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# The Gazette of the Democratic Socialist Republic of Sri Lanka

## EXTRAORDINARY

අංක 2364/32 - 2023 දෙසැම්බර් මස 29 වැනි සිකුරාදා - 2023.12.29  
No. 2364/32 - FRIDAY, DECEMBER 29, 2023

(Published by Authority)

## PART IV (A) — PROVINCIAL COUNCILS

### Provincial Councils Notifications

#### WESTERN PROVINCE PROVINCIAL COUNCIL

#### Proclamations made by the Hon. Governor

I, Roshan Goonethilleke, the Governor of Western Province, by virtue of powers vested in me under Section 32 of Provincial Councils Act, No. 42 of 1987 do hereby notify that the Western Provincial Council Public Service Procedural Rules formulated to allocate provisions relating to appointments, promotions and transfers of the Western Provincial Council Public Service and matters consequential thereto, and described in the following Schedule shall come into effect from 01st of January, 2024.

It is hereby further notified that the Western Provincial Council Public Service Procedural Rules formulated in terms of Section 32 of Provincial Councils Act, No. 42 of 1987 and published in *Gazette* No. 2055/13 of the Democratic Socialist Republic of Sri Lanka on 24th January 2018 will be repealed from the date these rules come into effect.

It is further notified that these Procedural Rules shall be implemented without prejudice to any measures taken by the Western Provincial Public Service Commission or by its delegated authorities under the Western Provincial Council Public Service Procedural Rules formulated in terms of Section 32 of Provincial Councils Act, No. 42 of 1987 and published in *Gazette* No. 2055/13 of the Democratic Socialist Republic of Sri Lanka on 24th January 2018 or, any measure taken



under a circular provision issued to amend any provision or Chapter of the Establishments Code of the Democratic Socialist Republic of Sri Lanka by the date these rules come into effect.

ROSHAN GOONETILLEKE,  
RWP and BAR VSV USP Phd (Hons), FIM  
(Sri Lanka) ndc psc,  
Marshal of the Sri Lanka Air Force,  
Governor,  
Western Province.

At Governors' Office - Western Province,  
Provincial Council Office Complex,  
Battaramulla,  
21st December, 2023.

## SCHEDULE

### Rules

01. These rules shall be enforced to allocate provisions relating to appointments, transfers in the Western Provincial Council Public Service and matters consequential thereto and to allocate provisions to repeal the Procedural Rules of Western Provincial Council Public Service included in the *Extraordinary Gazette* Paper No. 2055/13 dated 24.01.2018 of the Democratic Socialist Republic of Sri Lanka.
02. These rules shall be cited as Procedural Rules of the Western Provincial Council Public Service
03. A position in the Western Provincial Council Public Service approved as such shall consist of officers appointed by the relevant appointing authority on permanent, casual, temporary, substitute and contract basis and officers in the All-Island Service released from the public Service for a position approved thus, and officers of the Provincial Department of Revenue, which are Closed Services of the Western Provincial Public Service.
04. Where any difficulty encountered while implementing these Procedural Rules, the right to interpretation and the right to draw other conclusions in that regard shall be vested in the Governor.
05. The Western Provincial Council Public Service Commission shall be responsible to the Governor that the powers entrusted to it by the Governor under Section 32 of the Provincial Councils Act No. 42 of 1987 will be executed properly.
06. In an occasion where the Provincial Public Commission under Section 32 of Provincial Councils Act No. 42 of 1987 amended by the Provincial Councils (Amended) Act No. 28 of 1990 delegates power, the authority exercising such delegated power shall be responsible to the Western Provincial Public Service Commission and the Governor with regard to proper exercising of such delegated powers.
07. Provincial Public Service Commission has the power to alter, decrease or annul any decision taken by the authority delegating power under the powers assigned by the Provincial Public Service Commission, or, terms or a decision taken under these Procedural Rules.
08. The Governor has the power to alter, decrease or annul terms or decisions made by the Provincial Public Service Commission in relation to exercise of these Procedural Rules.
09. Powers entrusted to the Provincial Public Service Commission shall be exercised by the Provincial Public Service itself and those powers should not be treated as if they have been delegated separately to the members of the Provincial Public Service Commission.
10. Whatever decisions taken by the Provincial Public Service Commission delegated with powers by the Governor or the authority authorized by the said Commission shall be in accordance with the existing law, sub-laws relevant to it and procedural rules and should be impartial, fair, with *bona fide* intent and transparent.
11. Sub-committees may be appointed by the Provincial Public Service Commission to perform tasks easily, and where such sub-committees have been appointed, decisions taken under such sub-committees shall be considered as decisions taken by the Provincial Public Service Commission itself and subjected to due responsibility.
12. Decisions taken by whatever authority delegated with powers shall be taken within the limits of such delegated powers and subject field relevant to such delegated powers, whereas, decisions or actions taken exceeding such shall be treated as invalid actions or decisions.
13. Powers designated by the Provincial Public Service Commission shall be implemented by the authority itself with which such powers were delegated and shall no way be delegated to other person.

14. Any damage or loss caused by an invalid decision taken by the authority with which such powers have been delegated, the same delegated authority shall be severally and jointly liable for such damage or loss.
15. In the event that the authority delegating power has exercised powers contrary to these Procedural Rules or has acted under any influence or taken decisions, the said action should be treated as an offence taken under Schedule I of the Disciplinary Procedures of the Western Provincial Public Service or Chapter XLVIII in Schedule I of the Establishments Code of the Public Service.
16. The Provincial Public Service Commission shall prescribe the forms and related instructions to be introduced in the effective implementation of these procedural rules.
17. Every delegated officer should act with due zeal and enthusiasm to exercise the powers assigned to him under the Provincial Public Service.
18. The Provincial Public Service Commission should act to provide the related instructions promptly and speedily in any case any advice is sought in the implementation of the powers assigned to it.
19. When implementing powers entrusted to him, if any authority delegated with power experiences a delay in implementation of such powers due to a matter external to his control or converts to a situation where such powers become unimplementable, the relevant delegated authority shall take action to report to the Provincial Public Service Commission in that regard.
20. A delegated authority enjoys the right to inquire instructions from the Provincial Public Service Commission with regard to problems that arise in the implementation of delegated powers,
21. Provincial Public Service Commission, when functioning under the powers delegated by the Governor may inquire instructions from the Governor with regard to a problem that arise in the implementation of delegated powers.

## CHAPTER I

### Appointments

22. Subjected to policy decisions taken by the Governor from time to time and powers assigned by the Governor as per provisions stated in Section 32 of the Provincial Councils Act No. 42 of 1987, Western Provincial Public Service Commission (hereinafter sometimes referred to as the Provincial Public Service Commission) has the power to make the following mentioned appointments for the posts in the Public Service of Western Province.
  - I. Appointment to any post in the nature of permanent, casual, substitute, contract, attend to the duties or acting in the post
  - II. Changing the service status of an officer holding a position in the Western Provincial Public Service
  - III. Appointment of an officer holding a position in the Western Provincial Public Service to some other position
  - IV. Promotion of a certain service status of an officer in the Western Provincial Public Service
23. The appointments described in the above section can be made by a delegated officer in accordance with the powers delegated by the Western Provincial Council Public Service Commission in terms of Section 32 of the Provincial Councils Act No. 42 of 1987 as amended by Provincial Councils Amendment Act No. 28 of 1990.
24. The above provisions shall not prejudice any decision taken by the Appellate Officer in relation to the vacation of post or reinstatement of the concerned officer after consideration of an appeal in relation to a disciplinary order in respect of an officer of the Western Provincial Public Service.

25. Regardless of what is mentioned under the above section, an appointment made to cover the duties of any position as an internal program to keep the administrative affairs of any institution up-to-date can be made by the Head of the concerned institution or the Head of the Department.

### Basic Matters Relating to Appointments

26. When appointing an officer retired from service to a post in Western Provincial Public Service on contract basis, the appointing authority should function only on the approval of the Governor.
27. An appointment on casual basis shall be made only if sufficient financial provision for the work in question is allocated in the annual estimates or in the sanctioned estimate for the work in question. With the completion of the relevant work, the employment of that person ends. A casual employee shall not be entitled to permanent or any other post on the basis of casual appointment. However, only those who meet the qualifications specified in the recruitment procedure for the post should be considered for casual appointment.
28. In the case of non-attendance of the regular post holder of any post, if a substitute appointment has to be made to cover the work of that post as an emergency, only a person qualified as per the approved recruitment procedure shall be considered for that post and the appointment of those substitutes should be done only on the basis of payment of daily wages. The appointment of substitutes shall cease when the holder of the permanent regular post returns and reports for duty.
29. Any appointment made on permanent or contract or temporary or acting in post or attend to the duties or cover work basis should be made only for a given position which is included in the approved staff of the relevant institution and which comprises a properly adopted service minute or recruitment procedure and have been provided with financial provisions under the budget document.
30. Except in an appointment made to acting in a post or to attend to the duties or cover work, when filling every vacancy, they shall be published by advertisements according to properly approved service minute or recruitment procedure.
31. The Appointing Authority shall satisfy itself that the following conditions are fulfilled before making the appointment.
- I. That the post concerned is within the cadre approved by the appropriate authority;
  - II. That money has been allocated for that purpose;
  - III. That there is indeed a vacancy in the cadre;
  - IV. that the appointment is in fact in accordance with the properly approved service constitution or recruitment procedure;
  - V. That he has been authorized for the purpose of appointment;
32. A post shall not be deemed to be vacant when the holder of that post is on leave with or without pay or temporarily released for other duties or under suspension or on pre-retirement leave. However, if the appointing authority deems it suitable according to the needs of the service, he can appoint any person to perform the duties of that post or to act in the post.
33. Except on a substitute or casual basis, every appointment in the Western Provincial Council Public Service should be made only in accordance with the approved service minute or recruitment procedure.
34. The effective date of an appointment is the date specified in the relevant letter of appointment or the date on which the officer formally assumes office, whichever is later. However, if an officer is prevented from taking up his new post after his appointment because he is temporarily released for some other duty or is abroad on duty or due to a matter beyond his control, the appointing authority shall determine the effective date of the appointment.

