

PARLIAMENT OF CEYLON

4th Session 1968-69



Local Government Service Act, No. 18 of 1969

Date of Assent : June 25, 1969

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L. D.—O. 14/66.

AN ACT TO ESTABLISH A COMMISSION KNOWN AS THE LOCAL GOVERNMENT SERVICE COMMISSION FOR THE PURPOSE OF MAKING APPOINTMENTS OF OFFICERS AND SERVANTS OF LOCAL AUTHORITIES AND FOR EXERCISING OTHER POWERS IN RESPECT OF SUCH OFFICERS AND SERVANTS; FOR THE CONSTITUTION AND REGULATION OF A LOCAL GOVERNMENT SERVICE; TO PROVIDE FOR THE ESTABLISHMENT OF A LOCAL GOVERNMENT SERVICE PENSION FUND, A LOCAL GOVERNMENT SERVICE WIDOWS' AND ORPHANS' PENSION FUND AND A LOCAL GOVERNMENT SERVICE PROVIDENT FUND; TO PROVIDE FOR THE REPEAL OF THE LOCAL GOVERNMENT SERVICE ORDINANCE AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent: June 25, 1969]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Local Government Service Act, No. 18 of 1969, and shall come into operation on such date (hereafter in this Act referred to as the "appointed date") as the Minister may appoint by Order published in the *Gazette*.

Short title
and date of
operation.

2. (1) For the purposes of this Act, there shall be established a central authority to be called and known as the Local Government Service Commission (hereinafter referred to as "the Commission").

Establishment
of Local
Government
Service
Commission.

(2) The Commission shall by the name assigned to it by sub-section (1) be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in such name.

(3) The Commission shall consist of a Chairman and four other members all of whom shall be appointed by the Minister.

(4) A person shall be disqualified for being appointed or continuing as the Chairman or a member of the Commission if he is a Senator or Member of Parliament or a member of a local authority.

(5) Where any member of the Commission, other than the Chairman, is, by reason of illness or other infirmity or absence from Ceylon, temporarily unable to perform the duties of his office, the Minister may appoint any person to act in his place.

(6) Where the Chairman is, by reason of illness or other infirmity or absence from Ceylon, temporarily unable to perform the duties of his office, the Minister may appoint any other member of the Commission to act in his place.

(7) The Minister may, without assigning a reason, remove the Chairman or any other member of the Commission from office. The removal of the Chairman or any member of the Commission from office by the Minister shall not be called in question in any court.

(8) Any member of the Commission including the Chairman may resign his office by letter addressed to the Minister.

(9) Subject to the provisions of sub-section (7) and sub-section (8), the term of office of each member of the Commission including the Chairman shall be three years:

Provided, however, that if the Chairman or any other member of the Commission vacates his office prior to the expiration of his term of office, his successor shall, unless such successor vacates his office earlier, hold office for the unexpired portion of the term of office of the person whom he succeeds.

3. (1) The Chairman shall preside at every meeting of the Commission. In the absence of the Chairman from any meeting of the Commission, the members of the Commission attending that meeting shall elect from themselves the chairman for that meeting.

(2) Every question which comes up for consideration before the Commission shall be determined by the majority of the members of the Commission.

(3) The quorum for any meeting of the Commission shall be three.

(4) Subject to the provisions of this Act, the Commission may regulate its own procedure.

(5) Any act or proceeding of the Commission shall not be invalid by reason only of the existence of a vacancy among its members or any defect in the appointment of any of its members.

4. (1) There shall be a Secretary of the Commission, who shall be a member of the Ceylon Administrative Service.

Staff of the Commission.

(2) The other members of the staff of the Commission shall be appointed from the transferable services of the Government.

5. The Chairman and other members of the Commission shall be entitled to receive such remuneration as the Minister may, with the concurrence of the Minister of Finance, determine.

Remuneration of Chairman and other members of the Commission.

6. (1) The Commission shall have the following powers:—

Powers of the Commission.

