside post from the provincial public service in terms of Section 130 on the need of the government he shall be entitled to the benefits as declared under Section 10 (1) of the Minutes on Pension. However, he shall be deemed to have been on no-pay leave during the period .

137. The provisions set out in Section 10 (1) of the Minutes on Pension shall be applicable to an officer who obtained no-pay leave from the provincial public service.
138. In order to enable action to be taken to protect the pension rights of the officer who has been released to a post outside the provincial public service the Appointing Authority shall send copies of letters releasing him from the provincial public service and reversion to his substantive post to the Provincial Chief Secretary and to the Director General of Pensions at the time of release and at the time of his reversion.
139. Where an officer of the provincial public service has been released to a Public Corporation or a University or a company owned by the government or a company of which government holds more than 50% of shares and controlling interest or a special government project, it shall be the responsibility of the respective institution to remit to the Director General of Pensions 25% of the consolidated salary of the officer as contribution to the pension, and contributions to, as the case may be, the Widows' & Orphans' Pension Fund or the Widowers' & Orphans' Pension Fund, and it shall be the responsibility of the Appointing Authority and the respective officer to ensure its compliance.
140. On receipt of the written approval to release an officer to a relevant post in terms of provisions of Section 130 above, it shall be the responsibility of such officer to duly hand over documents of the provincial council, computer passwords, any other property, keys and official identity card etc. in his charge, to his Department Head or another officer designated by the Head of the Institution.
141. The release of an officer of the provincial public service to a post outside the provincial public service on temporary basis shall end in anyone of the following instances. In such an event the Appointing Authority shall have responsibility and authority to recall the officer to the substantive service or post.
  - i. When the period of release ends;
  - ii. The institution to which the officer was released does not need his services any further;
  - iii. The officer is unwilling to serve in the respective institution any further;
  - iv. The closure of the institution to which the officer was released or the abolition of the post he holds
  - v. A decision has been taken by the Disciplinary Authority to initiate disciplinary action against the officer.

### CHAPTER XIII

#### **Re-employment in the Provincial Public Service of a person retired from Public Service or Provincial Public Service**

142. The power to re-employ in the provincial public service a person who has retired from the public service or the provincial public service vests exclusively with the Governor.
143. The following persons are not eligible for re-employment in the provincial public service :
  - i. A person compulsorily retired as an alternative to dismissal
  - ii. A person retired on disciplinary grounds
  - iii. A person retired for general inefficiency
  - iv. A person retired as a result of refusal of extension of service
  - v. A person retired on his consent to retire on a government policy decision
  - vi. A person found guilty of any offence set out in Schedule 1 of the Procedural Rules of the Western Provincial Public Service Commission, Disciplinary Code of the Western Provincial Public Service Commission or Volume II of the Establishments Code immediately preceding three years from the date of retirement.
  - vii. A person retired under Section 12 of the Minutes on Pension
  - viii. A Person against whom disciplinary proceedings are pending.
144. A person who has retired from the service before reaching compulsory age of retirement will not be reemployed in a post except under exceptional circumstances. If such a person is re-employed in the provincial public service it shall be done on the basis of freezing his pension until he reaches the date of compulsory retirement.

145. A person who has retired from the public service or the provincial public service may be re-employed in the provincial public service only on contract basis. Such an appointment shall be limited to a maximum period of one year at a time. The letter of appointment shall be prepared as per the specimen in appendix 02 (a) while the agreement shall be as per appendix 02 (b) .
146. A person who has retired from the public service or the provincial public service on medical grounds could be re-employed only upon all the following conditions being satisfied.
- i. He had not passed the optional age of retirement by the time he is re-employed
  - ii. A duly constituted Government Medical Board has certified that he is physically and mentally fit to perform satisfactorily the duties of the respective post
  - iii. At least one year has elapsed since the date of retirement.
  - iv. He had not been found guilty of any offence set out in Schedule I of the Procedural Rules of the Western Provincial Public Service Commission, Disciplinary Code of the Western Provincial Public Service Commission or Vol. II of the Establishments Code immediately preceding 3 years from the date of retirement.
147. Where a person who had been retired on medical grounds is re-employed his pension shall be freezed and he shall be placed on the salary point he drew at the time of retirement or on the corresponding salary point if there had been a salary revision.

#### CHAPTER XIV

##### **Termination of Employment and Resignation from Provincial Public Service**

148. The Appointing Authority is vested with the power to terminate a Substitute Employee without giving prior notice or reasons. However, he shall record in detail in the respective file the reasons for such a decision.
149. The Appointing Authority may terminate the services of an officer of the provincial public service who is on probation, in accordance with the provisions in Chapter VIII.
150. Where a letter of resignation is received from an officer of the provincial public service in terms of Section 45 of Chapter VI by a Head of the Department, he shall forthwith get the following matters clarified.
- i. That there are no disciplinary proceedings pending against the officer nor is there a prima facie case indicating immediate initiation of such proceedings
  - ii. That there is no agreement or bond binding the officer for a specified period of service to the government or the provincial council
  - iii. That there is no sum of money whatsoever due to *the* government or the provincial council from the officer
  - iv. That he has absolved the government or the provincial council of any pending responsibilities as regards relief and privileges provided to him by a third party on surety furnished by the government or the provincial council when he was working as an officer of the provincial public service
  - v. That the officer has duly returned all government or provincial council property in his charge
  - vi. That there are no judicial proceedings pending against the officer regarding any matter connected with the government and the provincial council.
  - vii. That he has provided another surety for any surety agreement he has entered into with the government or the provincial council and that the other surety has entered into a new surety agreement with the government or the provincial council.
  - viii. That he has produced his resignation letter prior to a calendar month or paid back a month's salary.
151. Where it appears to the Head of Department that the resignation of an officer of the provincial public service cannot be accepted due to any of the reasons mentioned in Section 150 above, a full report together with certified copies of supporting documents shall be sent forthwith by the Head of Department to the Appointing Authority with the letter of resignation of the officer.

152. Where the Head of Department is satisfied that no impediment is caused by any matter mentioned in Section 150 above for the acceptance of the resignation, he shall inform the officer in writing that if he resigns from his appointment he will forfeit all claims to a pension, gratuity and all the benefits arising from his service prior to resignation, should be afterwards succeed in obtaining re-employment in the provincial public service and that if the resignation is accepted any application to withdraw it later will not be considered. Such letter shall be handed over to the officer personally, wherever possible, and if it is not possible to do so, it shall be sent by registered post.
153. Where the relevant officer has not withdrawn the letter of resignation within 7 days of the handing over or the dispatch under registered post the letter referred to in Section 152 above to the officer, the Head of Department shall forward without delay his report and recommendations together with the letter of resignation of the officer with certified copies of the letter sent to the officer, to the Appointing Authority,
154. Where after consideration of the report and recommendation of the Head of Department, the Appointing Authority is satisfied that the resignation could be accepted he shall inform the relevant officer directly under registered post with copy to the Head of Department that the resignation has been accepted and also the effective date of the resignation.
155. Where the Appointing Authority decides that the resignation cannot be accepted, he shall communicate such fact to the officer directly under registered post with copy to the Head of Department together with reasons that led to such a decision.
156. Under no circumstances can an officer of the provincial public service resign with retrospective effect.
157. Where the officer fails to report for duty before the decision of the Appointing Authority is received by him the officer shall be deemed to have vacated his post on his own accord and further action shall be taken in terms of Chapter XV.

## CHAPTER XV

### Vacation of Post

158. Every officer of the provincial public service shall report for duty on each working day unless his leave has been formally approved.
159. Where at any time an officer finds it difficult to report for duty, it is his responsibility to inform his Head of Institution of such absence and get his leave duly approved so that the latter may take alternative measures to get the respective work done. However, if any officer of the provincial public service is unable to report for duty owing to unavoidable circumstances without getting his leave approved, it shall be the responsibility of the officer to somehow inform the Head of Institution of his absence within 24 hours of the time of commencement of his duty on that particular day.
160. An officer who absents himself from duty without informing his Head of Institution as mentioned in Section 159 above shall be deemed to have vacated his post on his own accord. It shall be the duty of his Appointing Authority or immediate Administrative Head to inform the officer forthwith as per Appendix 12 by registered post. If the vacation of post notice is issued by an authority other than the Appointing Authority, he shall send copies of the notice to the Appointing Authority and to other relevant authorities.
161. No explanation shall be called from or charges framed against an officer who is deemed to have vacated his post on his own accord in terms of Section 160 except in the circumstances set out in Section 162.
162. Where the person who vacated post volunteers an explanation in writing to the officer who was the Disciplinary Authority during his time in the public service within three months of the date the vacation of post notice the Disciplinary Authority shall consider his explanation in terms of the respective disciplinary rules. Having considered

his explanation, the Disciplinary Authority may reinstate him with or without punishment or refuse such reinstatement. The Disciplinary Authority shall record the reasons for his decision in the respective file clearly and accurately in detail. Further, he shall formally communicate his decision to the said person. In respect of an officer aggrieved by the decision of the Disciplinary Authority, action shall be taken as per the disciplinary procedure of the provincial public service commission.