However, in cases where applications are invited from internal applicants under limited and merit streams, the effective date of appointment shall be decided by the appointing authority subject to the provisions mentioned under Procedural Rules 37 and 38.

35. No person shall be appointed to a post in the Western Provincial Public Service on a non-salary basis or on a voluntary basis unless provided for by any written law.

### **Antedating the Appointment**

36. No appointing authority shall antedate an appointment except with the approval of the Provincial Public Service Commission.
37. A request for antedating of any appointment should be submitted to the Provincial Council Public Service Commission with the recommendations of the Chief Secretary and it should be satisfied that the following conditions are fulfilled in respect of such a request.
- I. From which date is it proposed to antedate an appointment, from that date onwards, there shall be a regular vacancy in the relevant position.
  - II. From which date is it proposed to antedate an appointment, the appointed officer should have obtained the full qualifications required for the said appointment as per the recruitment procedure or service minute in force on that day.
  - III. The appointment proposed to be antedated must have been made in accordance with the approved service minute or recruitment procedure.
38. In any occasion below mentioned, an appointment will not allowed to be antedated on whatever reason.
- I. If, by reason of such promotion, the officer concerned has a higher seniority for that post or grade than an officer appointed before him or with him, or if there is any difference in the seniority decided on selection for that post.
  - II. If the appointment is made wholly or partly on the basis of the result of a competitive examination or on the basis of the result of an interview for which marks are given and the antedating has been proposed to a date prior to the date on which the said examination or interview was held;
  - III. If the antedating has been proposed to a date prior to the date on which qualifications were checked as per the notice calling for applications for appointment;
  - IV. If recruitment has been done by inviting applications from external applicants under the open stream;

## **CHAPTER II**

### **Service Minutes and Recruitment Procedures**

#### **Approving**

39. Every approved position in the Provincial Public Service must have a service minute or recruitment procedure. Qualifications for recruitment, recruitment process, salary scales, service conditions, promotion procedures, professional ethics and all other relevant details should be included in the service minute or recruitment procedure.
40. Draft of the recruitment procedure should be prepared as per the standard format. Drafts of the recruitment procedures and service minutes should be referred to the Chief Secretary by the Secretary of the relevant provincial ministry and

together with the Chief Secretary's recommendation; it should be referred to the Provincial Public Service Commission. At the time of such reference of the draft, a schedule containing the proposed amendments should be attached to it. The Provincial Public Service Commission shall consider the draft that includes Chief Secretary's recommendation and refer it to the Governor along with Commission's recommendations. The relevant minute or recruitment procedure shall come into effect from the date it receives the assent of the Governor.

41. Whenever the service minute or the recruitment procedure needs to be amended, the reasons for such amendment, matters to be amended, paragraphs and lines relevant to such amendments should be included into the relevant service minute or recruitment procedure and in the amended service minute or amended recruitment procedure amended parts should be highlighted by underlining them.
42. The Governor has the power to approve or amend or re-direct or reject or revoke a recruitment procedure or service minute or proposed amendments thereto recommended by the Provincial Public Service Commission. Also, the Governor has the power to instruct the Provincial Council Public Service Commission to prepare a service minute or recruitment procedure for any service or position in the Provincial Council Public Service or to amend an approved service minute or recruitment procedure as directed by the Governor either by having consulted the relevant authorities or on its own initiative according to the existing national standards.
43. When a new recruitment procedure or service minute is enforced by repealing or amending an approved recruitment procedure or service minute, the relevant procedure or service minute should be enforced by having included the suitable provisions to the new procedure in order to protect the legal expectations under that procedure for the officers recruited under the existing procedure.

### CHAPTER III

#### **Persons not suitable to be recruited to the Provincial Public Service of Western Province**

44. The following persons are not eligible to be recruited to the Western Provincial Public Service.
  - I. A person who is not a Sri Lankan citizen or a person deprived of citizenship rights.
  - II. Any of the following persons who have been employed in Public Service or Provincial Public Service or in the service of a public corporation or statutory body
    - (a) A person who has been compulsorily sent on retirement on grounds of general incapacity;
    - (b) A person who has been sent on retirement as a compassionate alternative to dismissal;
    - (c) A person who has been sent on retirement or dismissed for disciplinary reasons;
    - (d) A person who vacated the position;
  - III. A person who has been convicted by a court of law of a criminal offense committed against the Democratic Socialist Republic of Sri Lanka;
  - IV. A person who has been convicted by a court of any criminal act or has been convicted by a Summary Procedure under section 449 of the Code of Criminal Procedure;
  - V. A person who is declared a bankrupt

## CHAPTER IV

### Terms and conditions affecting appointments

45. All the officers of Provincial Public Service shall hold their positions as a trust held on behalf of the public. Every person who is appointed to a position in the Western Provincial Public Service must fulfill the duties and responsibilities related to that position without failure for the betterment of the republic and its people.
46. It is the duty of every public official to act as shown below.
  - I. To uphold and follow the Constitution and all written laws;
  - II. Promote national prosperity and foster national unity;
  - III. To work conscientiously in one's chosen occupation;
  - IV. Safeguarding and protecting public property, acting against misuse and waste of public property;
  - V. Respect the rights and freedom of speech of others and;
  - VI. Conservation of nature and natural resources.
47. Every Officer in Provincial Public Service shall comply with the Constitution of the Democratic Socialist Republic of Sri Lanka, the law, the statutes related to the Western Province, the policy decisions taken by the Government and the Governor, the procedural rules related to the Western Provincial Public Service, the financial rules and other orders and Regulations. Further, they should act in compliance and with sufficient knowledge relating to service minutes, recruitment procedures, Establishments Code of the Government, circular instructions and amendments made to them from time to time.
48. Every person appointed to a permanent and pensionable position shall contribute to the Widows' and Orphans' Pension Scheme or the Widowers' and Orphans' Pension scheme or any other pension scheme introduced by the Government as applicable. The amount of contribution payable thereto shall be as prescribed by the Government from time to time.
49. A person appointed to a casual, temporary or contract basis position devoid of permanent and pensionable status shall contribute to the Public Service Provident Fund. The amount of contribution payable thereto shall be as prescribed by the Government from time to time.
50. In cases where the Government Officers' Bail Ordinance is required, a bond shall be placed by an officer of the Western Provincial Public Service in the manner and in the amount determined by the Head of the Department.
51. An officer in the Western Provincial Public Service is bound to serve in any area of the Western Province.
52. Every officer appointed to a position on a permanent basis or on a contract basis must be certified by a medical examination to be physically and mentally fit to work in any part of Sri Lanka. The medical examination shall be conducted by the Secretary of the Ministry of Health or by the Director General of Health Services or at a Government hospital in accordance with the procedure determined as follows.
  - I. When a person who does not hold a permanent position in the Western Provincial Public Service has been selected for permanent appointment or appointment with a probationary period with the intention of being appointed to permanent service, the Head of the institution where the vacancy has arisen should order the candidate who has been so selected to complete the Health Form 169 and submit it to the Government Medical Officer in charge of the nearest hospital and undergo a medical examination. There should be no charge for this test.
  - II. The Medical Officer should conduct an examination and fill in the health form No. 169 and submit it to the Director of Regional Health Services of his division through the Head of his institution. The Director of Regional Health Services shall complete the report and submit it to the Head of Department if it is



found that the applicant is in a suitable physical condition to be appointed, and to the Director General of Health Services if it is found that the applicant is in an unsuitable physical condition to be appointed. If it is submitted to the Director General of Health Services, the Director General of Health Services shall inform the Head of the Department whether the candidate is fit to be appointed or whether further medical examination should be conducted on him.

III. The head of the department should ensure that no salary is paid to any newly appointed officer until the medical report written in the Health Form No. 169A is received. However, if the delay is not due to the fault of the officer concerned, the Head of the institution can pay the salary according to his discretion.

IV. If it is confirmed according to the medical report that the person is not physically or mentally fit to be appointed, the appointment given to him should be cancelled. But he should be entitled to wages for the period he has worked.

53. Every person who is appointed to a position in the Western Provincial Public Service must take the affirmation or oaths shown in the Fourth, Fifth and Seventh Schedules of the Constitution.
54. Every official of the Western Provincial Public Service must acquire proficiency in Sinhala, Tamil and English, as applicable, as prescribed in accordance with the Government's Language policies.
55. If an officer who is drawing a monthly salary in the Western Provincial Public Service intends to resign from his post, he should inform his appointing authority in writing one calendar month prior to such date of resignation about such decision unless otherwise mentioned in his appointment letter. He may resign from his post after paying to the government an amount equal to one months' salary, only if the appointing authority agrees. However, a resignation of an officer in the Provincial Public Service will be effective only from that date on which the appointing authority has decided and notified a certain date as the date of acceptance of said resignation.
56. When the appointing authority intends to terminate the appointment of an official who receives a monthly salary but not been affirmed in the Western Provincial Public Service, the appointing authority must grant a one-month postponement to that official according to the conditions mentioned in the letter of appointment.
57. The appointing authority may terminate the service of persons appointed on substitute or casual basis without prior notice.
58. Whenever it was revealed that any person who has been appointed to any post in the Western Provincial Public Service has been appointed on the basis of false information or false documents furnished by that person to the appointing authority or any other relevant authority; at any time after the person has assumed duties and before getting confirmed in the service in the relevant post, having formally notified the said officer regarding the relevant charge, he should be given an opportunity to present his facts about it. In the event that the explanation of the relevant facts is not acceptable, the appointment should be immediately cancelled and considered as null and void. And even then, action should be taken to recover all the money paid to him by the government or the provincial council as salaries and allowances.
59. A person who has been appointed to a position in the service of the Western Provincial Public Service should be referred to the appointing authority for a decision on the appointment as soon as it is discovered that he does not have the basic qualifications for the position.

