

ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ ගැසට් පත්‍රය
අති විශේෂ

The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1717/18 - 2011 අගෝස්තු 03 වැනි බදාදා - 2011.08.03

No. 1717/18 - WEDNESDAY, AUGUST 03, 2011

(Published by Authority)

PART IV (A) - PROVINCIAL COUNCILS

Provincial Councils Notifications

NORTH WESTERN PROVINCE PROVINCIAL COUNCIL

**Inquiry conducted under Section 185 of Pradeshiya Sabha Act, No. 15 of 1987 to be read with
Section 2 of Provincial Council (Incidental Provisions) Act, No. 12 of 1989**

IN terms of the powers vested in me under sub section 185 3(i) of Pradeshiya Sabha Act, No. 15 of 1987 to be read with section 2 of Provincial Council (Incidental Provisions) Act, No. 12 of 1989, I, Athula Wijesingha, Chief Minister of the North Western Province and Minister of Local Government to hereby appoint Retired High Court Judge, O. W. O. B. Weerasena esquire as a Single Person Tribunal of Inquiry to inquire into whether the offences mentioned in section 185 were committed by the Chairman S. M. Bandula Pushpakumara while holding his office as the Chairman of Pradeshiya Sabha Maho on the following grounds / allegations in terms of section 185 and a report may be submitted within a period of 03 months.

Facts and charges to be inquired into

CHARGES

- (i) During his tenure of office as Chairman of the Pradeshiya Sabha Maho from on or about 01st of April, 2011 up to now, has committed the offence/offences stated in section/sections 185 (1) (a) and / or 185 (1) (d) of Pradeshiya Sabha Act, No. 15 of 1987, by violating the directions of C.L.G / Circular No. 1, 2010 dated 27.07.2010 of the Commissioner of Local Government in the North Western Province, by taking measures to recover a sum of Rupees One Thousand Nine Hundred and Fifty Five (Rs. 1,955.00) by Receipt No. 79488 of Pradeshiya Sabha Maho from M. T. Jaleel of Atawarala, Maho on or about 03.05.2011 for the issue of street lines certificate in approving the building Application in respect of the buildings constructed within the area of authority of Pradeshiya Sabha Maho.
- (ii) During his tenure of office as Chairman of the Pradeshiya Sabha Maho from on or about 01st of April, 2011 to on or about 24.06.2011, has committed the offence/offences stated in section/sections 185 (1) (a) and / or 185 (1) (b) and / or 185 (1) (e) of Pradeshiya Sabha Act, No. 15 of 1987, by violating the section 174 of Pradeshiya Sabha Act, No. 15 of 1987 by taking measures to make payments a sum of Rupees Twenty Two Thousand Two Hundred and Forty Five (Rs. 22,245.00) by paying voucher No. 435 from the General fund of the Pradeshiya Sabha to K. M. Aruna Pushpakumara of Maho on or about 21.04.2011 for the supply of stationeries required for the Pradeshiya Sabha Maho without a formal resolution of Pradeshiya Sabha.