## CHAPTER XVI

### Extention of Service and Retirement

163. The retirement of an officer of the provincial public service is governed by the Public and Judicial Officers Retirement Ordinance, Rules made under that Ordinance, Minutes on Pensions, and by the policy decisions of Cabinet of Ministers.
164. An officer who does not come within the special categories of employees mentioned in Section 14 of the Minutes on Pensions and who is considered to be an officer entitled to the pension by the Director General of Pensions and who has completed 20 years service in the provincial public service may retire at his own discretion. But, he shall be entitled to the pension only from the date he completes 55 years of age.
165. Subject to the provisions of the Government, the optional age of retirement of an officer of the provincial public service shall be 55 years and the compulsory age of retirement shall be 60 years.
166. An officer of the provincial public service may be in service till 57 years of age without extensions of service. However, if an officer of the provincial public service intends to retire from his service on completion of 55 years of age or thereafter, or on reaching the compulsory age of retirement, he shall forward such request for retirement formally in writing to the Appointing authority or, as the case may be, to the authority on whom powers have been delegated, six months before the date he intends to retire. Provided however
  - i. Where disciplinary proceedings are pending against the officer or such disciplinary proceedings are contemplated the retirement of the officer shall be made subject to Section 12 of the Minutes on Pensions. It shall be the duty of the Head of the Department and/or Head of Institution to bring such matters to the notice of the Appointing Authority or, as the case may be, the authority on whom the powers have been delegated, when request for retirement of officers of the provincial public service are made.
  - ii. Where the officer commits a misconduct warranting a disciplinary action against him after his retirement has been approved by the Appointing Authority or, as the case may be, the authority on whom the powers have been delegated, the order for retirement shall be converted from normal retirement to that of a retirement under Section 12 of the Minutes on Pensions by the Appointing Authority or, as the case may be, the authority on whom the powers have been delegated, when such misconduct is brought to the notice of the Appointing Authority or, as the case may be, the authority on whom the powers have been delegated, before the effective date of retirement and shall serve or cause to be served a copy of the order on the officer concerned.
  - iii. Where the Appointing Authority or, as the case may be, the authority on whom the powers have been delegated has granted a normal retirement to an officer on the basis that no disciplinary proceedings are pending or contemplated and if such pending disciplinary proceedings or contemplated disciplinary action is brought to the notice of the Appointing Authority or, as the case may be, the authority on whom the powers have been delegated, after the normal retirement has been granted and before the effective date of retirement the Appointing Authority or, as the case may be, the authority on whom the powers have been delegated shall convert that retirement to that of a retirement under Section 12 of the Minutes on Pensions and shall serve or cause to be served a copy of the order on the officer concerned.
167. The Appointing Authority or, as the case may be, the authority on whom the powers have been delegated has the power to extend the services of an officer in the provincial public service whose work, conduct and attendance have been satisfactory during the previous three years and who is physically and mentally fit to further perform the duties of his post, beyond the age of 57 years up to 60 years subject to the following conditions:

- i. An officer who intends to serve beyond 57 years of age shall forward his request for extension prepared as per specimen in Appendix 13 annually to the Appointing Authority or, as the case may be, to the authority on whom the powers have been delegated, through the Head of Department or the Head of Institution, the first request at least six months and subsequent requests three months before the date of the commencement of the extension.
  - ii. Where a formal request for extension of service beyond 57 years of age is received from an officer of the provincial public service by the Appointing Authority or, as the case may be, the authority on whom the powers have been delegated, he shall, if he intends to grant the extension, forthwith take action formally to convey such fact to the officer. Such extensions shall be granted only for one year at a time.
  - iii. Where a request for extension of service beyond 57 years of age by an officer of the provincial public service is rejected the Appointing Authority or, as the case may be, the authority on whom the powers have been delegated shall record the reasons for his decision in the respective file lucidly and accurately in detail and shall formally convey such reasons to the respective officer. It shall be the responsibility of the Appointing Authority or, as the case may be, the authority on whom the powers have been delegated, to convey his decision to the officer without delay providing him sufficient time to make an appeal if he so desires, before the end of his service.
168. Notwithstanding sub-section 167 (III) above, if the date for the completion of the ten-year period necessary for an officer to be eligible to pension rights falls after the optional date of retirement and before he reaches 60 years of age, it would be appropriate for the Appointing authority or, as the case may be, the authority on whom the powers have been delegated, to grant the extension of service so that the officer may be eligible for pension rights. However, this Section shall not preclude the Appointing Authority or, as the case may be, the authority on whom the powers have been delegated, to reject such an extension of service on the indiscipline of the officer or if a properly constituted Medical Board has certified that the officer is suffering from a physical or mental ailment that render him unable to duly perform the duties of his post or if granting an extension would seriously hamper the proper function of the institution or the successful performance of duties. Further, the Appointing Authority or, as the case may be, the Authority on whom the powers have been delegated shall record his reasons for such a decision lucidly and accurately in detail in the personal file and keep all the factors supporting his decision
169. In order to pay the pension without difficulty, delay or causing any hardship to an officer if the provincial public service who had retired, the Administrative Authority or the Head of Department shall, at least nine months before the optional date of retirement, ensure that the personal file and history sheet of the officer is complete, accurate and updated and maintain it in -such manner until the officer reaches his date of retirement.
170. In the case of an officer of the provincial public service retiring from the provincial public service, the respective Administrative Authority or Head of Department or Appointing Authority or as the case may be, the authority on whom the powers have been delegated shall forward to Director General of Pensions all documents required to pay his pension at least three months the before the date of his retirement.

## CHAPTER XVII

### **Procedure relating to Promotions**

171. (a) In terms of Section 32 (1) and 32 (3) of the Provincial Councils Act, No 42 of 1987 and subject to any other law, the Governor may, from time to time, delegate to the Provincial Public Service Commission of this province the powers of promotion of officers of the Western Provincial Public Service.
- (b) In terms of Section 4 of the Provincial Councils (Amendment) Act No 28 of 1990, the powers vested in the Provincial Public Service Commission may be delegated to the Provincial Chief Secretary or a particular officer.

172. (a) The powers vested in the Governor in terms of the above section may be delegated to the Provincial Public Service Commission in terms of Section 32 (2) of the Provincial Councils Act No. 42 of 1987 and:
- (b) to the Provincial Public Service Commission or a relevant officer subject to Section 33(8) of the Provincial Councils (Amendment) Act, No: 28 of 1990. Accordingly, the power of promotion of such officer is also vested in the Appointing Authority or, as the case may be, the authority on whom the powers have been delegated.
173. Every promotion in the provincial public service shall be made only in accordance with the approved Service Minute or Scheme of Recruitment It shall be the responsibility of appointing Authority to promote the officers of the provincial public service on due time as provided for in the Service Minutes or Schemes of Recruitment approved by the Governor.
174. Before making a promotion it shall be the responsibility of the Appointing Authority to satisfy himself that a vacancy in the approved cadre exists for the promotion of an officer except in the case of a promotion which has perforce to be made where an officer has acquired the necessary qualifications.
175. An officer of the provincial public service must earn his promotion by a satisfactory service and fulfillment of all the required qualifications prescribed in the Service Minute or the scheme of Recruitment.
- i. Satisfactory service means a period of service, during which period an officer had earned all annual salary increments fell due by efficient and diligent discharge of duties, by passing over efficiency bars fell due, by qualifying for confirmation in service fell due and during which period he has not committed a punishable offence.
- ii. Where an officer has not been granted his due annual salary increments for legitimate reason the period during which the increment had stand suspended, reduced, stopped or deferred and where an officer had committed a punishable offence falling under Schedule I of the Disciplinary Code of the Western Provincial Public Service and Volume II of the Establishments Code, a period of three years from the date of commitment of the offences and where an officer had committed a punishable offence falling under the Schedule II of the Disciplinary Code of the Western Provincial Public Service and Volume II of the Establishments Code a period of one year from the date of commitment of the offence, shall be excluded in computing his period of satisfactory service.
176. It shall be the duty of Appointing Authority or Administrative Authority to conduct the required examination, trade test, interview etc. on the due dates in order to provide officers with an opportunity to acquire the qualification for promotion.
177. Notwithstanding the provision which contains in Section 24, in the case of the grade to grade promotion in service is made belatedly owing to some unavoidable circumstances and where it appears to the Appointing Authority that the officer of the provincial public service is in no way responsible for such delay and on perusal of eligibility it is proved that the officer has qualified himself for promotion in all respects, the Appointing Authority shall promote the officer with effect from the due date despite the fact that the officer may no longer in provincial public service or is retired or dead.
178. The process of promotion shall be conducted in a transparent manner so that it will generate confidence among the officers that promotions are done solely as provided for in the Service Minute or the Scheme of Recruitment and not in any other manner or due to extraneous influences.
179. Where marks are to be allocated for examinations, tests and interviews for promotion held in accordance with the approved Service Minute or the Scheme of Recruitment such marking scheme shall be included in the advertisement calling for applications for promotions.