## CHAPTER V

### Procedure to be followed at Recruitments

60. The appointing authority should fill the vacancies in the approved carder as per the approved service minute and recruitment procedure without undue delay.

61. The appointing authority shall take measures to conduct examinations, trade tests, interviews or all of them as prescribed in the recruitment procedure or service minute as appropriate.

### Conducting Examinations and Tests

62. I. Recruitment examinations including other examinations related to Provincial Public Service shall be conducted by the Provincial Public Service Commission or relevant appointing authority and the Rules Pertaining to Examination Affairs declared by the Governor in that regard shall apply therein.
- II. Where provisions have been allocated by the service minute or recruitment procedure that a competitive examination should be held, the applicants should directly send their applications to the authority that holds the examination. It shall be the responsibility of the appointing authority to prepare and publish the advertisement for application calling accordingly.
- III. An advertisement published regarding the above recruitment should also include the following points.
- i. The date on which the number of officers expected to be recruited or the vacancies will be counted.
  - ii. Date by which applicants should have completed the qualifications
- IV. In the event that the date of application is extended due to any reason, the date mentioned in the initial notification regarding the date applicants should have completed qualifications, should not be changed.
63. In addition to a written competitive examination for recruitment, if the service minute or the recruitment procedure provides that it should include a trade test or a practical test or a physical fitness test or any other test, then the written competitive examination should be conducted first.
64. Where the service minute or recruitment procedure provides for recruitment with a scored interview and/or other scored test, the authority who conducted the examination should arrange the name list of candidates in alphabetical order of merit obtained in the examination without marks, to be sent to the appointing authority for interview-related matters.
65. The interview panels shall be appointed by the appointing authority in accordance with the approved service minute or recruitment procedure, as the case may be.
66. Unless otherwise specified in the approved service minute or recruitment procedures, as appropriate, an interviewing panel shall consist of not more than five members and at least three members, including its chairman, who is an official of the government or Provincial Public Service subject to the following conditions.
- I. Among the members of the interview panel, at least one of the subordinate members should be from the ministry or department in which the vacancy exists.
  - II. Whenever possible, the interview panel should be appointed to consist of both male and female representation.
  - III. In order to facilitate the use of the three languages, the interview panel may be provided with the services of an official interpreter.
67. Unless otherwise prescribed in the approved service constitution or recruitment procedure or notice inviting applications for recruitment or otherwise, as may be appropriate; the number of applicants to be called for interview shall be decided by the appointing authority according to the number of vacancies concerned and the order of merit of the total marks obtained by them in the written examination and/or in the trade test or in any other such test in which the marks referred to in section 63 are awarded to all of them.

68. In case selection is made by means of an interview along with awarding of marks without written examination or an interview and another test giving marks referred to in section 64, the interview shall be a structured interview or an interview to assess merit, and in the advertisement calling applications for the posts shall mention about all those tests. Also, the manner of giving marks for those tests should be included in the said notification.
69. The following information and documents should be supplied to the interview board.
- (a) Approved service minute or recruitment procedure as appropriate;
  - (b) Advertisements inviting applications;
  - (c) A summary of the number of applicants and qualifications;
  - (d) Interview schedule
70. Each applicant must be interviewed by a full interview panel. No person other than an Interpreter Officer who is not a member of the interview panel should attend the interview. A pencil should not be used for marking during the interview and a carbon pen or an indelible ink pen should be used.
71. The interview panel shall ensure that the copies of all the documents submitted by the applicants at the interview are duly certified by them and handed over to the interview panel. Then the said documents should be submitted to the concerned appointing authority or administrative authority along with the supporting documents of the interview panel.
72. In the event of awarding marks for the performance shown in the interview, a merit list shall be prepared by the Board of Interview immediately after the interview is over, according to the order of marks obtained by the applicants and it shall be attached to the schedule of interview notes and every member of the Board of Interview shall sign each page of those documents.
73. In the event that an interview has to be held to allocate marks, as the case may be, after a written examination and/or a trade test, 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.
74. After duly verifying the accuracy of the registers prepared by the board of interview based on the merit obtained in the interview for which marks are given and the register prepared according to the merit obtained in the other test for which marks are given, it should be sent to the authority who conducted the examination.
75. In the event of not conducting a written examination, the appointing authority shall take actions to prepare a list of final merits after calculating the marks obtained in the interview and the marks obtained in the other test.
76. In the event that the Provincial Public Service Commission is the appointing authority, the secretary of the Provincial Public Services shall submit a register of the applicants prepared in order of merits obtained, examination results, schedules of the interview and the recommendations of the Board of Interview along with their recommendation on the number of posts to be made to the commission.
77. The results of a written examination and/or any other test, for which marks are allocated, shall not be publicized for whatever reason until the consent of the appointing authority is given. After the selection process is over, the list of the appointees shall be publicized by the appointing authority.

78. In the event that a structured interview or a test to evaluate the eligibility is not included, as the case may be, in the service minutes or the scheme of recruitment approved, the interviews should be held only for the purpose of verifying the certificates of the applicants and confirming their qualifications.
79. In the event that a structured interview or a test to evaluate the eligibility is included, as the case may be, in the approved service minutes or the scheme of recruitment, no marks shall be allocated for anything submitted to the Board of Interview at any time other than the time of the interview.
80. The appointing authority shall take actions to draw the attention of the members of the Boards of Interview on these rules before holding an interview or a trade test.

#### **Selection for Appointment and Appointment Letter**

81. If the recruitment is made only on the results of a written examination or an interview for which marks are allocated, or other test for which marks are allocated, the appointment shall be made strictly in order of the merit of the aggregation of the marks obtained in such written examination and interview for which marks are allocated, or other tests for which marks are allocated.
82. After all the documents to be submitted have been submitted correctly, the Appointing Authority shall deem sufficient that the relevant examination or interview or all of them have been conducted according to the, as the case may be, approved service minutes or scheme of recruitment and the approved marking system. Thereafter, the Appointing Authority may approve the relevant selection in the order of merit obtained in the examination or in the Board of Interview or in any other test for which marks are allocated or in all of them, taking the recommendations of the Board of Interview into consideration.
83. The Appointing Authority shall take actions as soon as possible to issue a formal letter of appointment as described under the Appendix to these Procedural Rules after making the selection as mentioned in Section 82 above.
84. When the Provincial Public Service Commission is the Appointing Authority, formal letter of appointment in accordance with the format under this appendix should be issued by the Provincial Public Service Commission as soon as possible, informing the administrative authority about the selection including any changes that are necessary.
85. No appointments shall be made exceeding the number of vacancies existed as at the date on which the qualifications mentioned in the notice calling for applications were to be fulfilled.
86. In the event that there are more applicants who have obtained equal marks for the last vacancy or several last vacancies when making appointments based on the priority list prepared in order of the merit, the delegated Appointing Authority shall not function to fill such vacancy or vacancies on the results of the examination, trade test, interview held, unless the Provincial Public Service Commission has provided instructions to function otherwise, it shall be reported to the Provincial Public Service Commission without delay and seek instructions therefrom.

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

87. A person who had appointed to a position of the Public Service on any basis, be it casual, temporary or permanent, shall immediately acknowledge the Appointing Authority by letters as per the format under the appendix whether he accepts the position subject to the terms and conditions set out in the letter of appointment.
88. It shall be the responsibility of the Appointing Authority or the Administrative Authority or the Head of the Department or the Head of the Institution to ascertain the identity of the person who accepts the appointment in accordance with the letter of appointment.
89. The appointee, on the first day of reporting to work, shall make the affirmation or take the oath in terms of the Fourth Schedule of the Constitution of the Democratic Socialist Republic of Sri Lanka and within one month of

the appointment in terms of the Seventh Schedule to the Constitution respectively before, as the case may be, the Appointing Authority or the Administrative Authority or the Head of the Department or the Head of the Institution. It shall be the responsibility of such authority to make arrangements for the appointee to make and subscribe the affirmation or take the oath. Failure of an appointee to make the affirmation or take the oath and subscribe them within the stipulated time will cause the appointment to cease spontaneously.

90. An appointee, on assuming duties shall hand over the following documents to, as the case may be, the Appointing Authority or Administrative Authority or Head of the Department or Head of the Institution.

- (a) certified copy of the National Identity Card;
- (b) Birth Certificate;
- (c) Originals and a set of photocopies of the basic educational qualifications, any other academic and professional qualifications provided at the interview to prove the basic educational qualifications required for the position; (After verifying the photocopies with the originals the relevant authority shall certify and Sign that the photocopies are those of the originals and the officer shall certify and sign that those photocopies are copies of genuine certificates. The photocopies shall then be retained by the authority and the originals returned to the officer)
- (d) Marriage Certificate, if married, Birth Certificate of the Spouse and Birth Certificates of the children,
- (e) Service Agreement in terms of the General 160 format;
- (f) Declaration of Assets in terms of General 261 format;
- (g) Declaration of Assets and Liabilities statement if relevant;
- (h) Permanent address and electronic mail address, telephone numbers and e-mail address.

The Appointing Authority and the Administrative Authority or the Head of the Department or the Head of the Institution shall function to get the certificates mentioned in (b) and (c) above verified to be true certificates from the relevant authorities within a period of one year from the date of appointment.

91. The appointment of a person who fails to report for duty on the due date specified in the letter of appointment, without giving reasonable cause in writing, shall be annulled.

92. After an appointee to the Provincial Public Service reports for duty, as the case may be, the Appointing Authority or Administrative Authority or Head of the Department or Head of the Institution shall take actions to open up a personal file for the officer containing the documents referred to in section 90 above together with documents stated below and maintain it up to date.