(a) to determine all matters relating to methods of recruitment to, and conditions of employment in, the service, and the principles to be followed in making appointments to the service and in making promotions and transfers from one post in the service to another;

(b) to recruit, appoint, promote, transfer, dismiss, retire, interdict, or otherwise punish, members of the service and generally to maintain discipline in the service;

(c) to conduct examinations for appointments to the service or to appoint boards of examiners for the purpose of conducting such examinations, and to charge fees from candidates presenting themselves for examinations;

(d) to classify the posts in the service into classes or grades, to determine the qualifications necessary for appointment to any such post or to posts in any class or grade, to fix the scale of salaries to be attached to any such post or to posts in any class or grade, and to revise or adjust with effect from such date as the Commission may determine any scale so fixed;

(e) to determine the cases in which disciplinary action against members of the service may be taken by local authorities generally or by local authorities of any specified description, or by any particular local authority, and the punishments which such authorities or authority may impose on such members;

(f) to call upon any local authority to keep the prescribed records relating to members of the service;

- (g) to call upon any local authority to furnish before a specified date such files, other documents or information as the Commission may require in respect of any member of the service in the employment of that local authority;
- (h) upon the failure of any local authority to furnish any files, other documents or information required under paragraph (g), to authorize, with the approval of the Minister, any member or officer of the Commission to enter the office of the local authority and to obtain such files, other documents or information, as the case may be, and for the purpose of obtaining such files or other documents or information, to search that office and to remove such files or other documents from that office to the office of the Commission and to keep such files or other documents in the office of the Commission for such period as the Commission may deem necessary, and to inspect and take copies of any books, accounts or other documents kept in the office of the local authority;
- (i) to regulate in the prescribed manner a scheme for providing medical facilities to members of the service and their wives and children and for providing financial assistance or relief to members of the service who are in debt;
- (j) to authorize any member or members of the Commission or any retired civil list officer or officers to hold an inquiry, in any case involving the exercise of the disciplinary powers of the Commission or in any such case of any specified class or description, for the purpose of making recommendations to the Commission in regard to the exercise of such powers in such case;
- (k) to delegate, subject to such terms and conditions as may be determined by the Commission, and subject to the provisions of such regulations as may be made for the purpose, to local authorities of any specified description or to any particular local authority any of the powers (other than the power to appoint or dismiss members of the service), duties or

functions conferred or imposed upon, or vested in, the Commission by or under this Act;

(l) to make rules under this Act;

(m) to exercise such other powers as may be vested in the Commission by Order made by the Minister under this section and published in the *Gazette*.

(2) In the exercise of the powers vested in the Commission by sub-section (1) the Commission may modify, vary, revise or set aside any decision or determination made by the Commission.

7. The Minister may call upon the Commission to furnish such files, other documents or information as the Minister may require in respect of the performance of the duties and the exercise of the powers of the Commission.

Powers of the Minister in relation to the Commission.

8. (1) For the purposes of this Act, Ceylon shall be divided into areas specified in Part I of the Schedule hereto.

Division of Ceylon into areas for the purposes of this Act, and residential qualifications.

(2) No person shall be appointed by the Commission to any post specified in Part II of the Schedule hereto except on the result of an open competitive examination held in accordance with such rules as may be made for the purpose.

(3) No person shall be appointed to any post specified in Part II of the Schedule hereto under any local authority in any area specified in Part I of that Schedule unless that person has been resident within that area for a period of at least three years immediately preceding the date of his appointment.

(4) No person who is appointed to any post specified in Part II of the Schedule hereto under any local authority in any area specified in Part I of that Schedule shall be transferred to any post outside that area:

Provided, however, that the preceding provisions of this sub-section shall not apply to any such person who was appointed to any post on any date prior to the appointed date and who, under the repealed Ordinance, could be transferred to any post in any area.

Application of
the Commissions
of Inquiry Act.

9. The Commission established by this Act shall, in the case of any inquiry held into any matter involving the exercise of any disciplinary power vested in that Commission by or under this Act, have the same powers as a commission appointed under the Commissions of Inquiry Act; and accordingly, any reference in any provision of the Commissions of Inquiry Act to a commission shall be deemed to include a reference to the Commission established by this Act.

Constitution of
a Local
Government
Service, and
provisions
relating to
members of
that service.

10. (1) A service to be called and known as the Local Government Service is hereby constituted.

(2) The Local Government Service shall consist of all monthly paid officers and servants of Municipal Councils, Urban Councils, Town Councils and Village Councils other than the officers and servants whose posts are specified in Part III of the Schedule hereto.

(3) Every person who was, on the day immediately preceding the appointed date, a monthly paid officer or servant of any local authority (other than an officer or servant whose post is specified in Part III of the Schedule hereto), or a member of the Local Government Service constituted by the repealed Ordinance shall, with effect from the appointed date, be deemed to be a member of the Local Government Service constituted by this Act.

(4) Every member of the service shall, so long as he continues as such member, be deemed for all purposes to be in the service of the Commission notwithstanding that he is for the time being employed under a local authority and notwithstanding that his salary is paid out of the funds of that local authority.

(5) Every member of the service shall be deemed to be a public servant within the meaning and for the purposes of the Penal Code.