- (iii) During his tenure of office as Chairman of the Pradeshiya Sabha Maho from on or about 01st of April, 2011 to on or about 24.06.2011, has committed the offence/offences stated in section/sections 185 (1) (a) and / or 185 (1) (b) and / or 185 (1) (e) of Pradeshiya Sabha Act, No. 15 of 1987, by taking measures to pay a sum of Rupees Four Thousand and Six Hundred (Rs. 4,600.00) or any amount close to that amount as an allowance by payment voucher No. 564 from the General fund of the Pradeshiya Sabha to I. M. S. Herath, Montessori Matron who is employed on the basis of paying allowance in the Pre School, Ambanpola of Maho, on or about 10.05.2011 despite her absence from 01.03.2011 - 27.04.2011 for the service without observing the provisions stated in Local Authority Financial and Administration rules No. 103 enacted in 1988 under section 184 of Pradeshiya Sabha Act, No. 15 of 1987.
- (iv) During his tenure of office as Chairman of the Pradeshiya Sabha Maho from on or about 01st of April, 2011 up to now has committed the offence stated in section 185 (1) (a) of Pradeshiya Sabha Act, No. 15 of 1987, by violating the section 19 (1) (i) of Pradeshiya Sabha Act, No. 15 of 1987 by recruiting Mrs. I. M. S. K. Herath, Mrs. L. S. Renuka Damayanthi, Mrs. R. M. Malsha Harshani as Montessori Matrons and Mrs. Mala S. Tikiri Kumari as a computer operator on the basis of paying allowances by the Pradeshiya Sabha Maho and paying allowances to them.
- (v) During his tenure of office as Chairman of the Pradeshiya Sabha Maho from on or about 01st of April, 2011 up to now committed the offence/offences stated in section/sections 185 (1) (a) and / or 185 (1) (b) and / or 185 (1) (e) of Pradeshiya Sabha Act, No. 15 of 1987, by taking measures to pay a sum of Rupees of Twenty Thousand Eight Hundred and Twenty Seven (Rs. 20,827.80) to the institute of Hotel Shanthi for treating distinguish persons arrived to the Pradeshiya Sabha on or about 07th April of 2011, from the General Fund without a formal resolution of Pradeshiya Sabha and the approval of the Minister in charge of the subject in the North Western Province under section 132 of Pradeshiya Sabha Act, No. 15 of 1987 to be read with section 2 of Provincial Council Incidental Act, No. 1 of 1989.
- (vi) During his tenure of office as Chairman of the Pradeshiya Sabha Maho from on or about 01st of April, 2011 up to now, committed the offence/offences stated in section/sections 185 (1) (a) and / or 185 (1) (b) and / or 185 (1) (e) of Pradeshiya Sabha Act, No. 15 of 1987, by taking measures to pay sum of Rupees Thirty Eight Thousand (Rs. 38,000.00) from the General Fund without a formal resolution by the Pradeshiya Sabha to Sesath Electrical Company, No. 68, Maliban Street, Colombo 11 on or about 25th of April of 2011 for the supply of street lamp accessories in order to repair street lamps within the area of Pradeshiya Sabha Maho.
- (vii) During his tenure of office as Chairman of the Pradeshiya Sabha Maho from on or about 01st of April, 2011 up to now, committed the offence/offences stated in section/sections 185 (1) (a) and / or 185 (1) (b) and / or 185 (1) (e) of Pradeshiya Sabha Act, No. 15 of 1987, by violating the recommendations of the Tender Board by taking measures to pay sum of Rupees Forty Six Thousand One Hundred and Four Six and Twenty Five Cents (Rs. 46,146.25) from the General Fund without a formal resolution by the Pradeshiya Sabha to Sesath Electrical Company, No. 68, Maliban Street, Colombo 11, on or about 01.03.2011 for the supply of street lamps equipment in order to repair street lamps within the area of Pradeshiya Sabha Maho.
- (viii) During his tenure of office as Chairman of the Pradeshiya Sabha Maho from on or about 01st of April, 2011 up to now, committed the offence/offences stated in section/sections 185 (1) (a) and / or 185 (1) (b) and / or 185 (1) (e) of Pradeshiya Sabha Act, No. 15 of 1987, by taking measures to pay a sum of Rupees Seventy Six Thousand Four Hundred and Seventy Five (Rs. 76,475.00) to Mr. R. M. L. K. Rajapaksha on or about 26.04.2011 without a formal resolution of the Pradeshiya Sabha for the preparation of plans and estimates for the Public Library and Solid Waste Management Project, Balalla of the Pradeshiya Sabha Maho.

Further this retired high court Judge Oliver Weerasena esquire is entitled to the powers of a commissioner appointed under commission of inquiry Act in terms of the provisions more fully described in section 185 of Pradeshiya Sabha Act, No. 15 of 1987 to be read with section 2 of Provincial Council (incidental Provisions) Act, No. 1987 and you are further informed to conduct this inquiry and submit a report including the findings of the inquiry within a period of 3 months from the date of this appointment.

I further inform you that the written and oral evidence which are identified as suitable to be used in making inquiries into the above facts are given in the following schedule.

ATHULA SARATH KUMARA WIJESINGHE,
Chief Minister and Provincial Minister in charge of the subjects of
Finance and Planning, Law and Order, Local Government and
Provincial Administration, Man Power, Education and Cultural Affairs,
Land, Transport, Environment, Tourism, Coordination of Investments
Cooperative Development and Supply and Distribution of Food.
(North Western Province)

At Chief Minister's Office,
Kurunegala,
2nd August, 2011.