180. The provisions in Chapter VII on “General Conditions relating to Appointments” in these ‘procedural rules shall apply, *mutatis mutandis*, with regard to promotions.

## TRANSFERS

### General Conditions Relating to Transfers

181. (a) In terms of Section 32 (1) and 32 (3) of the Provincial Councils Act, No 42 of 1987 and subject to any other law, the Governor may, from time to time, delegate to the Provincial Public Service Commission of this province the powers of transfer of officers of the Western Provincial Public Service.
- (b) In terms of Section 4 of the Provincial Councils (Amendment) Act, No 28 of 1990, the powers vested in the Provincial Public Service Commission may be delegated to the Provincial Chief Secretary or a particular officer.
182. Every officer of the Provincial Public Service is subjected to transfer
183. An officer of the provincial public service can be transferred only by the Provincial Public Service Commission or by an Authority with Delegated Power.
184. An officer of the provincial public service is transferred to achieve, as the case may be, all or several or anyone of the following objectives:
- Fill a vacancy in an institution
  - Meet the administrative needs of an institution
  - Promote the efficiency and productivity of the institution
  - Meet the needs of a disciplinary process
  - Implement a disciplinary order
  - Provide the officer with an opportunity to gain experience in a wider field
  - Provide the officer with an opportunity for professional development and improvement of his skills
  - Provide relief from personal difficulties experienced by the officer.

However, when transfers are made for reasons given from ii to viii above, it is necessary that a vacancy exists in the relevant institution.

185. Transfers are fourfold as indicated below :

- Transfers done annually
- Transfers done on exigencies of service
- Transfers done on disciplinary grounds
- Mutual transfers on requests made by officers

## ANNUAL TRANSFER

### Annual Transfer Committees

186. The Authority with Delegated Power shall make all possible efforts to adhere to the time limits stipulated in the following Sections in respect of Annual Transfers. Provided however, no order made under the Annual Transfer Scheme shall be invalid by reason only of any non observance of such limits which has not resulted in a failure of justice.
187. The Authorities with Delegated Power shall before 01st June constitute annual transfer committees within departments and ministries to seek proposals on annual transfers. Annual transfer committees with regard to the officers of the provincial public service who belong to the Combined Services shall be set up by the Provincial Chief Secretary.

188. The Authority with Delegated Power shall set up separate annual transfer committees for each service or category of officers of the provincial public service, in a department or ministry when the number of such officers in each service or category exceeds 25. However, an Authority with Delegated Power may under special circumstances and at its discretion appoint an annual transfer committee in a ministry or department even where the number of officers is less than 25.
189. The composition of an annual transfer committee of a ministry or department shall be as follows:
- i. A deputy head or in the absence of such a post, the officer next in seniority of the relevant ministry or department
  - ii. A senior officer of the provincial public service in charge of establishment matters of the relevant ministry or department
  - iii. A representative nominated by each trade union which conforms to the provisions in Chapter XXV of the Establishments Code and which represents the category of officers and service falling within the purview of the annual transfer committee, provided that such trade union has a minimum membership of 15% of the total number of officers of the provincial public service.
190. The following instances shall not come within the scope of an annual transfer committee :
- i. Internal attachment in a government institution not involving change in station
  - ii. Transfers on a disciplinary order or as required by a disciplinary process
  - iii. Transfers on exigencies of service
  - iv. Mutual transfers on requests made by officers of the provincial public service

#### **Principal and Procedures on Annual Transfers**

191. The Authority with Delegated Power shall before 15th of June in consultation with the annual transfer committee prepare the principles and procedures on annual transfers of his Ministry or Department taking into consideration the needs of such Ministry or Department, the conditions in the Service Minutes of respective services and the Schemes of Recruitment of respective posts. These principles and procedures shall be made known to all the relevant officers of the provincial public service when calling applications for annual transfers.
192. When preparing the principles and procedures on annual transfers, the Authority with Delegated Power shall take the following matters into consideration:
- i. The period an officer has served in a work station
  - ii. Geographical location of work stations and the consequent facilities or difficulties
  - iii. Legitimate, supplementary financial and other benefits and privileges in work station
  - iv. Personal matters related to an officer of the provincial public service and the members of his family on which some relief may be provided without prejudice to the needs of duty
  - v. To prevent commission of irregularities by an officer of the provincial public service due to continuous service in the same work station or perform the same duty for a prolonged period
  - vi. Providing an opportunity for the officer to improve his knowledge and skills in a wider field
  - vii. Need for the smooth functioning of the Ministry or Department.

#### **Calling of application for annual transfers**

193. The Authority with Delegated power may before 30th of June issue the notice calling for applications for annual transfers from the relevant officers of the provincial public service. He should in the notice state that applications for annual transfers should be submitted to him on or before 31st of July.
194. The Authority with Delegated Power should take steps to hand over the annual transfer applications received by him to the relevant annual transfer committee before 10th of August.

### **Issuing the Notice on Proposed Annual Transfers**

195. In making its recommendations the annual transfer committee shall take into consideration the principles and procedure on annual transfers prepared by the Authority with Delegated Power and the provisions in this Chapter.
196. An annual transfer committee may submit its recommendations in writing to the Authority with Delegated Power before the 31<sup>st</sup> of August. It shall be the duty of each annual transfer committee to record the reasons for its recommendations.
197. The Authority with Delegated Power may take action to issue the notice on the proposed annual transfers prior to 15<sup>th</sup> of September after the receipt of the recommendations of the annual transfer committee. The notice shall contain the last date on or before which any representation should be made to the Authority with Delegated Power by any officer of the provincial public service who is aggrieved by the proposed transfer. Provided however, the maximum period for such representation shall not exceed 14 days inclusive of non working days.
198. An officer of the provincial public service who wishes to make representations regarding the proposed annual transfer relating to him should make such representations to the Authority with Delegated Power through Head of the Institution or Secretary to the Provincial Ministry or Head of the Department as the case may be, to reach him on or before the date given in the said notice as per Appendix 14. The relevant officer of the provincial public service is permitted to submit a copy of his representations direct to the Authority with Delegated Power, if he so desires. It shall be the responsibility of the relevant Head of Department or the Head of Institution, as the case may be, to refer such written representations submitted to him by the officers concerned to the Authority with Delegated Power to reach him on or before the prescribed date.

### **Annual Transfer Proposals Review Committee**

199. The Authority with Delegated Power shall appoint an annual transfer proposals review committee before 15<sup>th</sup> of September to review the proposals of the annual transfer committee based on representations made in terms of Section 198 above. He shall take steps to appoint three senior officers serving in his ministry or department or institution as members of the said committee and to appoint the most senior officer among them as the Chairman of the Committee.
200. The annual transfer proposals review committee may take steps to submit its written recommendations on the proposed annual transfers to the Authority with Delegated Power on or before 15<sup>th</sup> of October. It shall be the responsibility of the annual transfer proposals review committee to indicate in their report the reasons for its recommendations. In making its recommendation the annual transfer proposals review committee shall take into consideration the principles and procedures on annual transfers prepared by the Authority with Delegated Power and the provisions in this Chapter.

### **Issuing Annual Transfer Orders**

201. Authority with Delegated Power shall issue annual transfer orders taking into consideration the proposals of the annual transfer committee and the recommendations of the annual transfer proposals review committee.
202. All annual transfers may be made effective from 01<sup>st</sup> January. It shall be the responsibility of the Authority with Delegated Power to issue the annual transfer orders at least two months before the effective date of annual transfers, *i. e.* before 01<sup>st</sup> of November.

### **Implementation of Annual Transfer Orders**

203. The Head of Department or Head of Institution shall release an officer of the provincial public service who is on transfer, well in time from his present station so that he may assume duties at his new station on the due date. Likewise, it shall be the responsibility of the officer on transfer to report for duty at his new station on the due date.

204. The Head of Institution shall take action to make temporary internal arrangements to cover the duties of an officer of the provincial public service who is on transfer, without waiting for the arrival of his successor to release the officer. The Head of Institution shall release the officer on transfer, well in time enabling him to report for duty on the due date without waiting for his successor.
205. The Head of Department or Head of Institution shall, when an officer in his staff receives an annual transfer order, make arrangements to take charge of files, documents, other properties of the provincial council, keys, computer passwords and official identity card etc. well in time from the custody of the officer on transfer. Likewise, it shall be the responsibility of the officer on transfer to make arrangements, in consultation with his superiors, to duly hand over such materials that are in his custody.
206. An officer who does not report for duty at his new station duly despite the fact that he had been released from his former station shall be deemed as having vacated his post on his own accord and it shall be the responsibility of the Head of the Department or the Head of institution, as the case may be, of his new station to take action in terms of Chapter XV.