(6) Every member of the service shall be deemed to be a public servant within the meaning and for the purposes of the Public Servants (Liabilities) Ordinance.

(7) No member of the service shall be dismissed or otherwise punished except in accordance with the provisions of this Act or any rules made thereunder.

(8) No member of the service shall be dismissed unless an order of dismissal is made by at least three members of the Commission.

11. On or after the appointed date, every appointment of any monthly paid officer or servant of any local authority other than an officer or servant whose post is specified in Part III of the Schedule hereto shall, notwithstanding anything in any other written law, be made only by the Commission.

Appointments to be made by the Commission.

12. (1) Every local authority shall cause and permit every person who is appointed or transferred under this Act to any post in the service of that authority to perform and discharge the functions and duties of that post and shall, out of its funds, pay the salary and allowances of each such person.

Appointments, transfers, salaries, and abolition of posts.

(2) On or after the appointed date, no post in any local authority other than a post specified in Part III of the Schedule hereto shall, notwithstanding anything in any other written law, be abolished by such local authority except with the approval in writing of the Minister.

13. (1) Nothing in the Wages Boards Ordinance shall apply or be construed or deemed to apply to or in relation to or in the case of any person who is a member of the service, notwithstanding that he is employed for the time being under a local authority in or in connection with any service or undertaking which partakes of the nature of a trade or industry.

Certain enactments not to apply to the Commission and to members of the service.

(2) Nothing in the Industrial Disputes Act, or in the Employees' Provident Fund Act shall apply or be construed or deemed to apply to or in relation to the Commission in its capacity as employer or to or in relation to or in the case of any person who is a member of the service:

Provided, however, that the preceding provisions of this sub-section shall not be deemed to affect any industrial dispute pending, on the day immediately preceding the appointed date, before an industrial court or a labour tribunal, and accordingly, for the purposes of any such dispute, the Commission shall be deemed to be the successor to the Local Government Service Commission established by the repealed Ordinance.

14. (1) Rules may be made—

Rules.

(a) for the recruitment, appointment, promotion, transfer, resignation and retirement of members of the service:

- (b) for the filling of vacancies of the service;
- (c) for the dismissal, interdiction or punishment of members of the service;
- (d) generally for the maintenance of discipline in the service;
- (e) providing for the conditions and circumstances in which, and the restrictions subject to which, the employees of local authorities will be eligible for the grant of pensions and gratuities under the Local Government Service Pension Fund established under section 16, and the payments to be made to such employees under such Pension Fund;
- (f) providing for the conditions and circumstances in which, and the restrictions subject to which, widows and children of employees of local authorities will be eligible for the grant of pensions under the Local Government Service Widows' and Orphans' Pension Fund established under section 17, the fixing of the contributions to be made to such Fund by the authority administering such Fund and employees of local authorities, the payments to be made from such Fund to such widows and children, the authorizing of contributions of such employees to be deducted from their salaries and the prescribing of the procedure for making such deductions;
- (g) prescribing the procedure for making deductions from the salaries of contributors to the Local Government Service Provident Fund established under section 18.

(2) Any rule made under paragraph (e) or paragraph (f) of sub-section (1) shall, if so expressed, be deemed to have had effect from such date, prior to the date of the publication of the rule in the *Gazette*, as may be specified therein.

Duties of local authorities.

15. Every local authority shall—

- (a) keep and maintain in respect of each member of the service in its employ, the prescribed registers or records;
- (b) enter therein all such particulars relating to each of those members as may be prescribed;

(c) furnish to the Commission such returns or reports relating to those members as may be prescribed or such information as the Commission may from time to time require;

(d) permit any member or officer of the Commission authorized in that behalf under section 6 (1) (h) to enter its office and to inspect and take copies of any books, accounts, records, or other documents kept therein.

16. (1) There shall be established a Fund to be known as the Local Government Service Pension Fund for the payment of pensions and gratuities to the pensionable members of the service.

Establishment
of Pension
Fund.

(2) The pension scheme established under the repealed Ordinance shall be deemed to be the Local Government Service Pension Fund established under this section.

17. (1) There shall be established a Fund to be known as the Local Government Service Widows' and Orphans' Pension Fund for the payment of pensions to the widows and children of the pensionable members of the service.

Establishment
of Widows' and
Orphans'
Pension Fund.

(2) The widows' and orphans' pension fund or scheme established under the repealed Ordinance shall be deemed to be the Local Government Service Widows' and Orphans' Pension Fund established under this section.

18. (1) There shall be established a Fund to be known as the Local Government Service Provident Fund for the grant of benefits to the non-pensionable members of the service.

Establishment
of Provident
Fund.