- (a) Copy of the Appointment Letter issued for the functions of the personal file;
- (b) History Sheet;
- (c) Copy of declaration under the Widows' & Orphans' Pension Scheme or the Widowers' & Orphans' Pension Scheme, as applicable or copy of the declaration on contribution for the Government Employees Provident Fund;
- (d) Certified copy of the certificate of furnishing security, if required on the nature of the appointment;
- (e) Medical Examination Report issued in terms of Health 169 Format;
- (f) Original of the affirmation or oath stated in the Section 89 of this Chapter.

93. Once an Appointee 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.
94. Once an appointee has reported for duty, as the case may be, the Appointing Authority or Administrative Authority shall inform the Auditor General that the officer has assumed duties.
95. 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/ Administrative Authority to take prompt action to publish such appointment in the Government *Gazette*.

#### **Attachment to the Post**

96. Persons appointed to a service or position in the Provincial Public Service shall be deployed with relevant attachments by the proper authority subjected to the provisions of this Rules of Procedure.

#### **Concessions to Ex-servicemen**

97. 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 an ex-serviceman has obtained the next lower educational level of the minimum educational qualifications prescribed in the relevant Scheme of Recruitment for the post, other than a post for which a degree recognized by the University Grants Commission 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 VI**

#### **Period of Probation and Confirmation of Appointment**

##### **Three Year Probation Period**

98. The Appointing Authority shall subject every officer appointed to a permanent post in the public service to a probation period of three years. .
99. An officer of the public service appointed subject to a period of probation shall prove his suitability for the relevant post by diligently fulfilling, during such period, the obligations and responsibilities imposed on him by his letter of appointment, good conduct, attendance and efficient service.

100. It should be taken into consideration that the cause for appointing an officer subject to a probation period is to enable him to learn the work related to him and to see whether he is suitable to be retained in permanent service. He should not only be provided with every facility to gain experience of the duties and responsibilities of his post, but should also be kept under close supervision, sympathetic observation and guidance.
101. In the event that the officer, during his period of probation, shows any tendencies which raise doubts about his suitability for permanent retention, he should at once be warned and given such assistances as may be possible to correct his failings by the Appointing Authority or Administrative Authority. Any admonition administered for any serious act or omission or any fault of conduct of character which, if persisted in, which may prevent his confirmation, should be communicated to him in writing and acknowledgement on such should be obtained by the officer. Such acknowledgement shall be conclusive proof of the fact that the officer was warned of his failings and given an opportunity for improvement.
102. It shall be the duty of the Appointing Authority to terminate the services of an officer on probation when it seems that specific instances of misconduct cannot be urged against the officer but whose temperament, behavioral pattern and other defects render him unsuitable for further retention in the Western 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 prepared as per Appendix under these Rules with changes where necessary.
103. The Head of the Department shall prepare at the end of first and second year of probation a Review Report relating to an appointee of a Provincial Public Service as per the format under the Appendix. On receipt of each of the report it should be carefully considered and where necessary he should be warned of any shortcomings. The final Review Report together with first and second year reports 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 in writing of the decision in each case.
104. If the Appointing Authority decides that the officer is not fit and suitable to be confirmed in the service, the officer's probationary period shall be extended by one year at a time subject to a maximum period of three years and his salary increment shall be deferred. The officer should work diligently to improve his performance during the extended period.
105. In the event that an inquiry into an irregularity committed by an officer on probation cannot be completed before the expiry of the period of probation, his appointment should be terminated or the period of probation extended taking into consideration the circumstances of the case.
106. At the end of each extended period of probation the Head of the Department or Head of the Institution shall prepare a Review Report as per the format prescribed under these Rules. 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 104 and 105 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.

#### **One year Probation Period**

107. In the event that an officer holding a permanent position in the public service is appointed to another position in the public service, he shall be subjected to a probationary period of one year. However, when the period of previous service and experience of an officer confirmed in the government service are not criteria in relation to the qualification of a new post, such an officer can be subjected to the probationary period of three years.
108. If there are any conditions that may be prescribed for the confirmation of the new position, if it is deemed that a probationary period of one year is not sufficient considering the average time required for the officer to fulfill them, the Appointing Authority may prescribe a probationary period of not more than three years.

109. In the event that a public officer whose appointment has been confirmed is appointed to another permanent position in the public service subject to a one year probationary period, the Head of the Department or the Head of the Institution shall prepare a review report as described under the appendix.
110. If any deficiencies that hinder the confirmation of the appointment of the officer is revealed by the review report, the Head of the Department or the Head of the Institution should immediately inform him about it in writing and give appropriate guidance, and the Appointing Authority or the Administrative Authority should defer the salary increment of the officer and extend his period of probation by one year at a time subject to a maximum period of three years.
111. In the event that an inquiry into any irregularity committed by an officer who is on one year probation period cannot be completed before the expiry of that probationary period, the Appointing Authority shall function to extend the probationary period of that officer taking into consideration the relevant circumstances of the case.

#### **Confirmation of Appointment or Revert to Former Post or Termination of Appointment**

112. An officer who has been appointed to a position in the Western Provincial Public Service subjected to a probationary period shall, during this period, prove his suitability for the Provincial Public Service by diligently fulfilling the responsibilities and duties assigned to him in his letter of appointment, and by serving efficiently through good conduct and attendance. If, at the end of the probationary period, it is concluded that the work, conduct and attendance of the officer has been satisfactory, and if he has fulfilled all the qualifications for confirmation in the appointment, the Appointing Authority shall function to confirm his service with effect from the relevant date of appointment.
113. It shall be the responsibility of the Appointing Authority to revert an officer appointed under a probationary period of one year to his former post if his appointment is terminated at the end of the probationary period. In the event such former post of the officer is no longer vacant, he should be reverted to that post on supernumerary basis. However, when there is a vacancy in the regular post, arrangements should be made to appoint him to that regular post. In such event, the Appointing Authority or the Administrative Authority shall ensure to record all the reasons which led to such decision are recorded in detail in the relevant file and all factors that support his decision are kept secured. When an officer is appointed to his former post without any interruption to his former service and reverted to that post, the conditions related to that former post shall come into effect once again.
114. The Appointing Authority shall function to, as the case may be, confirm the appointment of an officer in Provincial Public Service serving under a period of probation or extend his period of probation or terminate the appointment immediately on completion of the such period. If his period of probation has been extended on grounds that were within his control, his salary increment shall invariably be deferred until he is confirmed in his post. Whatever all such decisions may be, they shall be communicated to the officer in writing by the Appointing Authority. The officer shall not be entitled to whatsoever salary increment deferred owing to his lapses.
115. Where all requirements have been fulfilled on the due date, the confirmation of an officer of the Western Provincial Public Service in a permanent post will become effective only after the Appointing Authority issues a formal letter according to the format prescribed thereto 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.
116. Where an officer of the Western 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.



117. Where an officer of the Western Provincial Public Service fails to qualify for confirmation at the proper time, that is within the initial period of probation, for reasons within his control, but qualifies for confirmation during an extension of the period of probation 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, and 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.
118. However, the Governor has the power to pass a decision regarding the confirmation of the appointment of the officer, in the event, the probationary period specified in the letter of appointment cannot be completed due to the fact that he has reached the age of compulsory retirement or due to a reason beyond his control.

## CHAPTER VII

### Appointment to Act in a Post or Attend to the Duties of a Post

#### Appointment to Act in a Post

119. The authority for making an appointment to act in any post or to attend to the duties of a post lies solely with the Appointing Authority.
120. An officer of the Western 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 in the event a substantive holder of a particular post in an approved cadre of a provincial ministry, department or institution 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 provincial ministry, department or institution, until such time the Appointing Authority makes a permanent appointment to fill the vacancy.
121. Only an officer 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.
122. 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.
123. An officer holding an acting appointment shall not be entitled to the salary of the post to which he has been appointed on any basis whether temporary or permanent.

#### Appointment to Attend to the Duties of a Post

124. Where no officer of the Provincial Public Service qualified for appointment in terms of Section 120 above to act in a vacant post, the most suitable officer of the Provincial Public Service may be appointed to attend to the duties of the post by the Appointing Authority.
125. 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.

126. An officer in the public service can be appointed to 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.

#### **General Conditions Affecting Appointment to Act in a Post or Attend to the Duties of a Post**

127. Only an officer of a service specified in the Service Minute or the Scheme of Recruitment relevant for the said position can be appointed to act or attend to the duties of a particular post and an officer of another service should not be appointed for the same.
128. Any appointment to act or attend to the duties of a post shall be limited to a maximum period of one year. The Appointing Authority shall take actions to permanently appoint a suitable officer for that position prior to end of that period.

Nevertheless, the Provincial Council Public Service Commission has the power to extend an appointment to act or attend to the duties beyond one year.

129. It is the responsibility of the Head of the Institution or Head of the Department or the Administrative Authority to provide him with the necessary space to perform the duties of that position, in the event that a permanent officer has been appointed by the Appointing Authority for a position that an appointment to act or attend to the duties had been made. When a permanent appointment is made by the Appointing Authority, the appointment made to act or attend to the duties of the said position will inevitably be cancelled.
130. When a selection is made for appointment to a post no Provincial Public Service Officer shall be awarded special entitlement, special advantage under Service Minute or Scheme of Recruitment or additional marks solely on the basis of his having acted or attended duties in that particular post.

### **CHAPTER VIII**

#### **Efficiency Bar**

##### **General**

131. An officer of the Western Provincial Public Service shall fulfill the requirements of the Efficiency Bars prescribed by the Service Minute or the Scheme of Recruitment 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.
132. The Efficiency Bar Examination shall be conducted by the competent authority as prescribed in the recruitment procedure in the Service Minute.
133. In cases where the authority to conduct the Efficiency Bar Examinations is not specified in the Service Minute or the recruitment procedure, the said Efficiency Bar Examinations shall be conducted by the Appointing Authority or by an officer or institution nominated by the Appointing Authority.
134. An official of the Western Province Public Service, after meeting the qualifications required to pass the Efficiency Bar, a letter stating that he must pass the Efficiency Bar must be issued by the Appointing Authority to that officer without delay in the form mentioned in the appendix under these rules. The Competent Authority should act to attach a photocopy of the said letter to the relevant form to approve the next pay increment of that officer.