### Transfers on Exigencies of Service

207. An officer of the provincial public service may be transferred on exigencies of service by the Authority with Delegated Power for anyone of the following reasons:
- i. Where the services of an officer of the provincial public service no longer needed at his present station
  - ii. Where an officer is needed for service in another station or that particular officer himself is needed
  - iii. Where it is found, due to administrative reasons, that the retention of an officer of the provincial public service in his present station is not suitable.
208. Before an officer of the provincial public service is transferred on exigencies of service, the Authority with Delegated Power shall personally satisfy himself that need has actually arisen as specified in Section 207 above and that the transfer cannot be deferred till the next annual transfers.
209. Depending on the nature of the need for services that has arisen, the Authority with Delegated Power may transfer an officer of the provincial public service, at short notice.
210. The Authority with Delegated Power shall record in the relevant file clearly all the factors that caused the transfer of an officer of the provincial public service on exigencies of service. The Authority with Delegated Power shall convey the reasons to the officer concerned.

#### Transfers on disciplinary grounds

211. The Authority with Delegated Power may transfer an officer of the provincial public service on disciplinary grounds, in the following instances, even without prior notice. Further, the Authority with Delegated Power shall convey the reasons in writing to the officer concerned:
- i. Where a disciplinary order has been made with a transfer as punishment consequent upon a formal disciplinary inquiry held against the relevant officer of the provincial public service
  - ii. Although the findings of a preliminary investigation do not warrant the interdiction of an officer, but require that he should not be allowed to serve in his present station
  - ii. Where it is found on matters revealed either before the beginning, or in the course of a preliminary investigation or on existing circumstances that the retention of an officer in his post or station may obstruct the conduct of the preliminary investigation.

#### Mutual Transfers on request made by officers

212. Subject to the following conditions, the Authority with Delegated Power may entertain and issue transfer orders, on requests made by two or more officers of the provincial public service for mutual transfers:

- i. The respective officers are in the same service and grade or similar posts
- ii. The respective Heads of Departments or Heads of Institutions as the case may be, have given their consent for the request made by the respective officers
- iii. That none among the respective officers has been transferred to his present station on disciplinary grounds and has not completed the punishment period stipulated in the disciplinary order.
- iv. That all respective officers have served in their present stations at least for a minimum period of 02 years.

Steps to be taken following the implementations of transfers

213. It, shall be the responsibility of the former Head of the Department or Head of the Institution, as the case may be, to duly transmit the following documents regarding the officer to his new Head of Department or Head of Institution within two weeks of the transfer of an officer.
- i. Updated Personal File with the updated History Sheet
  - ii. Recommendation in respect of the period, from the date of the officer's last increment up to the date of implementation of the transfer, regarding the payment of the officer's next increment;
  - iii. Performance Evaluation Report of the officer
  - iv. Leave particulars of the officer
  - v. Statement on Holiday Railway Warrants obtained by the officer
  - vi. Salary particulars of the officer
  - vii. Credit Balance Statement of the officer
  - viii. Report containing details of all foreign travel of the officer during his service
  - ix. Report containing the details of all study courses, workshops and various conferences attended by the officer
  - x. Report prepared on the officer where the relevant Head of the Department has ordered to do so ..
  - xi. Other important documents relating to the officer.

## CHAPTER XIX

### **Preparation of Registers and Reports on Officers of the Provincial Public Service**

214. Every Authority with Delegated Power, Head of Department and Head of Institution shall maintain, and regularly update the following documents as per Appendices mentioned below containing all the information on all the officers of the provincial public service within their purview:

#### *Registers to be maintained*

#### *Appendix*

- |  |          |
|--|----------|
| i. Register of Appointments and Promotions                             | - No. 15 |
| ii. Register of Dismissed Officers                                     | - No. 16 |
| iii. E-Register of Resigned Officers                                   | - No. 17 |
| iv. Register of Officers who had vacated their posts                   | - No. 18 |
| v. Register of interdicted officers and those sent on compulsory leave | - No. 19 |
| vi. Register of retired officers                                       | - No. 20 |

215. The Authorities with Delegated Power shall forward half-yearly a statistical summary of data maintained in the registers described in Section 214 above to the Provincial Chief Secretary as per specimen in Appendix 21. Accordingly, the Provincial Chief Secretary must receive the data due by 30th of June each year before 20th of July and the date by 31st of December before 20th of January.
216. Each Head of an office under the purview of the provincial council shall maintain and regularly update a register relating to the entire staff employed in his office as per Appendix 22.
217. The Authorities with Delegated Power, as the case may be, shall maintain separate seniority lists for each and every category of officers, which lists shall be, updated half yearly.
218. Every officer of the provincial public service holding a permanent post and subject to performance appraisal shall on the due date forward his performance appraisal form after filling the relevant sections to the Head of Department

or Head of Institution for his appraisal. It shall be the duty of the Head of Department or Head of Institution after receiving the appraisal form to duly conduct the appraisal of the relevant officer.

## CHAPTER XX

### Procedure on Appeals against Promotion and Transfers

219. (a) In terms of Section 32 (1) and 32 (3) of the Provincial Councils Act, No 42 of 1987 and subject to any other law, the Governor may, from time to time, delegate to the Provincial Public Service Commission of this province the powers of promotion and transfer of officers of the Western Provincial Public Service.
- (b) In terms of Section 4 of the Provincial Councils (Amendment) Act, No 28 of 1990, the powers vested in the Provincial Public Service Commission may be delegated to the Provincial Chief Secretary or a particular officer.
- Any officer aggrieved by an order relating to a promotion or transfer made, subject to the powers of delegation, by an Authority with Delegated Power may appeal to the Provincial Public Service Commission or the relevant Authority against such order.
220. An officer making an appeal against an order relating to a transfer or promotion to the relevant authority shall do so only as per Appendix 23. He shall also submit certified copies of the documents in support of his representation along with the appeal.
221. An officer of the provincial public service shall submit an appeal to the Provincial Public Service Commission only through the Authority with Delegated Power with copies, to Head of Institution, Head of Department and, as the occasion demands, to the Secretary to the respective Ministry. It shall be the duty of the Authority with Delegated Power to submit such appeals forthwith to the Provincial Public Service Commission with his observation. The officer, if he so desires, may submit an advance copy of the appeal direct to the Provincial Public Service Commission.
222. A Retired Officer making an appeal relating to a promotion due during the period he was in the provincial public service on which a decision has been made by an Authority with Delegated Power after his retirement shall submit such appeal direct to the Provincial Public Service Commission. However, he shall send the copy of the appeal to his former Head of Department or Head of Institution.
223. An appeal against an order relating to a promotion made by the Authority with Delegated Power shall be made by the relevant officer within 30 days of making the decision in question and appeal against an order relating to a transfer made by the Authority with Delegated Power shall be made within 14 days of the receipt of the transfer order by the officer. Appeals which are not received within the stipulated time shall be rejected by the Western Provincial Public Service Commission or the relevant Appellate Authority.
224. The Head of Institution, Head of Department, Appointing Authority and Secretary to the Ministry shall ensure that an appeal handed over by an officer for transmission to the Provincial Public Service Commission is delivered to the Secretary of the said Commission within 15 days of the receipt of the appeal together with all relevant files, documents and reports and respective observations and recommendations. However, in case of transfers made under the annual transfer scheme referred to in Chapter XVIII the appeal together with relevant files, documents, reports, observations and recommendations shall be delivered to the Provincial Chief Secretary on or before 01 st of December.
225. It is the responsibility of every officer to submit his appeal in accordance with the requirements in this Chapter and any appeal that does not conform to these requirements shall not be considered by the Western Provincial Public Service Commission or the relevant Appellate Authority, and also by the Provincial Chief Secretary.

226. The Western Provincial Public Service Commission or the relevant Appellate Authority may make a determination on an appeal made against a promotion within 45 days of the receipt of the documents referred to in Section 224 above. The Provincial Chief Secretary may make a determination on an appeal made against a transfer within 15 days of the receipt of the documents referred to in Section 224 above.
227. The Commission shall send its decision on an appeal made as aforesaid direct to the appellant officer under registered cover with copies to the Authority with Delegated Power, Head of the Department and Head of the Institution.
228. An officer aggrieved by an order or decision made by the Provincial Public Service Commission has the right to prefer an appeal to the Provincial Governor within two weeks after the receipt of the decision by the appellant officer.

#### CHAPTER XXI

##### Channels of Communication

229. An Authority with Delegated Power may communicate with the Provincial Public Service Commission directly under his signature on matters relating to its powers.
230. Except otherwise provided for in these procedural rules the officers shall correspond with the Provincial Public Service Commission only through the relevant Head of Institution, Head of Department and the Secretary to the Provincial Ministry.
231. Correspondence with the Provincial Public Service Commission shall be only through the Secretary to the Provincial Public Service Commission.

