



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

**ADMINISTRATIVE APPEALS TRIBUNAL
ACT, No. 4 OF 2002**

[Certified on 25th March, 2002]

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*Administrative Appeals Tribunal
Act, No. 4 of 2002*

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L.D. — O. 4/2002.

AN ACT TO PROVIDE FOR THE CONSTITUTION OF AN ADMINISTRATIVE APPEALS TRIBUNAL; TO SPECIFY THE POWERS OF SUCH TRIBUNAL AND THE PROCEDURE TO BE ADHERED TO BY SUCH TRIBUNAL IN RESPECT OF APPEALS AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO

BE it therefore enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :—

1. This Act may be cited as the Administrative Appeals Tribunal Act, No. 4 of 2002.

Short title.

2. (1) The Administrative Appeals Tribunal established under paragraph (1) of Article 59 of the Constitution, (hereinafter referred to as the “Tribunal”) shall consist of three members appointed by the Judicial Service Commission, from among persons who have had over twenty years of experience as a public officer or ten years of experience in the legal profession, one of whom shall be appointed it’s Chairman.

Constitution of the Administrative Appeals Tribunal.

(2) The terms of office of the members of the Tribunal, including it’s Chairman, shall be three years.

3. The Tribunal shall have the power to hear and determine any appeal preferred to it from any order or decision made by—

Powers of the Tribunal.

(a) the Public Service Commission in the exercise of its powers under Chapter IX of the Constitution;

(b) the National Police Commission in the exercise of its powers under Chapter XVIII A of the Constitution.

4. (1) Any public officer or police officer as the case may be, aggrieved by an order or decision made by the Public Service Commission or the National Police Commission, as

Procedure for preferring an appeal.

the case may be, may prefer an appeal in writing to the Tribunal within four weeks from the date of receipt of such order or decision.

(2) An appeal preferred to the Tribunal under subsection (1), shall set out concisely and precisely the grounds on which the aggrieved public officer or police officer, as the case may be, seeks to have the order or decision against which such appeal is being preferred altered, varied or rescinded and shall be signed by such officer.

Public Service
Commission and
the National
Police
Commission to be
notified.

5. (1) Upon receipt of an appeal under section 4, the Tribunal shall notify the Public Service Commission or the National Police Commission, as the case may be, of such fact, and shall forthwith forward a copy of such appeal to the appropriate Commission.

(2) The Public Service Commission or the National Police Commission, as the case may be, shall thereupon have the power to place before the Tribunal for its consideration objections, if any to or against such appeal.

Tribunal to satisfy
itself of *prima
facie* grievance.

6. The Tribunal may, upon a consideration of the grounds set out in an appeal preferred to it and on being satisfied that, there exists a *prima facie* grievance—

- (a) entertain such appeal ;
- (b) call for a report from the Public Service Commission or the National Police Commission, as the case may be ;
- (c) require the Public Service Commission or the National Police Commission, as the case may be, to produce any document or other material, which in the opinion of the Tribunal relates to the grounds set out in the appeal ;
- (d) notify any other public officer or police officer, as the case may be, of the same category whom the Tribunal considers likely to have been affected by the order or decision of the Public Service Commission, or the

National Police Commission, and require such officer to produce before the Tribunal any material such officer may wish to place before the Tribunal in connection with such appeal, within a period of two weeks from the date of receipt by him, of such notice.

7. The Tribunal shall hear and finally dispose of any appeal preferred to it under this Act, within a period of two months from the date of receipt of such appeal.

Disposal of appeals..

8. (1) The decision of the Tribunal shall be under the hand of the Chairman and shall be communicated in writing to the Public Service Commission or to the National Police Commission, as the case may be, to the public officer or the police officer who preferred the appeal and to any other public officer or police officer who was notified by the Tribunal under paragraph (d) of section 6. The decision of the Tribunal shall, be the decision of the majority.

Decision of the Tribunal.

(2) A decision made by the Tribunal shall be final and conclusive and shall not be called in question in any suit or proceedings in a court of law.

9. (1) The Chairman of the Tribunal may, in consultation with the Judicial Service Commission, appoint such officers and servants as may be necessary for the exercise of the powers of the Tribunal.

Officers and servants of the Tribunal.

(2) The removal and exercise of disciplinary control over the officers and servants appointed under subsection (1), shall be vested with the Judicial Service Commission.

10. No suit or prosecution shall lie against any member, officer or servant of the Tribunal for any lawful act done or omitted to be done in good faith under this Act or which is done on the directions of the Tribunal.

No suit or prosecution to lie against the Tribunal.

11. In the event of any inconsistency between the Sinhala and the Tamil texts of this Act, the the Sinhala text shall prevail.

Sinhala text to prevail in case of inconsistency.

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