135. The date on which an official has passed the prescribed examination for the functions of being confirmed or promoted in the service of a permanent post or passing an Efficiency Bar Examination . However, if the exam is not held on the scheduled date for any reason, the Provincial Council Public Service Commission must decide the effective date of passing the exam taking into account the reasons for the delay in conducting the exam.
136. The effective date on which an officer passes the Efficiency Bar Examination shall be the date of commencement of the test on which he fulfills the Efficiency Bar Examination requirement.
137. If any officer is required to possess a post-graduate degree or diploma or similar qualification as a requirement for completing the Efficiency Bar Examination, the date of declaration of validity of said certificates shall be deemed to be the date on which the officer completed the relevant Efficiency Bar Examination requirement. However, if the date of declaration of validity of said certificates is a date before the appointment of the official, then the said official can be exempted from the relevant Efficiency Bar Examination.

#### **Delay in Passing Efficiency Bar Examination**

138. Where a Public Service Official has failed to pass the Efficiency Bar Examination on the prescribed date, the Appointing Authority or the Administrative Authority or the Head of the Department or the Head of the Institution, as the case may be, shall act to suspend his increment with effect from that date, and shall take measures to formally inform the said officer. A copy of the letter notifying the officer should also be sent to the Appointing Authority and the Administrative Authority when the salary increment is delayed by the concerned head of department or head of the institution.
139. An officer of Public Service who could not complete the Efficiency Bar Examination on the due date due to any special reason beyond his control can only be granted an extension of time to pass the examination only with the approval of the Provincial Council Public Service Commission or an Authority delegated with such powers. After passing the prescribed Efficiency Bar Examination, before one year has passed, the officer shall submit a request for extension of the said periods in writing to the Provincial Council Public Service Commission or the delegated authority in the prescribed form.
140. An officer of Public Service in the Western Provincial Public Service can be allowed to get his salary increments during such an extended period of time. Such extended period shall not affect the seniority or any promotion of the officer.
141. If an officer fails to pass the Efficiency Bar Examination prescribed for him during the extended period referred to in section 139, the increment due to him at the end of the said extended period shall be deferred by a period equal to the time elapsed in excess of the extended period for passing the Efficiency Bar Examination.

#### **Departmental Examinations**

142. In order that the departmental examination is applicable to a particular post, it should be mentioned in the relevant Service Minute or recruitment procedure relating to that post.
143. A method or system of methods should be prepared for each Departmental Examination prescribed for confirmation and promotion. It is the responsibility of the Western Provincial Public Service Commission to ensure that the method or system of methods is prepared and that the examinations are held on the scheduled dates.
144. The Appointing Authority must arrange to formally inform the relevant officers of the date of the Departmental Examination at least three weeks before the last date of accepting applications.

## CHAPTER IX

### Seniority

#### Seniority Register

145. It is the responsibility of the appointing authority of the respective position to prepare and update the seniority register for each position in the Western Provincial Public Service.
146. The Appointing Authority should act to publish the updated seniority list on 01st January and 01st July every year.

#### Determination of Seniority

147. The seniority of officials working in a class or grade belonging to a certain service or position in the Western Provincial Public Service should be determined on the basis of the date on which each official was appointed to that class or grade in that service or position, and those employed in similar positions in a department or institution, the seniority of the officers should be determined on the basis of the date on which the respective officers assumed duty in that department or institution.
148. When more than one provincial public service officer has assumed duties on one day, the cumulative marks obtained in all the tests conducted in accordance with the recruitment procedure of the relevant Service Minute for the selection of those officers shall be aligned in order of merit and the seniority shall be concluded accordingly. In the event that there are a number of officials holding the same number of marks, all of them should be treated as officials of the Western Province Public Service having equal seniority.
149. The seniority of an officer in the grade or class to which he belongs can be changed only in the following cases.
  - I. Failure to pass an Efficiency Bar Examination on the due date;
  - II. When his period of probation is extended as mentioned under these Rules of Procedure;
  - III. When an order has been made to downgrade seniority as a disciplinary penalty;
150. When an officer is transferred to the post he held earlier, his seniority in that post or grade should be determined according to the following terms.
  - I. As a disciplinary measure, when an official is demoted from seniority or official status and transferred to the lower rank or position, he previously held, his seniority in that lower rank or position to which he is transferred should be deduced according to the order of the disciplinary authority.
  - II. When an officer is reverted to the post or grade previously held by reason of cancellation or overstaffing in such post or with the approval of the appointing authority concerned, the Provincial Public Service Commission in that post or grade or his seniority on the basis of his total period of service in that post or grade. It should also be concluded with the approval of the council. Accordingly, he will be junior to all the officers who have a length of service equal to or greater than his length of service in that post or grade. If he has not passed an Efficiency Bar Examination, he should not get seniority higher than that of an officer who has passed the said examination and been promoted.
  - III. When an officer is transferred to his previous position on his request and with the approval of the concerned appointing authority, it shall be considered as a fresh appointment and his seniority shall be concluded according to the date of his transfer to the previous position. If, however, he is placed in a step higher than the initial step of the salary scale, having considered the time he has served in that post at the time of vacating the said post and the time taken by an officer appointed to the initial step of that salary scale to reach the above-mentioned higher step and he shall be paid according to the lesser of the time between those time periods and his seniority shall be determined with the approval of the Provincial Public Service Commission.

- IV. If an official temporarily released on leave without pay for a position outside the Western Provincial Public Service has passed the prescribed Efficiency Bar Examinations, and if the leave without pay given to him is considered to have been given on the basis of government policy for the purposes of the Minutes on Pensions, he will remain in his position or grade without prejudice to his seniority.
- V. For the purposes of Section 10(1) of the Minutes on Pensions, leave without pay is not granted or is deemed not to have been granted on matters of Government policy, the period during which the officer was on temporary release shall not be counted for seniority and shall be temporarily released. On the date of reverting to his previous post, he shall be junior to the officers who have served in that post or grade a period longer than the total period he has served in his post or grade by the time he was temporarily released.
- VI. Whenever an officer is appointed to a new position in the Western Provincial Public Service and is formally transferred or transferred to his previous position by the appointing authority during the relevant training period or probationary period or on any other non-disciplinary reason or in determining the seniority of his previous position, the period during which the said officer in the public service served in the post subsequently held shall be considered as part of his service.
151. An official who has been permanently released from the Western Provincial Public Service will not be entitled to return to his previous position or service.
- I. However, within one year from the date of release, the Western Provincial Council Public Service Commission can act to consider a request made by an official to return to his previous position or grade or vice versa only on the following points.
- i. Health reasons about himself
  - ii. Legal matters
  - iii. Policy decisions taken by the government
- II. Notwithstanding any other provision contained in these procedural rules, the reverting of an officer to that post shall be treated for all functions as a fresh appointment outside the recruitment procedure and his seniority shall be determined from the date of his reverting to that post. However, this officer should have more seniority than any other officer appointed on the same date as that of his return to the post.
152. The seniority of an officer on redeployment shall be determined in accordance with the following terms.
- I. When a retired officer is re-employed to the same post or grade he held at the time of retirement, his seniority shall be determined by the length of time he has served in that post or grade up to the date of his retirement.
  - II. When an officer is re-employed in a post or grade other than the post or grade he held at the time of retirement, his seniority shall be determined from the date of his re-appointment.
  - III. When an officer who has been terminated in previous service for reasons such as resignation or vacation of post or unsatisfactory work and conduct is reinstated, he is not in a position to claim any right to seniority on the basis of his previous service. It shall be decided bases on the date of his reinstatement in service.

## CHAPTER X

### Releasing of an Officer in Public Service

#### Releasing for Appointment to another Post in the Provincial Public Service

153. Any officer holding a position in the Western Province Public Service intends to get an appointment for another position in the Public Service should be formally released from the position he holds.
154. The request for such releasing shall be submitted through the Head of Department or Head of Institution to the Appointing Authority.
155. The appointing authority shall not refuse the request made by an officer for releasement except in the following cases.
  - I. When the officer is under a bond to serve in that post or department;
  - II. When he is not under a bond but has been specially trained for the performance of the duties of his position;
  - III. When the work of that department is harmed due to his release to the extent that it cannot be satisfied that his service will be received by another position under the government;
156. When an officer holding a position in the Provincial Council Public Service has received his special training to perform the duties of the position held by that officer, he should be released for service in a new position only if the training is directly beneficial to the new position being defended.
157. If an officer holding a position in the Western Provincial Public Service is selected for any other position in the Provincial Public Service for which training is required; He should be released for that training.
158. When an officer so released for training is unable to obtain the relevant appointment after completing the training, the said officer shall be reverted to his regular post.
159. If the work of the department is significantly hindered by the release of an officer, the head of the department must obtain the approval of the concerned provincial secretary before releasing him or before recommending his release to the Appointing Authority.