#### CHAPTER XXI

##### Interpretations

232. Unless the context otherwise requires, in these procedural rules:
- I. “Constitution” means the Constitution of the Democratic Socialist Republic of Sri Lanka.
  - II. “Citizen” means a Citizen of Sri Lanka as defined in the Constitution.
  - III. “Governor” means the Western Provincial Governor
  - IV. “Commission” means the Western Provincial Public Service Commission established in terms of the Provincial Councils Act, No 42 of 1987.
  - V. “Authority with Delegated Power” means the authority on whom the powers have been delegated in terms of the Provincial Councils (Amendment) Act No: 28 of 1990 and Section 32 of the Provincial Councils Act No: 42 of 1987, subsequent to the delegation of powers vested in the Governor in terms of Section 32 (1) of the Provincial Councils Act.
  - VI. “Chief Secretary” means the Western Provincial Chief Secretary appointed in terms of the Provincial Councils Act No: 42 of 1987
  - VII. “Secretary to the Ministry” means the Secretaries to the Provincial Ministries in the “Western Province.
  - VIII. “Head of Department” means the Provincial Heads of Departments in the Western Provincial Council and where necessary it refers to the Chief Secretary, to the Western Provincial Governor, Secretary to the Western Provincial Public Service Commission, Secretaries to Provincial Ministries and Council Secretary to the Western Provincial Council.
  - IX. “Appointing Authority” means the Governor of the Western Province empowered to appoint, promote and transfer officers of the Western Provincial Public Service, the authority on whom powers have been delegated by the Governor of the Western Province in terms of the Provincial Councils Act No: 42 of 1987 and the authority on whom the powers have been delegated under the Provincial Councils (Amendment) Act No: 28 of 1990.

- X. “Disciplinary Authority” means an Authority with Delegated Power of Disciplinary Control and dismissal of officers of the Western Provincial Public Service. The Disciplinary Authority for officers of the Western Provincial Governors’ Secretariat shall be the Secretary to the Provincial Governor, the Secretary to the Western Provincial Public Service Commission for officers of the Western Provincial Public Service Commission and the Council Secretary for officers of the Council Secretariat of the Western Province.
- XI. “Administrative Authority” means an officer in the provincial public service who has been duly designated to carry out administrative functions in terms of the provisions in Provincial Council Act No: 42 of 1987.
- XII. “Director of Establishment” means the Western Provincial Governor
- XIII. “Provincial Council” means the Western Provincial Council
- XIV. “Provincial Public Service” means the Western Provincial Public Service.
- XV. “Officer of the Provincial Public Service” means an officer of the Western Provincial Public Service.
- XVI. “Staff Officer” means an officer defined as a staff officer in Paragraph 11 of Public Administration Circular No.6/2006
- XVII. “Field Officer” means an officer of the provincial public service whose work lies mainly at work sites, is not confined to one particular place and involves regular attendance in the field and who is required to undertake inspection and visits whose very nature of duties involves field duty and whose responsibilities are not confined to any particular station or office.
- XVIII. “Substitute Employee” means a person engaged to perform the duties of a post temporarily until the substantive holder who is absent is returned for duty or another .. arrangement is made to cover up his duties.
- XIX. “Casual Employee” means a person engaged by a Head of Department or Head of Institution in the Western Provincial Council temporarily to attend to an unexpected need, a need that will continue for a few days or a need that routinely arises each year.
- XX. Ex-serviceman” means an officer or a person of any other rank who has honourably left an armed service by retirement or released other than on disciplinary grounds.
- XXI. “All island services” means services published in the Government Gazette Notification No: 1295/26 dated 02 July 2003 and any other service identified by the appropriate authority from time to time.
- XXII. “Combined Service” means the Provincial Public Management Assistants Service, Librarians’ Service, Translators’ Service, Drivers’ Service, Office Employees Service in the Western Provincial Council and any other service identified by the appropriate .authority from time to time as belonging to the Combined Service.
- XXIII. “Scheme of Recruitment” means a formal Scheme of Recruitment approved by the Western Provincial Governor for the appointment of officers to a particular class, grade or post in the provincial public service, promotion of such officer and matters incidental thereto.
- XXIV. “Service Minute” means a service minute duly approved by the Western Provincial Governor for the appointment of officers of the Western Provincial Public Service to particular classes, grades or posts of a service recognized as such by the Governor and the promotion of such officers including any matter incidental thereto.
- XXV. “Appointment” means the conferment of any paid office in the provincial public service subject to or not subject to subsequent confirmation, to a person not already in the provincial public service, or an appointment, or a promotion or transfer involving an increase of salary or any change in status of a person already in provincial public service.
- XXVI. “Promotion” means the appointment in accordance with an approved Service Minute or a Scheme of Recruitment, of an officer holding a post in the Western Provincial Public Service, to a post, class or grade which is superior to the post he holds, or the class or grade to which he belongs.
- XXVII. “Transfer” means the moving of an officer of the Western Provincial Public Service from one station or institution to another station or institution within the Western Province by an Authority with Delegated Power at his discretion or on disciplinary grounds or on the proposal of an Annual Transfer Committee or on the recommendation of an Annual Transfer Proposals Review Committee or on the request of the officer or on exigencies of service or on the appointment of the officer to another post as a result of promotion.
- XXVIII. “Appointment on Contract” means an appointment of a person to a post in the Western Provincial Public Service with specific conditions, for a specific period of time.
- XXIX. “Re-instatement” means the restoration to office in the Western Provincial Public Service of a person who had been interdicted or dismissed or whose probationary appointment has been terminated or who has been treated as having vacated his post

- XXX. “Superior Post” means one that has either the same or a higher initial salary and an incremental rate and a higher maximum salary than the post with which it is compared. A post which has a fixed salary higher than or equal to the maximum salary of the post with which it is compared is also a superior post.
- XXXI. “Comparable Post” means one which has at least the same incremental rate and a maximum salary not less than that of the post with which it is compared.
- XXXII. “Inferior Post” is one which has a lower initial salary, a lower incremental rate and lower maximum salary, or anyone of them lower than that of the post with which it is compared.
- XXXIII. “Institution” means municipal councils established in terms of the provisions in the Municipal Councils Ordinance No: 16 of 1947 (Chapter 252), Urban Councils established in terms of the provisions in the Urban Councils Ordinance No: 61 of 1939 (Chapter 255). Pradeshiya Sabha established in terms of the Pradeshiya Sabha Act No: 15 of 1987, a separate unit set up under an officer of staff grade subject to the 13<sup>th</sup> Amendment to the Constitution to carry out a particular duty or service of a Ministry or Department in the Western Provincial Council.
- XXXIV. “Documents” means all the tiles, letters, registers, statements, reports, publications, books and computerized data and information and computer password.
- XXXV; Unless the context otherwise requires, words of masculine gender also mean words of feminine gender.
- XXXVI. Unless the context otherwise requires, singular words also include their plural sense.

#### Procedure to be followed when there is inconsistency between texts

233. In the event of any inconsistency or discrepancy between the Sinhala, Tamil and English texts of these procedural rules, the Sinhala text shall prevail.

#### Transitional Provisions

234. All rules, regulations and procedure relating to appointment, promotion and transfer of officers of the Western Provincial Public Service as are in force in terms of the provisions of the 13<sup>th</sup> Amendment to the Constitution and Section 32 of the Provincial Councils Act No: 42 of 1987 shall *mutatis mutandis*, cease to operate from the date of coming into force of these procedural rules.

Provided however, orders, all steps taken for appointment, promotion and transfer, all orders made, directions given, proceedings taken, transfers or retirement or release made, all things done or pending under provisions in force on the immediately preceding the date of commencement of these rules, shall be deemed to have been made under these Procedural Rules and shall continue in force and shall, as so far as it could have been made, issued, given or done under those rules, have effect as if made, issued, given or done under the corresponding provisions of these rules, *mutatis mutandis*.

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APPENDIX 01  
 (Section 53)

Registered Post  
 My No. ....

Address .....  
 .....  
 .....  
 Date :.....

Mr./Mrs./ Miss .....  
 .....  
 Sir/Madam

**Appointment to the Post of.....**  
**in the Department of .....**

\* I am pleased to inform you that you are appointed to the Post of .....in the Department of..... with effect from .....on the results of the competitive examination held on..... professional test held on.....and the interview held on.....Accordingly you are hereby informed to report to .....at the .....at.....a.m. / p.m. on the above date and assume duties. If you fail to report for duty as above without a valid reason this appointment shall stand cancelled.

2. You shall hold this post on public trust. You shall efficiently and diligently discharge the duties of this post for the benefit of the country and its people.

3. You should be unreservedly loyal to the Democratic Socialist Republic of Sri Lanka and you are bound to treat the duties of your post in the strictest confidence.

4. You have no right to engage yourself in a job in any. other institution or any other profession as long as you are in the Public Service.