SCHEDULE

(a) Oral Evidence

- (i) Mr. M. M. R. Rohana Medagedara, Hon. Vice Chairman, Pradeshiya Sabha Maho.
- (ii) Mr. K. M. Muthubanda, Member of Pradeshiya Sabha, Pradeshiya Sabha Maho.
- (iii) Mr. H. Piyasena, Member of Pradeshiya Sabha, Pradeshiya Sabha Maho.
- (iv) Mr. H. M. Wijitha Amunugama, Member of Pradeshiya Sabha, Pradeshiya Sabha Maho.
- (v) Mr. Jayasena Rathnayaka, Former Member of Pradeshiya Sabha, Pradeshiya Sabha Maho.
- (vi) Mr. R. Nimal Wickramasinghe, Member of Pradeshiya Sabha, Pradeshiya Sabha Maho.
- (vii) Mr. H. M. Abeyrathna, Member of Pradeshiya Sabha, Pradeshiya Sabha Maho.
- (viii) Administrative Officer, Mr. W. Thanthirigama, Department of Ayurveda.
- (ix) Acting Secretary, Mrs. Wijethunga Menike, Pradeshiya Sabha Maho.
- (x) Program Assistant (Investigation Officer) Mr. H. M. S. P. K. Herath, Department of Local Government.
(North Western Province)
- (xi) Program Assistant (Investigation Officer) Mr. D. P. D. N. K. Gunasekara, Department of Local Government.
(North Western Province)
- (xii) Program Assistant (Investigation Officer) Mr. P. A. Ushantha Ranasinghe, Department of Local Government.
(North Western Province)
- (xiii) Program Assistant (Investigation Officer) Mr. P. P. I. R. Fernando, Department of Local Government.
(North Western Province)
- (xiv) Technical Officer, Mr. G. A. N. Perera, Pradeshiya Sabha, Kurunegala.
- (xv) Technical Officer, Mr. E. M. Gunathilaka Banda, Pradeshiya Sabha Maho.
- (xvi) Management Assistant, Mrs. A. H. M. H. K. Abeyrathna, Pradeshiya Sabha Maho.
- (xvii) Mr. H. M. Dissanayaka, Superintendent of Construction work Department of Local Government.
- (xviii) Local Government Officer (Finance Management) Mrs. N. R. W. A. P. Wanninayaka, Pradeshiya Sabha Maho.
- (xix) Program Assistant (Stores Kepper) Mr. T. M. I. T. Kumarasinghe, Pradeshiya Sabha Maho.

SCHEDULE (contd.)

- (xx) Revenue Officer, Mr. J. M. S. Wijebandara, Pradeshiya Sabha Maho.
- (xxi) Montessori Matron, Mrs. I. H. M. Tikirimenike, Ambanpola Preschool, Pradeshiya Sabha Maho.
- (xxii) M. H. B. Chandrakumara Bandara, Imbulgodayagama, Balalla.
- (xxiii) H. M. K. Samanlatha, Local Government Officer (Finance Management)
- (xxiv) Mr. R. H. K. Rupasingha, Management Assistant, Department of Local Government.
- (xxv) Mrs. M. M. Dulashini Kokila, Local Government Officer, Department of Local Government.
- (xxvi) Mrs. I. M. Swarnathilaka, Management Assistant, Pradeshiya Sabha Maho.
- (xxvii) Mrs. M. U. Damayanthi, Management Assistant, Pradeshiya Sabha Maho.
- (xxviii) Mrs. A. M. Senevirathna, No. 166, Konwewa, Ipalagama, Maho.
- (xxix) Miss. D. M. Anupama Dissanayake, Management Assistant, Pradeshiya Sabha Maho.
- (xxx) Mr. R. I. B. Rathnamalala, Management Assistant, Pradeshiya Sabha Maho.
- (xxxi) Mr. W. M. M. B. Weerasekara, Commissioner of Local Government, Department of Local Government (NWP)
- (xxxii) M. T. Jaleel, Atawarala, Maho.

(b) Written Evidence

- (i) Street Lines application submitted by M. T. Jaleel, Ulwalapola, Maho.
- (ii) Voucher No. 435 prepared on 06.01.2011 and paid on 21.04.2011 in respect of stationeries required for the Pradeshiya Sabha and the file relating to the stationeries obtained by paying petty cash on 05.01.2011.
- (iii) Attendance Registrar of the sub Office of the Ambanpola of the Pradeshiya Sabha Maho.
- (iv) Payment voucher No. 564 (format P.S. 38) dated 23.05.2011 paid for the Montessori Matron on 23.05.2011.
- (v) General Council Reports held on 18.01.2010 and 23.04.2010.
- (vi) Circular of C.L.G./Circular No. 1, 2010 dated 27.07.2010.
- (vii) Duplicate of the receipt No. 79488 dated 03.05.2011 to the value of Rs. 1,955.00 of Pradeshiya Sabha Maho.
- (viii) Report of payment exceeding Rs. 5,000.00 submitted at the General Council of 30.05.2011 (from 30.04.2011 - 23.05.2011)
- (ix) The payment voucher No. 346 by which a sum of Twenty Thousand Eight Hundred was paid to the Hotel Shanthi of 07th April 2011 and the file related to it.
- (x) Payment voucher No. 459 paid for the Sesath Electrical Company on 25.04.2011.
- (xi) The file relating to the purchase of required electric equipments to the Pradeshiya Sabha Maho and the Report of the Tender Board on 01.03.2011.
- (xii) Payment voucher No. 623 paid to the Sesath Electrical Company on 01.06.2011 and the Report of Tender Board on 01.03.2011 and quotations obtained for the purchased of electric equipments.
- (xiii) Payment voucher No. 454 paid to R. M. L. K. Rajapaksha on 26.04.2011 and the file relating to it.
- (xiv) Letter of decision dated 27.01.2011 of the Authorized Officer of the Pradeshiya Sabha Maho.