#### Releasing to a post outside the Western Provinces Government Service

160. At the request of a government official or with the consent of such official, on the basis of the need of the government or on the need of a provincial council, an official may be temporarily or permanently released from the Provincial Public Service by the appointing authority as follows. However, for temporary or permanent release from I to XII below, the officer must be permanently employed.
  - I. To another Provincial Public Service; or to public service
  - II. To a position in the Presidential Secretariat/ to a position in the Prime Minister's Office;
  - III. A position in the staff of the Parliament of Sri Lanka;
  - IV. To an approved post in staff of the Parliament of Sri Lanka or a Provincial Council or a People's Representative or a Provincial Governor;
  - V. To serve in a volunteer force;
  - VI. To serve in a commission appointed by the President under the Commission of Inquiry Act or a commission established by the Constitution or any other law;
  - VII. To a position in a public university recognized by the University Grants Commission;
  - VIII. To a position in public corporation or statutory board or position;
  - IX. To a position in a government project implemented with local or foreign funding;
  - X. To a position in a company (having owned by the Government) established under a statute enacted by the Western Provincial Council, owned by the Government;

- XI. To a position in a company in which the Government owns or controls more than 50% of the shares;
- XII. To take up employment with an intergovernmental agency such as the United Nations, the World Bank and the International Monetary Fund;

161. Unless otherwise decided as a matter of policy by the Government or the Governor, the appointing authority shall not refuse the release of an officer who seeks his future welfare except in the following cases.

- I. When the officer is under a bond to serve in the post or department concerned;
- II. When he has been specially trained for the duties of his post;
- III. When his release adversely affects the work of his department;
- IV. When the officer is not confirmed in his post or service;
- V. When he has not passed the efficiency bar examinations and departmental tests that the officer should have passed on the date of his request to be released from the public service of the Western Provincial Council public service;
- VI. When disciplinary action has been initiated or is about to be initiated against the officer concerned; (Disciplinary action is about to be initiated here means that a preliminary inquiry into the incident has been initiated or an excuse has been sought from the officer.)
- VII. When there is a court action against that officer related to a matter related to the government or the Western Provincial Council;
- VIII. When the period specified in a legal agreement binding the officer to serve in the Western Provincial Council public service or the government for any period has not ended;
- IX. When it is clear that if the officer is released, there will be a problematic situation or difficulty or damage to the department or institution in which he is currently employed or to perform or maintain duties;
- X. When the officer has not made the necessary arrangements to pay off the balance of a loan obtained from the government, the Western Provincial Council, or a Local Authority of Western Province in accordance with the relevant regulations and circular instructions or to pay in installments;
- XI. When the Western Provincial Council has not paid any money other than a debt balance due to the government from that officer;
- XII. When working as an officer of the Western Provincial Council public service, he has not been released from the future responsibilities related to the concessions or privileges given by another party on a guarantee on behalf of the government or the Western Provincial Council;
- XIII. In the event that the relevant official has entered into a guarantee agreement or other such obligation with the government or the Western Provincial Council, a new guarantor is presented and the government or the Western Provincial Council has not entered into a guarantee agreement with the new guarantor;
- XIV. When the consent of the Secretary of the Provincial Ministry, to which the department in which the official is working, has not been received.

162. The provisions of the above clause are subject to the following exceptions.

- I. As long as the officer has received special training to perform the duties of the class, grade or position he holds, he can be released to serve in a new position only if that training is directly useful for the new position he seeks.
- II. When the Provincial Council proposed to which an officer is to be released to has given written agreement to remit the money to the head of the concerned department on behalf of settling the debt balance due from the officer by charging from the officer in installments, the said debt balance will not be an obstacle for releasing of the officer.

163. Unless otherwise determined as a matter of policy by the Government or the Governor, the periods during which an officer of the Western Provincial Council Public Service may be temporarily released from the Provincial Public Service by an appointing authority are as follows.

- I. To a position in a volunteer force or to a position in the staff of the Parliament of Sri Lanka or to a position in the Presidential Secretariat or to a position in any other provincial public service, for a period agreed upon by both parties;
  - II. To a commission appointed by the President under the Commissions of Inquiry Act, for a term requested;
  - III. A position in a University of Sri Lanka recognized by the University Grants Commission or a position in a public corporation or a statutory body of the Provincial Council or a position in a government project or a position in a government-owned company or a position in a company in which the government has more than 50% shareholding and/or control, for a period not exceeding five years;
  - IV. For service in a welfare association of State, Provincial Public Service, for a period not exceeding two years;
  - V. For service in a public sector trade union with a registered, active and approved membership of the Department of Labor, for a period during which an officer holds office in such trade union;
  - VI. Acceptance of employment in an intergovernmental agency such as the United Nations Development Program and the World Health Organization, with the consent of the Government, as a permanent official for a period not exceeding five years;
164. An officer may be released for a position outside the Western Provincial Council Public Service only with the consent of the appointing authority and the consent of any other authority, if any, whose concurrence must be obtained as required by law under which the institution was established.
165. To ensure the pension rights of an officer during the period of temporary release to a post outside the Western Provincial Council Public Service, and in the case of total release, to grant the benefits due under the Minutes of Pensions for service rendered under the Provincial Council Public Service, and for all such releases, the appointing authority's consent is required.
166. When an official of the Provincial Public Service applies for release on his own desire and on the requirement of the government, the request related to such release shall be submitted through the secretary of the provincial ministry through the Chief Secretary to the Appointing Authority.
167. An officer with less than three years of service remaining before attaining the age of compulsory retirement shall not be temporarily or permanently released for service in a post outside the Provincial Public Service at the request of such officer, except in the following cases.
- I. When there is no other suitable official who can be appointed to that position in the service of the concerned institution;
  - II. When it is found after posting the recruitment announcement related to the position that there is no suitable person who can be recruited for the post in the concerned institution.
168. If an officer is released on a temporary basis, such release can be made initially for a period of 2 years and thereafter for a maximum period of 5 years with extensions of one year each thereafter.
169. If an officer is temporarily released to a position outside the Provincial Public Service on government requirement or for reasons of Government policy, he shall be treated as if he had taken leave without pay for reasons of Government policy for the purposes of Section 10(1) of the Minute of Pensions. A period so released shall be treated as a period of active service for any work.
170. The pension contribution in respect of a public service official on temporary release to a post outside the Provincial Public Service shall be 25% of his consolidated pay. This fact shall apply to all cases of temporary release, irrespective of the work for which they are intended, where pension contributions are stipulated.



171. Unless otherwise decided by the Government or the Governor as a matter of policy, when an officer is released at his request, he shall be granted leave without pay and shall not be entitled to the benefits mentioned under section 10(1) of the Minutes on Pension. Any promotion related to any vacancy or promotion from grade to grade that may arise during the period of his release shall not be considered for him.
172. The terms and conditions of permanent release of an official to serve in a position outside the Provincial Public Service shall be governed by the constitution under which the institution was established and the relevant provisions of the Minutes on Pension.
173. An officer intending to be a member of the Volunteer Force or Volunteer Sub-Service, or such person who is a member of such Force or Sub-Service, shall be discharged on a written document of the Commander-in-Chief concerned or of any officer duly authorized in his place to issue such and all proper facilities shall be provided in order to be able to receive and perform the military training and military service prescribed to be received and performed by the said officer.
174. The release of an officer who has been temporarily released to a position outside the Western Provincial Public Service shall terminate in any of the following cases. In such a case it is the responsibility of the appointing authority to recall the officer to his previous service or post.
  - I. Expiration of Release Period;
  - II. Reporting by the head of the concerned institution that the institution to which the officer was released no longer requires his services;
  - III. Closure of the institution to which the officer was released.
175. However, the Governor has the power to act irrespective of the conditions and restrictions mentioned under these rules in respect of an officer who is released to a post in the manner mentioned under these rules.
176. Reinstatement to previously held position
  - I. An officer who has resigned his post to accept another post in or outside the Provincial Public Service or who has been permanently discharged shall not be entitled to return to his previous post subject to the following exceptions.
  - II. However, if such an officer is permitted to return to the post he previously held, such appointment to that post shall be treated as a fresh appointment outside the recruitment procedure for all functions and in all such cases the appointing authority shall obtain the approval of the Governor.
177. When the officer is allowed to return to the same post held earlier, his seniority shall be determined in the manner mentioned in section 150 under these rules.

## CHAPTER XI

### **Re-employment or Re-appointment of a Person Retired from Public Service or Provincial Public Service in a Post of Provincial Public Service on Contract Basis**

178. The power to re-employ a person who has retired from the Provincial Public Service to a position in the Provincial Public Service is vested only in the Governor.
179. A retired person from the Provincial Government service can be re-employed only on contract basis. Such appointment shall be limited to a period of one year. However, this should be implemented subject to the policy decisions taken by the Government and the Governor from time to time.

180. The following persons are not eligible to be re-employed on contract in a post in the Provincial Public Service.

- I. A person retired on his voluntary consent to retire in accordance with a policy decision of the Government;
- II. A person against whom a disciplinary action has been initiated within the period of three years immediately preceding retirement, for an offence specified under Procedural Rules of Western Provincial Public Service or First Schedule of volume II in the Establishments Code, and has been subjected to a disciplinary punishment;
- III. A person who has been sent on retirement under section 12 of the Minutes on Pension;
- IV. A person ineligible for appointment to the Provincial Public Service referred to in Chapter V;
- V. A person who is sent on compulsory retirement as an alternative to dismissal from service

181. The letter of appointment in the case of reinstatement of a person retired from public service shall be issued in the manner mentioned in the Appendix under these rules.

#### **Re-employment of a Person Retired on Medical Grounds**

182. The Provincial Council Public Service Commission may re-employ a person retired from public service on medical grounds to fill a vacancy in the class or grade or post from which he retired only if he fulfills all the following requirements.

- I. Not becoming disqualified under II or IV of Article 180;
- II. Having been certified by a duly constituted Government Medical Board that his physical and mental health is fit to satisfactorily perform the duties of the post concerned;
- III. Not having reached the optional age of retirement by the date of re-enlistment; At least one year has passed from the date of retirement.

183. When a person retired on medical grounds is re-employed, his pension shall be restored and he shall be placed in the pay step to which he was entitled at the time of retirement or, if there has been a revision of pay, in the relevant corresponding pay step.

184. An appointment letter specifying the terms and conditions under which the re-employment or appointment will be made should be issued to the person to be re-employed or appointed.