5. This appointment is permanent. However, you are subject to a three year probation / one year acting period. During this period you must prove that you are fit for Western Provincial Public Service by discharging the duties and responsibilities stipulated in this letter of appointment competently, by good conduct and efficient discharge of your duties. You must also ensure that other requirements you are called upon to fulfill during your probation / acting period are also fulfilled. You will be confirmed in this appointment at the end of your probation / acting period only if you succeed in fulfilling all the above requirements. In case it appears that you are unable to do so this appointment may be revoked during or at the end of the period. Your appointment shall be reckoned as permanent only after the issue of a formal letter by the Appointing

Authority that you have been confirmed in your post. Until such letter is issued your appointment shall be treated as not confirmed.

6. This appointment is pensionable. Further, you shall contribute to the Widows' & Orphans' Pension Fund / Widowers' & Orphans' Pension Fund. You shall pay contributions to this fund as declared by the Government from time to time.

7. This appointment is subject to all conditions and provisions mentioned in the Service Minute / Scheme of Recruitment of .....for the post of.....

8. Before the expiry of.....years assumption of duties you shall prove that you have acquired proficiency in the second language in accordance with the policy of the Government. If you had qualified for this appointment in the Sinhala Language your second language shall be Tamil. Similarly, if you had qualified for this appointment in the Tamil Language your second language shall be Sinhala. Further, if you had qualified for this appointment in English you shall acquire proficiency in either Sinhala or Tamil as the second language.

9. The salary scale applicable to this appointment is as follows:..... You will be placed on the salary step ..... of the scale. You will also be entitled to other allowances to public officers to be determined by the Western Provincial Council as decided by the Government from time to time. However, you must pass the first Efficiency Bar before you proceed beyond salary step ..... the second Efficiency Bar before you proceed beyond salary step..... and the third Efficiency Bar before you proceed beyond salary step .....as stipulated in the Service Minute / Scheme of Recruitment. In case you fail to pass an Efficiency Bar within the prescribed period your appointment will be terminated for inefficiency.

10. You should discharge your official responsibilities and obligations according to rules, regulations, orders and procedures enacted by the Western Provincial Governor for the Western Provincial Public Service. Similarly, you shall be subject to the Establishments Code, Financial Regulations of the Democratic Socialist Republic of Sri Lanka and the Western Provincial Council, other regulations, circulars, instructions of the government and the Western Provincial Council and amendments issued thereto from time to time.

11. You are bound to furnish security, by order of the Western Provincial Council, as per the Public Servants' Securities Ordinance in such manner and sum as decided by the Head of Department.

12. In accordance with the official duties of your post you are liable to work on any day, any time, although under normal circumstances you are liable to perform your duties within the period prescribed by the Authorities of the Western Provincial Council.

13. You are liable to discharge the official duties of this post anywhere in the Western Province on formal notice given to you instantly or with due notice.

14. You should prove through a formal medical examination report before the expiry of three months from the assumption of this appointment that you are mentally and physically fit to serve in any part of the Country. It shall be your responsibility to ensure that this medical examination report is obtained through the medical officer in charge of a Government Hospital on forms General 169 and Health 169.

15. You shall make the affirmation or take the oath in terms of Articles 4 and 7 of the Constitution of the Democratic Socialist Republic of Sri Lanka. If you fail to make affirmation or take oath during the period prescribed by law your appointment shall cease at the expiry of such period.

16. You should duly established your identity before taking up this appointment

17. As soon as you assume duties in your appointment you should submit a letter on the prescribed form that you have reported for duties.

18. On the day itself that you assume duties you should submit the following documents to.....:-

- i. Forms of Oath Affirmation in terms of Schedules 4 and 7 of the Constitution of the Democratic Socialist Republic of Sri Lanka.
- ii. Certified copy of your National Identity Card
- iii. Birth Certificate
- iv. Originals and a set of photocopies of educational, other educational and professional qualifications in support of the required basic educational qualifications for the post (The originals will be returned after perusal)
- v. Marriage certificate, if married: Birth Certificate of the spouse and, if there are any children, their Birth Certificates
- vi. Service Agreement on General 160
- vii. Declaration of Assets on General 161
- viii. Declaration of Assets and Liabilities, if applicable
- ix. Address permanent and temporary

19. In case you want to resign from this post you must give one calendar month’s notice. You may also resign from this post by paying the Western Provincial Council a sum equivalent to your month’s salary with the consent of the Appointing Authority.

20. If the fact that you have submitted erroneous or false information or documents to obtain this appointment in the Western Provincial Public Service is duly established at any stage after the assumption of this post by you, your appointment will ,be treated null and void and the appointment revoked forthwith. Apart from that, action shall be taken in terms of Section 48 of the Procedural Rules of the Western Provincial Public Service.

21. Please acknowledge receipt of this letter to.....on form attached hereto, and inform whether you accept this appointment subject to the conditions stated herein.

Yours Sincerely  
Signature :.....  
Name :.....  
Designation :.....

Copies

- 1. ....
- 2. ....
- 3. ....
- 4. ....
- 5. ....
- 6. Auditor General - for your information

*\*This paragraph shall be amended relevant to the service or post*

APPENDIX 02 (a)  
(Section 53 and 145)

My No. ....

Address .....  
.....  
.....  
Date :.....

Mr./Mrs./ Miss .....  
.....  
Sir/Madam

**Appointment to the Post of.....in the Department of**  
**.....on Contract Basis**

I am pleased inform you that you are appointed to the Post of ..... in the Department of .....with effect from .....on the results of the competitive examination held on.....professional test held on ..... and the interview held on.....Accordingly you are hereby informed to report to .....at the ..... at.....a.m. / p.m. on the above date and assume duties. If you fail to report for duty as above without a valid reason this appointment shall stand cancelled.

2. You shall hold this post on public trust. You shall efficiently and diligently discharge the duties of the post for the benefit of the country and its people.

3. You should be unreservedly loyal to the Democratic Socialist Republic of Sri Lanka and you are bound to treat the duties of your post in the strictest confidence.

4. You have no right to engage yourself in a job in any other institution or any other profession as long as you are in the Public Service.

5. This appointment is made solely on contract basis for a period of.....Accordingly this appointment will terminate on..... This appointment may be terminated even before that date as the need demands.

6. You have no right whatever to request that you be made permanent in this post by virtue of your holding this appointment which is made on contract basis. Similarly, your holding this post will not grant you any special rights to request that you be appointed to another post in the Public Service on permanent basis.

7. You will be paid a monthly salary / allowance of Rs ..... (Rs .....). Moreover, you will be entitled during the effective period of this appointment to the lawful privileges which an officer/employee permanently appointed to this post is entitled.

8. You should discharge your official responsibilities and obligations according to rules, regulations, orders and procedures enacted by the Western Provincial Governor and the Western Provincial Public Service Commission for the Western Provincial Public Service. Similarly, you shall be subject to the Establishments Code, Financial Regulations of the Democratic Socialist Republic of Sri Lanka, other government regulations, circulars, instructions and amendments issued thereto from time to time.

9. In accordance with the official duties of your post, you are liable to work on any day, any time, although under normal circumstances you are liable to perform your duties within the period prescribed by the Government.

10. You are liable to discharge the official responsibilities of this post anywhere in the Western Province on formal notice given to you instantly or with due notice.

11. You shall make the affirmation or take the oath in terms of Articles 4 and 7 of the Constitution of the Democratic Socialist Republic of Sri Lanka. If you fail to make affirmation or take oath during the period prescribed by law your appointment shall cease at the expiry of such period.

12. You should duly establish your identity before taking up this appointment.

13. As soon as you assume duties, you should submit a letter on the prescribed form that you have reported for duties.

14. On the day itself that you assume duties you should submit the following documents to.....

- i. Certified copy of your National Identity Card
- ii. Certificate of Birth
- iii. Originals and a set of photocopies of educational, other academic and professional qualifications in support of the required basic educational qualifications for the post (The originals will be returned after perusal)
- iv. Marriage certificate, if married: Birth Certificate of the spouse and, if there are any children, their Birth Certificates
- v. Service Agreement on Gen.160
- vi. Declaration of Assets on Gen.261
- vii. Declaration of Assets and Liabilities, if applicable
- viii. Address permanent and temporary
- ix. Forms of Oath/Affirmation in terms of Schedules 4 and 7 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

15. Your appointment may be terminated at any stage by the Appointing Authority with one month's notice:.

16. In case you want to resign from this post you must give one calendar month's notice. You may also resign from this post by paying the Western Provincial Council a sum equivalent to your month's salary / allowance with the consent of the Appointing Authority.

17. If the fact that you have submitted erroneous or false information or documents to obtain this appointment in the Western Provincial Public Service is duly established at any stage after the assumption of these duties by you, your appointment will be treated null and void and the appointment revoked forthwith.

18. Please acknowledge the receipt of this letter to.....on form attached hereto and inform whether you accept this appointment subject to the conditions stated herein.

Yours Sincerely  
Signautre :.....  
Name :.....  
Designation :.....