(2) The Local Government Service Provident Fund established under the repealed Ordinance shall be deemed to be the Local Government Service Provident Fund established under this section.

19. Regulations may be made under this Act—

Regulations

(a) for the administration, regulation, supervision and control of each of the Funds established under sections 16, 17 and 18; and

(b) for all matters for and in respect of which regulations are authorized or required to be made under this Act.

Repeal of the
Local Govern-
ment Service
Ordinance
(Chapter 264).

20. (1) The Local Government Service Ordinance is hereby repealed with effect from the appointed date.

(2) Notwithstanding the repeal of the Local Government Service Ordinance,—

- (a) the provisions of sections 55 to 58 of that Ordinance shall remain in force;
- (b) the provisions of sections 29, 31 to 44, 47 to 52, 54, and 59 to 62 of that Ordinance shall remain in force subject to such modifications as may be made by regulations made under this Act;
- (c) every regulation made under that Ordinance (other than a regulation relating to the establishment, administration, regulation or management of the provident fund or the pension scheme or the widows' and orphans' pension fund or scheme, established under that Ordinance, made under sections 45 and 53 of that Ordinance) and in force on the day immediately preceding the appointed date shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to be a rule made under this Act, and have effect accordingly, and may be amended, varied or rescinded by rule made under this Act;
- (d) every regulation relating to the establishment, administration, regulation or management of the provident fund or the pension scheme or the widows' and orphans' pension fund or scheme, established under that Ordinance, made under section 45 or 53 of that Ordinance, and in force on the day immediately preceding the appointed date shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to be a regulation made under this Act, and have effect accordingly, and may be amended, varied or rescinded by regulation made under this Act; and
- (e) any inquiry or other matter, which, on the day immediately preceding the appointed date, was pending, may be continued, heard and determined by the Commission established under this Act, or if that Commission so thinks fit, be held or considered afresh and determined by that Commission.

(3) The Minister, upon being satisfied that the continuance in operation of any of the sections of the repealed Ordinance referred to in paragraphs (a) and (b) of sub-section (2), is no longer required for the purposes of this Act, may, by Order published in the *Gazette*, declare that any such section shall cease to have effect.

21. Every officer or servant who, on the day immediately preceding the appointed date, was on the staff of the Local Government Service Commission established by the repealed Ordinance shall, for the purposes of the application of the Minutes on Pensions, be deemed to have been retired, with effect from the appointed date, on the ground of the abolition of the post held by such officer or servant:

Officers or servants on staff of the Local Government Service Commission established by the repealed Ordinance deemed to have been retired on the ground of abolition of their offices.

Provided that the preceding provisions of this section shall not apply in the case of an officer or servant who, on or before the appointed date, accepts and is appointed to a post in the public service or any local authority.

22. The Minister may, by regulation, amend or vary the Schedule to this Act and may from time to time replace that Schedule by a new Schedule incorporating all amendments or variations made therein under the preceding provisions of this section.

Amendment and replacement of Schedule.

23. If, in first giving effect to the provisions of this Act, any doubt or difficulty arises in respect of any matter or question for which no provision or no effective provision is made by this Act, the Minister may, by Order, remove or determine such doubt or difficulty. Every such Order shall be published in the *Gazette*, and upon such publication shall have the force of law and be as valid and effectual as if it were herein enacted.

Removal of difficulties.

24. The payment of any sum by a local authority by way of contribution to the Local Government Service Pension Fund or the Local Government Service Widows' and Orphans' Pension Fund or the Local Government Service Provident Fund under this Act or regulations made under this Act shall be deemed to be a purpose for which the funds at the disposal of the local authority may be expended under the written law relating to the powers of that local authority, and such sum may, in the case of a local authority which has defaulted in the payment

Contributions by local authorities to the Local Government Service Pension Fund, the Local Government Service Widows' and Orphans' Pension Fund and the Local Government Service Provident Fund

of any sum to any of the aforesaid funds, be deducted from any moneys payable by the Government to such local authority.

Minister to
make
regulations.

25. (1) The Minister may make all such regulations as may seem to him to be necessary for carrying out the provisions of this Act or giving effect to the principles thereof, including regulations for all matters for or in respect of which regulations are authorized or required to be made under this Act.

(2) No regulation made by the Minister under this section shall have effect until it has been approved by the Senate and the House of Representatives, and notification of such approval has been published in the *Gazette*.

(3) Upon the publication of any notification under sub-section (2), the regulation to which the notification relates shall be as valid and effectual as though it were herein enacted.

Commission to
make rules.