## **CHAPTER XII**

### **Termination of Appointment and Resignation from Provincial Council Public Service**

#### **Termination of Appointment**

185. The Appointing Authority has the power to terminate the appointment of a substitute employee or a casual officer or a temporary officer without prior notice or assigning reasons. However, the reasons on which the decision was taken must be recorded in the relevant file by the Appointing Authority.

186. The Appointing Authority may, in accordance with the provisions in Chapter VI, terminate the service of an officer of Public Service on probation during his probationary period.

## Resignation

187. Under no circumstances can a Provincial Public Service Officer resign from service with retrospective effect.
188. Where a letter of resignation is received from an officer Public Service in terms of Chapter IV by a Head of the Department he shall forthwith get the following matters clarified immediately.
- I. That there are no disciplinary proceedings pending against the officer nor is there a prima facie case indicating immediate initiation of such proceedings nor any action is intended to be taken against the said officer,
  - II. That there is no agreement or bond binding the officer for a specified period of service to the government,
  - III. That there is no sum of money whatsoever due to the government, the Western Provincial Council from the officer,
  - IV. That he has absolved the government or the Western Provincial Council of any pending responsibilities as regards relief and privileges provided to him by a third party on surety furnished by the government when he was working as an officer of Provincial Council,
  - V. That the officer has duly returned all property belonging to the Western Provincial Council in his charge,
  - VI. That there are no judicial proceedings pending against the officer, either civil or criminal in nature, regarding any matter connected with the government or Western Provincial Public Service,
  - VII. That he has provided another surety for any surety agreement he has entered into with the government or the Western Provincial Council and that the other surety has entered into a new surety agreement with the government or the Western Provincial Council.
  - VIII. That the said resignation has been submitted one calendar month in advance or one month's salary has been paid back
189. Where it appears to the Head of Department that the resignation of the Provincial Public Service Officer cannot be accepted due to any of the reasons mentioned in Section 188 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.
190. Where the Head of Department is satisfied that no impediment is caused by any matter mentioned in sections above for the acceptance of the resignation, he shall forward his report and recommendations together with the resignation letter to the Appointing Authority without delay.
191. Where a Public Officer intends to resign from his post according to the provisions of section 194 below, he shall be informed in writing within 7 working days by the Head of Department or the Head of Institution that he will forfeit all claims to a pension, gratuity and all the benefits arising from his service prior to resignation .
192. Head of Department or Head of Institution shall obtain a written statement from the officer stating that he has been informed of the matters mentioned in section 191 above.
193. It shall be informed in writing to the officer that if the resignation is accepted any application to withdraw it later will not be considered.
194. 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 through the Head of the Department in writing that the resignation has been accepted from the date of application for resignation.

195. As per Section 194 above, the letter notified by the Appointing Authority that the resignation has been accepted should be communicated to the concerned officer as soon as the Head of the Institution receives it and if he has reported to work beyond the date of application for resignation, the resignation shall take effect from the day following the date on which the officer last reported for duty. In such cases, it is the responsibility of the Head of the Institution to obtain the approval of the Appointing Authority for the revised date.
196. Where the Appointing Authority decides that the resignation cannot be accepted, he shall communicate such fact to the officer through the Head of Department together with reasons that led to such a decision.
197. An officer who received a notification stating that his resignation will not be accepted according to above Section 196 shall serve further in the Public Service where such officer fails to report for duty, the officer shall be deemed to have vacated his post on his own accord and further action shall be taken in terms of Chapter XIII.

### CHAPTER XIII

#### Vacation of Post

198. Every officer of the Western Provincial Public Service shall compulsorily report for duty on each working day unless his leave has been formally approved.
199. Where at any time an officer in Provincial Public Service finds it difficult to report for duty, it is his responsibility to inform the relevant authority of such absence and get his leave duly approved so that the latter may take alternative measures to get the respective work done.
200. 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 inform the Head of Institution of his absence within 24 hours of the time of commencement of his duty on that particular day.
201. An officer who absents himself from duty without informing his Head of Institution as mentioned above shall be deemed to have vacated his post on his own accord. Accordingly, it is the responsibility of the officer's Appointing Authority or the Head of the Department or the Head of the Provincial/District/Regional office of the department or the Head of the Institution, as the case may be, to send the notice of vacation of post to the officer concerned in the form mentioned in the appendix under these rules immediately 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.
202. No explanation as to not reporting to duty without obtaining leave shall be called from, or charges framed, against an officer who is deemed to have vacated his post on his own accord.
203. Where the person who vacated post volunteers an explanation in writing to the officer who was the Disciplinary Authority during his time in the Provincial 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.
204. Where it is clear to the Disciplinary Authority from the facts mentioned in the appeal that the officer has not reported for duty for acceptable reasons, he may order the reinstatement or re-appointment of the officer in any of the following ways.
  - I. With appropriate disciplinary punishments;
  - II. Subject to suitable conditions;
  - III. With appropriate disciplinary punishments and subject to appropriate conditions,
  - IV. Without punishments and conditions;

205. The entire period during which a reinstated or reappointed officer as per Section 204 above was out of service shall be considered as a period of no pay and shall not be considered as a period of entitlement for or any promotion or calculation of pensionary benefits or for granting of increments or any other benefit.
206. Having considered officer's explanation, where the Disciplinary Authority is dissatisfied with the matters mentioned in the appeal he may refuse such reinstatement.
207. 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 officer.
208. In respect of an officer aggrieved by the decision of the Disciplinary Authority, he shall appeal as per the Western Provincial Disciplinary Procedure.

## CHAPTER XIV

### Retirement

209. The retirement of an officer of Western Provincial Public Service is governed by the Public and Judicial Officers (Retirement) Ordinance, Rules made under that Ordinance, Provincial Council Act, Minutes on Pensions, and by the policy decisions taken by the Government.
210. Subject to the provisions of the Public and Judicial Officers (Retirement) Ordinance and provisions of the Government, the optional age of retirement of an officer of the Provincial Public Service shall be 55 years.
211. Subject to Sections 212, 213 and 214 hereof, the officer shall be given the right to retire after a grace period of 03 months at the discretion of the officer during the period from the age of 55 to the age of compulsory retirement; However, if the relevant Appointing Authority decides that the efficiency and service condition of the officer is not satisfactory after the age of 57 years or after such age limit as may be approved by the Council of Ministers, the Appointing Authority shall have the power to send the relevant officer on retirement after an adjournment of 06 months to enable the officer to file an appeal against the same.
212. 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 or Head of Institution to bring such matters to the notice of the Appointing Authority, when requesting for officers' retirements.
213. Subsequent to approving the retirement of an officer of Provincial Public Service by the Appointing Authority, where the officer had committed an offence requiring disciplinary action, and if such matters were brought into the attention of the Appointing Authority prior to enforcement of retirement, the Appointing Authority should take action to convert such retirement on normal grounds into a retirement subjected to Section 12 of the Minutes of Pension and to issue or made to issue a copy of the relevant order to the relevant officer.
214. Where the Appointing Authority has decided to send an officer of Provincial Public Service on retirement from Public Service on normal grounds on the basis that there are no disciplinary actions against the officer or there is no intention to take disciplinary action against him, subsequent to which however, it was brought into the attention of the Appointing Authority after the date of approval of such retirement on normal grounds and before the effective date of retirement on normal grounds, that disciplinary action is being taken or is contemplating to be taken against the said officer, the Appointing Authority should take action to convert such retirement on normal grounds into a retirement subjected to Section 12 of Minutes on Pensions and to issue or made to issue a copy of the relevant order to the said officer.
215. In order to pay the pension without difficulty, delay or causing any hardship to an officer of the Western Provincial Public Service who had retired, the Administrative Authority or the Head of Department or Head of the Institution

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.

216. In the case of an officer of the Western Provincial Public Service retiring from the said Service, the respective Appointing Authority or Administrative Authority or Head of Department or Head of the Institution shall forward to the Director General of Pensions all documents required to pay his pension at least three months before the date of the retirement of the officer.

## CHAPTER XV

### Procedure relating to Promotions

#### General Procedure

217. Every promotion in the Western 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.
218. Where an officer has acquired the necessary qualifications, 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 grade-to-grade promotions, not requiring vacancies.
219. 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. 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 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 a period of one year from the date of commitment of the offence, shall be excluded in computing his period of satisfactory service.
  - II. Five (05) years from the date of committing the offence for an officer who has been punished for an offense specified in the Rules on Disciplinary Procedure of the Western Province Public Service or the First Schedule on Offences in Chapter XLVIII of the Establishments Code, Two (02) years from the date of committing the offence for an officer who has been punished for an offense specified in the Rules on Disciplinary Procedure of the Western Province Public Service or the Second Schedule on Offences in Chapter XLVIII of the Establishments Code, one year for an officer who has received disciplinary punishment under Rules of Disciplinary Procedure of the Western Provincial Public Service or the Summary Disciplinary Procedure mentioned under Chapter XLVIII of the Establishments Code should have elapsed from the date of commission of the said offence until he/she shall be considered as an eligible officer to be recruited under the limited and merit (service experience) streams or grade-promotions given on the basis of the number of vacancies according to the recruitment procedures and service minutes.
220. Only the period of active service of the officer in the relevant service, class or grade shall be considered in computing the length of service for promotion in public service.
221. It shall be the duty of Appointing Authority or Administrative Authority to conduct the required examinations, professional tests, interviews etc. on the due dates in order to provide officers with an opportunity to acquire the qualification for promotion.

222. Notwithstanding the provision mentioned under above rules, 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 even though the officer may no longer in Provincial Public Service or is retired or dead.
223. Where an officer has not received a promotion due under any promotion procedure or service minute without his control, the fact that the relevant promotion procedure or the service minute has been changed or amended is not a reason for the officer to lose the relevant promotion, while in such a case, the Appointing Authority should act to give the relevant promotion on the approval of the Governor on the due date after explaining the detailed facts about it.
224. Where marks are to be allocated for examinations, professional tests and eligibility- evaluation 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 or informed prior to holding interviews.
225. Where an internal promotion to a particular post on the basis of seniority and merit is being made, the date of promotion to that post shall be clearly mentioned in the notice inviting applications for the relevant promotion. Unless otherwise provided for in the relevant service minute or the promotion or recruitment procedure, the relevant date of promotion shall be determined by taking the following factors into consideration.