Copies

- 1. ....
- 2. ....
- 3. ....
- 4. ....
- 5. ....
- 6. Auditor General - for your information

APPENDIX 03  
(Section 69)

Your No :.....

Name :.....  
Address :.....  
.....  
Date :.....

.....  
.....  
.....  
Sir

**Appointment to the Post of.....in the Department of**  
**.....**

This refers to your letter No. ....dated.....

- 02. I hereby inform you that I agree to accept the appointment in the Western Provincial Public Service offered to me by the letter under reference subject to the conditions mentioned therein.
- 02. I hereby inform you that I do not wish to accept the appointment in the Western Provincial Public Service offered to me and letter of appointment is returned herewith.

Yours faithfully,  
.....  
Signature.

APPENDIX 04  
(Section 72)

Name : .....  
Address:.....  
Date:.....

To :.....  
Through : .....  
Sir,

**Reporting for Duty in the Post of ..... in the**  
**Department of .....**

Reference letter No.....dated .....issued by.....appointing me to the post mentioned above.

02. I hereby conform that I reported for duty to.....on.....to discharge the relevant duties and responsibilities subject to the conditions mentioned in the letter under reference.

Yours faithfully,

Signature :.....  
Name :.....  
Designation :.....

(Appointing Authority)  
.....

I hereby certify that (Mr./Mrs./Miss)..... reported for duty in the post of .....at the office of.....on.....  
Date.

Signature :.....  
Name: .....  
Designation: .....  
Official Stamp:.....

APPENDIX 05  
 (Sections 87, 90 and 91)

Reference No. ....

**Annual Review Report relating to officers subject to a period of probation/acting**

01. Particulars of the officer

- 1.1 Name of the Officer:
- 1.2 Designation:
- 1.3 Station:
- 1.4 Date of assumption of the appointment:
- 1.5 The date on which the probation / acting period will end : .
- 1.6 Period relevant to the Review: From .....to..... .

02. A brief description of the duties assigned to the officer

.....  
 .....  
 .....  
 .....  
 .....

03 Attendance

- 3.1 Does he attend office for duties at the due time or before? Yes / No
- 3.2 Does he habitually come late for duties? Yes / No
- 3.3 Does he duly attend to his duties during office hours? Yes / No
- 3.4 Does he spend office time to attend to other extraneous matters? Yes / No
- 3.5 Leave particulars for the relevant period:

Casual	Vacation	Sick	Half-pay	No-pay
.....	.....	.....	.....	.....

04 Discipline and Conduct

- 4.1 Discipline and conduct within the place of work Weak/ satisfactory/good/very good
- 4.2 Discipline and conduct outside office hours and place of work Weak/satisfactory/good/very good
- 4.3 A brief description of disciplinary action taken against the officer during the relevant period:  
 .....  
 .....  
 .....

5. Health

- 5.1 Was his physical health satisfactory? Yes / No
- 5.2 Was his mental health satisfactory? Yes / No

6. Performance of duties

- 6.1 Capability weak/satisfactory/good/very good
- 6.2 Efficiency weak/satisfactory/good/very good

- 6.3 Dedication weak/satisfactory/good/very good
- 6.4 Diligence weak/satisfactory/good/very good
- 6.5 Neatness weak/satisfactory/good/very good
- 6.6 Courteousness weak/satisfactory/good/very good
- 6.7 Reliability weak/satisfactory/good/very good
- 6.8 Adherence to instructions weak/satisfactory/good/very good
- 6.9 Obedience weak/satisfactory/good/very good
- 6.10 Knowledge of laws, rules, procedures, regulations and circulars etc. weak/satisfactory/good/very good

7. Any special skills shown

.....  
 .....  
 .....

8. Any noticeable weaknesses shown

.....  
 .....  
 .....

9. Particulars of passing over the efficiently bar

.....  
 .....  
 .....

10. Particulars about gaining proficiency in the Second language

.....  
 .....  
 .....

11. Additional educational and professional qualifications obtained

.....  
 .....  
 .....

12. Matters to be brought to the attention of the officer

.....  
 .....  
 .....

13. Final conclusion on the officer after considering all the relevant factors:

weak/satisfactory/good/very good

14. The conclusions of this Review Report were brought to the notice of the officer on .....

(Immediately Supervising Staff Officer)

Signature:.....

Name:.....

Designation:.....

Date :.....

(Head of Department/Institution)

Signature:.....

Name:.....

Designation:.....

Date :.....

15. The conclusions of this Review Report were brought to my notice on.....

(Officer)

Signature:.....

Name:.....

Designation:.....

Date :.....

APPENDIX 06

(Section 86)

(Registered Post).

My No :.....

Address :.....

.....

Date :.....

Mr./Mrs./Miss :.....

(Designation)

.....

Through :.....

Sir/Madam,

**Termination of Appointment**

You are hereby informed that your appointment which was subject to a period of probation is terminated with immediate effect in terms of Section 86, Volume I of the Procedural Rules of the Western Provincial Public Service Commission, due to your failure to fulfill the requirements for confirmation in terms of Section 84 of the Procedural Rules.

2. Please settle all advances and loans taken by you from government/Western Provincial Council before .....Failure to do so will result in legal action being taken against you.

3. Please duly hand over all Provincial Council properties, documents, keys, computer passwords and official identity card, etc. in your charge before Failure to do so will result in legal action being taken against you.

Signature: .....

Name: .....

Post: .....

Date :.....

*Copies :*

1. Secretary, Western Provincial Public Service Commission

2. Accountant

3. Auditor General

4. Personal file of the officer

APPENDIX 07

(Section 93)

My No :.....

Address :.....

.....

Date :.....

Mr./Mrs./Miss :.....

(Designation)

.....

Through :.....

**Termination of Appointment**

You are hereby informed that your appointment which was subject to a period of acting is terminated with immediate effect in terms of Section 93, Volume I of the Procedural Rules of the Western Provincial Public Service Commission, due to your failure to fulfill the requirements for confirmation in terms of Section 84 of the Procedural Rules.

2. Accordingly you are hereby reverted to your former post. / form post on supernumerary basis.

3. Please duly hand over all government properties, documents, keys, computer passwords and official identity card, etc in your charge before

Signature: .....  
Name: .....  
Post: .....

Date :.....

*Copies:*

- 1. Secretary, Western Provincial Public Service Commission
- 2. Accountant
- 3. Former Appointing Authority
- 4. Auditor General
- 5. Personal file of the officer

**APPENDIX 08**

(Section 111)

My No :.....

Address :.....

.....

.....

Date :.....

Mr./Mrs./Miss :.....

Post :.....

Through :.....

**Notice of Promoting over the .....Efficiency Bar**

You are hereby informed that you have passed the.....Efficiency Bar mentioned in the Service Minute /Scheme of Recruitment of the post of ..... in ..... with effect from.....

Signature: .....  
Name: .....  
Post: .....

*Copies :*

- 1.
- 2.
- 3.
- 4. Personal File

APPENDIX 09

(Section 116)

My No :.....

Address :.....

.....

.....

Date :.....

Mr./Mrs./Miss :.....

.....

Through :.....

**Termination of Appointment**

This is to inform you that your appointment as.....is deemed to have terminated with effect from..... in terms of Section 114, Chapter 10 of Volume I of Public Service Commission procedural rules, as a result of your failure to pass the Efficiency Bar within the stipulated time.

02. Please settle all advances and loans taken by you from the government/Western Provincial Council before .....Failure to do so will also result in legal action being taken against you for the recovery of such dues.

03. Please duly handover all Western Provincial Council properties, documents, keys, computer passwords and official identity card, etc. in your charge before..... Failure to do so will result in legal action being taken against you.

Signature:.....

Name: .....

Post: .....

*Copies:*

- 1.Secretary, Western Provincial Public Service Commission
- 2.Accountant
- 3.Auditor General
- 4.Personal File of the Officer

APPENDIX 10

(Section 131)

Address :.....

.....

.....

Date :.....

(Appointing Authority)

.....

Through

.....

**Request for permanent / temporary release from the Western Provincial Public Service  
 for service in the post of .....in the.....**

1. Particulars of the officers :

- 1.1 Full Name: .....
- 1.2 Service:.....Class: .....Grade: .....
- 1.3 Designation: .....
- 1.4 Station: .....
- 1.5 Department / Institution: .....
- 1.6 Provincial Ministry:.....
- 1.7 The date on which the officer was confirmed in the Western Provincial Public Service:
- 1.8 Age as at the date of request: years: .....Months: .....Days:.....
- 1.9 Whether or not the officer has passed all relevant efficiency bars / departmental tests by the date the request is made: .

1.10 If the officer has received special training for discharging the duties of his present post, please give details.

.....  
 .....

1.11 If the officer is under bond with the Western Provincial Council for a compulsory period of service, please give details.

.....  
 .....

1.12 Details of previous temporary releases from the Public Service/Provincial Public Service.

<i>Institution</i>	<i>Designation</i>	<i>Period</i>	<i>Years</i>	<i>Months</i>
.....	.....	from .....to	.....	.....
.....	.....	from .....to	.....	.....
.....	.....	from .....to	.....	.....