26. (1) The Commission may, subject to the general or special direction of the Minister, make rules for all matters for or in respect of which rules are authorized or required to be made under this Act, and all matters stated or required by this Act to be prescribed.

(2) No rule made by the Commission under this Act shall have effect until it has been approved by the Senate and the House of Representatives, and notification of such approval has been published in the *Gazette*.

Immunity of
individual
members of the
Commission.

27. No action, prosecution or other proceeding, whether civil or criminal, shall be instituted or maintained against any member of the Commission in respect of any decision taken or act done or omitted by the Commission or by any member thereof in his capacity as such member.

Interpretation.

28. In this Act, unless the context otherwise requires—

“Chairman” means the Chairman of the Commission;

“local authority” means any Municipal Council, Urban Council, Town Council or Village Council;

- “ members of the service ” means the monthly paid officers and servants of local authorities (other than the officers and servants whose posts are specified in Part III of the Schedule hereto), whether such officers and servants were appointed before, on or after the appointed date;
- “ prescribed ” means prescribed by rule made under this Act;
- “ regulation ” means a regulation made by the Minister under this Act;
- “ repealed Ordinance ” means the Local Government Service Ordinance (Chapter 264);
- “ rule ” means a rule made under this Act;
- “ the service ” means the Local Government Service constituted by section 10 of this Act.

SCHEDULE

PART I

(Section 8)

Area A comprising the following:—

The administrative districts of Colombo, Kalutara, Galle, Matara, Hambantota and Puttalam, exclusive of Puttalam Pattu and Gravets, Kalpitiya Division, Demala Hatpattuwa and Udappu village area.

Area B comprising the following:—

The North-Central Province and the Province of Uva. The administrative districts of Kandy, Matale, Nuwara-Eliya, Ratnapura, Kegalla and Kurunegala.

Demala Hatpattuwa in the administrative district of Puttalam.

Vavuniya South (Sinhalese Division) in the administrative district of Vavuniya.

Bintenne Pattu and Wewagam Pattu in the administrative district of Batticaloa.

Gomarankadawala, Madawachchiya and Kantalai village areas in the administrative district of Trincomalee.

Panama village area in the administrative district of Batticaloa.

Puttalam Pattu village area in the administrative district of Puttalam.

The village areas of Meda Palata and Uda Palata in the Divisional Revenue Officer's Division of Wewagam Pattu of the administrative district of Amparai and the village area of Samanthurai West in the Divisional Revenue Officer's Division of Samanthurai Pattu.

Area C comprising the following:—

The administrative districts of Jaffna, Mannar and Trincomalee (exclusive of Gomarankadawala, Madawachchiya and Kantalai village areas).

The administrative district of Puttalam exclusive of Demala Hatpattuwa, Pitigal Korale South, Pitigal Korale North and Puttalam Pattu village area.

The administrative district of Vavuniya exclusive of Vavuniya South (Sinhalese Division).

The administrative district of Batticaloa exclusive of Bintenne Pattu, Wewagam Pattu and Panama village area.

The Udappu village area in the administrative district of Puttalam.

The village area of Manmunai South in the Batticaloa District, the village area of Palukamam Mandur and Navagiri Nagar in the Divisional Revenue Officer's Division of Eruvil Porativu and the village area of Samanturai East in the Divisional Revenue Officer's Division of Samanturai Pattu of Amparai administrative district.

PART II

(Section 8).

Municipal Councils

Every post specified hereunder if the maximum of the salary scale assigned to the post exceeds Rs. 1,500 per annum:—

Clerks.

Assistant Clerks.

Stenographers.

Assistant Stenographers.

Typists.

Urban Councils

Every post specified hereunder if the maximum of the salary scale assigned to that post exceeds Rs. 1,200 per annum:—

Clerks.

Assistant Clerks.

Stenographers.

Typists.

Typist-Clerks.

Town Councils

Every post specified hereunder if the maximum of the salary scale assigned to that post exceeds Rs. 900 per annum:—

Clerks.

Assistant Clerks.

Village Councils

Every post specified hereunder if the maximum of the salary scale assigned to that post exceeds Rs. 900 per annum:—

Clerks.

Assistant Clerks.

PART III (Sections 10, 11, 12 and 28).

1. Every post of a temporary or casual nature in any local authority.
2. Every post in a Municipal Council, if the maximum of the salary scale assigned to that post does not exceed Rs. 1,500 per annum.
3. Every post in an Urban Council if the maximum of the salary scale assigned to that post does not exceed Rs. 1,200 per annum.
4. Every post in a Town Council or a Village Council if the maximum of the salary scale assigned to that post does not exceed Rs. 900 per annum.