2. The post which the officer expected to serve after release

- 2.1 Institution:
- 2.2 Ministry:
- 2.3 Trade Union / Welfare Union:
- 2.4 Post:
- 2.5 Whether the request is for permanent or temporary release:
- 2.6 If temporary, for how long:
- 2.7 The proposed date of assumption of duties in the post:

3. I attach hereto a letter issued by.....expressing willingness to appoint me to the post of.....in the.....

3 I attach hereto a certified copy of the minutes of the.....trade union / welfare union stating that I have been selected for the post of.....in the said union and that it is necessary to get me temporarily released from the Western Provincial Public Service for service in the said post. I also attach hereto details about the number of members registered in the said union and a copy of the approved constitution.

4. I certify that the matters stated by me above are true. This request is submitted in terms of Section 131 of Volume 1 of the Procedural Rules of the Western Provincial Public Service Commission. Accordingly I request that I be permanently temporarily released from the Western Provincial Public Service for service in the post of .....

.....  
 Signature of the Officer.

**APPENDIX 11**  
 (Section 131)

My No..... Address :.....  
 (Appointing Authority) .....  
 ..... Date :.....

**Request for the release of an officer of the Western Provincial Public Service permanently / temporarily from his present post on the need of the Government/ Western Provincial Public Service**

1. Particulars of the Officer

- 1.1 Full Name:.....
- 1.2 Service: .....Class:.....Grade: .....
- 1.3 Post: .....
- 1.4 Station: .....
- 1.5 Department / Institution: .....
- 1.6 Ministry: .....

2. The post proposed to be appointed after the release

- 2.1 Post:.....
- 2.2 Salary Scale: .....
- 2.3 Station: .....
- 2.4 Institution :.....

3. Proposed release

- 3.1 Whether permanent or temporary : .....
- 3.2 If temporary, for how long:  
 For a period of .....years from ..... to .....

4. The request of the Institution seeking to employ the officer is attached as annex

5. The letter of consent by the officer is attached as annex.....

6. 25% of the consolidated salary of the officer as contribution to his pension and contributions to the Widows' and Orphans' Pension Fund / Widowers' and Orphans' Pension Fund will be duly paid by the .....of .....which will employ the officer.

7. Accordingly I request that the above officer be released temporarily / permanently from the post he now holds in the Western Provincial Public Service for appointment to the above post.

Signature: .....  
 Name:.....  
 Designation: .....  
 Ministry : .....

(By registered post)

**APPENDIX 12**  
 (Section 160)

My No :..... Address :.....  
 .....  
 Date :.....

Rev.Mr./Mrs./Miss :.....  
 .....  
 .....

**Notice of Vacation of Post**

You who were holding the post of .....in this Department have not reported for duty from.....without duly approved leave.

02. Accordingly, you are hereby informed in terms of Section 160, Volume I of the Procedural Rules of the Western Provincial Public Service Commission that you are deemed to have vacated your post on your own accord.

03. Please settle all advances & loans taken by you from the Government/Western Provincial Council before .....Failure to do so will also result in legal action being taken against you for the recovery of such dues.

04. Please duly hand over all Western Provincial Council properties, documents, keys, computer passwords and official identity card, etc. in your charge before .....Failure to do so will result in legal action being taken against you.

05. As a result of the vacation of your post you will forfeit the right to be reappointed to a post in the Western Provincial Public Service and the right to a pension or grant under the Minutes on Pension.

Signature:.....  
Name : .....  
Designation: .....

*Copies:*

- 1.Appointing Authority
- 2.Relevant Secretary to the Provincial Ministry
- 3.Auditor General

APPENDIX 13

**(Section 167 (i))**

PART I

Address :.....  
.....  
.....  
Date :.....

To :.....  
Through .....

**Request for Extension of Service in the Western Provincial Public Service beyond 57/58/59 years of Age**

- 1. Full Name :.....
- 2. Service: :.....Class:.....Grade: .....
- 3. Post: .....
- 4. Date of Birth: .....
- 5. Age on the next date of birth :.....years
- 6. Date of permanent appointment in the Western Provincial Public Service:
- 7. Period of Service in the Western Provincial Public Service on the next date of birth:  
Years: .....Months:.....Days: .....

I am physically and mentally in good health. At present there is/there is no disciplinary action initiated against me. I wish to continue in the Western Provincial Public Service after the completion of .....years of age. I therefore request that my service be extended by one year effective from.....

Signature: .....  
 Name:.....  
 Post: .....  
 My No.....

**PART II**  
 (Appointing Authority)  
 .....

The applicant is an officer in Class.....Grade.....of .....Service who is working in this Department as .....

02. I recommend that his service be extended by one year from .....as he has fulfilled the requirements in Section 167 of the Volume I of the Procedural Rules of the Western Provincial Public Service Commission.

03 I do not recommend the extension of his service for the following reasons. Photo copies of documents showing such reasons are attached hereto.

.....  
 .....  
 .....

(Head of Department)  
 Signature : .....  
 Name : .....  
 Designation: .....  
 Official Stamp: .....

03. Submitted for an early decision  
 Date :.....

**APPENDIX 14**  
 (Section 198)

Your Ref.....

Address :.....  
 .....  
 .....  
 Date :.....

(Head of Department/Institution :.....  
 Through .....

**Representations relating to Proposed Annual Transfer**

I have been informed by your letter/proposed annual transfer Schedule No ..... dated ..... that it is proposed to transfer me from ..... to.....

02. I kindly request under Section 198, Volume I of the Procedural Rules of the Western Provincial Public Service Commission that the proposed transfer be cancelled/varied on the basis of the following facts.



## APPENDIX 16

(Section 214)

**Register to be maintained by the Authority with Delegated Power on Officers dismissed from the Western Provincial Public Service**

<i>Serial No.</i>	<i>Name, Service Class, Grade, Post of the Officer</i>	<i>Reasons for dismissal in brief</i>	<i>Date of Dismissal</i>	<i>File No.</i>	<i>Other Matters</i>	<i>Signature of Management Assistant in charge of Subject and Date</i>	<i>Signature of the Staff Officer and date</i>

## APPENDIX 17

(Section 214)

**Register to be maintained by the Authority with Delegated Power on Officers who have resigned from the Western Provincial Public Service**

<i>Serial No.</i>	<i>Name, Service Class, Grade, Post of the Officer</i>	<i>Reasons for dismissal in brief</i>	<i>Date of Resignation</i>	<i>File No.</i>	<i>Other Matters</i>	<i>Signature of Management Assistant in charge of Subject and Date</i>	<i>Signature of the Staff Officer and date</i>

## APPENDIX 18

(Section 214)

**Register to be maintained by the Authority with Delegated Power on Officers who have vacated their posts**

<i>Serial No.</i>	<i>Name, Service Class, Grade, Post of the Officer</i>	<i>Date of vacation of Post</i>	<i>Date of the Notice issued</i>	<i>Other Matters</i>	<i>Signature of Management Assistant in charge of Subject and Date</i>	<i>Signature of the Staff Officer and date</i>



APPENDIX 22

(Section 216)

**Register to be maintained by Office/Institution of the Western Provincial Council on the Entire Staff**

Serial No	Date on which the Officer reported for Service in the Office	Name and Designation of the Officer	Leaving the Office		Signature of Management Assistant in charge of Subject and Date	Signature of the Staff Officer and date
			Office	Date		

APPENDIX 23

(Section 220)

Your Ref.....

Name with initials :.....

Address :.....

.....

Date :.....

.....

(Relevant Authority)

Through (Head of Department/Institutions)

.....

**Appeal made against the Appointment/Promotion/Transfer**

01. Particulars of the officer

- 1.1 Full Name :.....
- 1.2 Service : ..... Class : ..... Grade : .....
- 1.3 Post : .....
- 1.4 Station : .....
- 1.5 Department/Institution : .....
- 1.6 Ministry : .....

02. Decision/Order on which the appeal is based :

2.1 Describe the decision/order briefly :

.....

2.2 Who made the decision/order :

.....

2.3 The date on which the officer received the order :.....

2.4 Certified copies of letters containing the decision/order are attached as annexes shown below :

Annex (1).....

Annex (2).....

2.5 Any other relevant matters :

.....  
.....  
.....

3. Reasons for making an appeal against the decision/order :

3.1 .....

3.2 .....

3.3 .....

3.4 .....

3.5 .....

3.6 Certified copies of written submissions to support the above reasons are attached as annexes shown below

Annex (1) .....

Annex (2) .....

Annex (3) .....

Annex (4) .....

4. Redress prayed for :

.....  
.....  
.....  
.....  
.....

Signature:.....

Name : .....

Designation: .....

Date :.....

*Copies:*

1. Secretary, Western Provincial Public Service Commission (This advance copy is kindly forwarded for necessary action)

02- 19