- I. Having financial resources to fill the vacancy;
- II. Need to fill the vacancy;
- III. Need to minimize arrears.

When the date of promotion mentioned in the relevant advertisement and the final date of acceptance of applications are two different dates, the applicants should have fulfilled the prescribed qualifications by the date of promotion and the criteria on their seniority and merit should be evaluated in the relevant eligibility evaluation interviews based on the date of promotions.

226. The provisions stated in Chapter VII of these Procedural Rules, *i.e.*, “Procedure to be followed in Recruitments and Appointments” shall apply, *mutatis mutandis*, with regard to promotions.

## CHAPTER XVI

### Transfers

#### General

227. Every officer of the Provincial Public Service is subject to transfer.
228. Transfers should not be done as a matter of routine. A transfer shall be implemented only on any matter mentioned in Section 229 under these rules.
229. Transfers are fourfold as indicated below:
- (i) Transfers done annually;
  - (ii) Transfers done on exigencies of service;
  - (iii) Transfers done on disciplinary grounds;
  - (iv) Non-annual transfers on requests made by officers.
230. An officer of the Provincial Public Service is transferred to achieve, as the case may be, all or several or any one of the following objectives:

- i. Fill a vacancy in an institution
- ii. Meet the administrative needs of an institution
- iii. Promote the efficiency and productivity of the institution
- iv. Meet the needs of a disciplinary process
- v. Implement a disciplinary order
- vi. Provide the officer with an opportunity to gain experience in a wider field
- vii. Provide the officer with an opportunity for professional development and improvement of his skills
- viii. Provide relief from personal difficulties experienced by the officer.

231. It is the duty of the Head of Institution, Head of Department/Secretary of the Ministry to formally release an officer who has received a transfer order at the present place of work to enable him to report for duty at his new place of work with effect from the effective date.

### **Annual Transfers**

232. An internal attachment within a ministry or department or an institution of the Provincial Council, which is not a change in the place of work, does not fall within the meaning of annual transfer.

### **233. Annual Transfer Committees**

- I. The Authority with Delegated Power shall before 01<sup>st</sup> of June constitute Annual Transfer Committees within departments and ministries to seek proposals on annual transfers.
- II. 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 50 in number. However, an Authority with Delegated power may under special circumstances and at his discretion appoint an annual transfer committee in a ministry or department even where the number of officers is less than 50 in number.
- III. 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 from:
    - a) each trade union relating to the said department or service having a membership of 15% or more of the total number of officers employed in the department or service or,
    - b) each trade union from which an officer has been released for full-time trade union work
- IV. A Transfer Committee should be established under the Chief Secretary for the transfer of officers so as to be given opportunities to serve in preferred positions between provincial ministries and offices.
- V. 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. Non-annual transfers on requests made by officers of the Provincial Public Service

### **234. Procedures on Annual Transfers**

- I. The Authority with Delegated Power shall prepare annual transfer policies and procedures of the said ministry or department in accordance with the relevant policies and special requirements of the relevant provincial ministry or department and considering the conditions mentioned in the service minutes or recruitment procedures



belonging to the relevant services and posts and submit to the Governor for approval with the recommendation of the Provincial Public Service Commission.

- II. Annual transfers should be done as per the approved Transfer Procedure.
- III. When preparing the Annual Transfer Procedure, the Authority with delegated power shall take the following matters into consideration.
  - a) Categorizing workplaces into unfavorable, favorable, and highly favorable categories based on geographic location, approved financial benefits, other benefits and privileges, and number of transfer requests received;
  - b) The minimum service period allowed for an officer of the Western Provincial Public Service in any post to be eligible to apply for annual transfer;
  - c) The maximum period allowed to an officer of the Western Province Civil Service to serve in any post;
  - d) Matters that caused an officer of the Western Provincial Public Service for submitting an application for annual transfers;
  - e) Providing the opportunity to the Provincial Public Service officer to develop his knowledge and skills in a wider field;
  - f) Preventing attempts taken by officers to remain in the same area for a long period of time by transferring between workplaces located in the same geographical area;
- IV. All relevant officers shall be notified of the Transfer Procedure approved by the Provincial Public Service Commission and the amendments made by the Commission later to the said Transfer Procedure.

### **235. Calling of Applications for Annual Transfers**

- I. The Authority with Delegated power may before 30th of June shall issue the notice calling for applications for annual transfers from officers of the Western 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.
- II. 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.
- III. The Annual Transfer Committee shall consider only the applications submitted in accordance with the relevant transfer procedure.

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

- I. In making its recommendations The Annual Transfer Committee shall take into consideration the Annual Transfer Procedure approved by the Governor, provisions in this Chapter and government policy on transfers .
- II. An Annual Transfer Committee may submit its recommendations in writing to the Authority with Delegated Power before the 31st of August of every year. It shall be the duty of each Annual Transfer Committee to record properly the reasons for its recommendations.
- III. The Authority with Delegated Power may take action to approve and issue the notice on the proposed annual transfers prior to 15th of September.
- IV. 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.
- V. A Public Officer 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 Department or Head of the Institution as the case may be, to reach him on or before the date given in the said notice as per Appendix 15.
- VI. The officer is permitted to submit a copy of his representations directly 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.

### **237. Annual Transfer Proposals Review Committee**

- I. The Authority with Delegated Power shall appoint an Annual Transfer Proposals Review Committee before 15th of September to review the annual transfer proposals based on representations made in terms of sub section V of section 236 above.
- II. The Annual Transfer Proposal Review Committee shall consist of an officer who has served in an Annual Transfer Committee, an executive level officer nominated by the Head of Department and executive level officers nominated by the Authority with Delegated Power. However, the maximum number of members shall not exceed five.
- III. 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 15th of October. It shall be the responsibility of the Annual Transfer Proposals Review Committee to indicate in their report the reasons for its recommendations.
- IV. They shall take into account the Annual Transfer Procedure approved by the Governor, the provisions of this chapter and the policies of the Government in making their recommendations in accordance with sub-section III above.
- V. A representation made under sub-section V of section 236 above shall only be considered to the effect that the proposed transfer is contrary to the Transfer Procedure of the Transfer Board or that the relevant circumstances have changed in such a way as to justify modification of the original transfer order or only if facts are presented that personal difficulties arise due to the transfer of the concerned places, whether of a special nature or very serious nature.

### **238. Issuing Annual Transfer Orders**

- I. 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.
- II. All annual transfers may be made effective from 01st of 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 01st of November.

### **239. Procedure on Appeals to the Provincial Council Public Service Commission against Annual Transfers**

- I. Where an appeal is made to the Provincial Public Service Commission by any officer aggrieved by an order passed by the Delegating Authority in respect of an annual transfer, the appeal shall be submitted along with certified copies of all relevant supporting documents.
- II. An officer shall submit an appeal to the Provincial Council Public Service Commission only through the Head of Institution, the Head of the Department, the Secretary of the Provincial Ministry and Authority with Delegated Power.
- III. However, the officer, if he so desires, may submit an advance copy of the appeal directly to the Provincial Public Service Commission.
- IV. An appeal against an order relating to an annual transfer shall be made within 14 days of the receipt of the transfer order. Appeals which are not received within the stipulated time shall be rejected by the Western Provincial Public Service Commission.
- V. The Head of Institution, Head of Department, the Secretary to the Ministry and Authority with Delegated Power shall ensure that an appeal handed over by an officer for transmission to the Provincial Public Service Commission is delivered to the Commission on or before 15th of November together with all relevant files, documents and reports and respective observations and recommendations regarding the said appeal.
- VI. Provincial Public Service Commission shall take action to make a decision within 15 days of the receipt of such appeal.

#### **240. Implementation of Annual Transfer Orders.**

- I. The relevant Secretary to the Provincial Ministry or the Head of the Department or the Head of the Institution shall release an officer of the Provincial Public Service, who is on transfer well in time from his present service station so that he may assume duties at his new service station on the due date. Likewise, it shall be the responsibility of the officer who is on transfer to report to the duty at the new service station on the due date as prescribed.
- II. It shall be the responsibility of the relevant Disciplinary Authority to take disciplinary actions against the authorities who do not take actions to formally release the officers, who are on annual transfers, from the current service station to assume duties in the new service station on the due date.
- III. Secretary to the Provincial Ministry or Head of the Department or Head of the Institution shall take actions to make temporary arrangements internally to cover the duties of an officer who is on transfer, without waiting for the arrival of his successor to release him.
- IV. Secretary to the Provincial Ministry or Head of the Department or Head of the Institution shall, make arrangements to take charge of office files, documents, other properties of the provincial council, keys, 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.
- V. 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 Secretary to the Provincial Ministry or the Head of the Department or the Head of the Institution of his new station to take actions in terms of Chapter XIII of the Procedural Rules.
- VI. The Secretary to the Provincial Ministry or the Head of the Department or the Head of the Institution shall take actions to issue a letter of release from the current service station including all the necessary information about the officer on transfer, enabling the Head of the new station to take actions in terms of sub-section (V) above mentioned. A copy should be forwarded to the Head of the new station.

#### **Transfers on Requirement on Service**

241. An officer of Provincial Public Service may be transferred on requirements on service by the Appointing Authority or Authority with delegated power for anyone of the following reasons.
  - I. Where the service of an officer is no longer needed at his present station;
  - II. Where an officer is needed for service in another station or that particular officer is needed;
  - III. Where it is found, due to administrative reasons that the retention of an officer in the current station is not conducive.
242. Before an officer of the Provincial Public Service is transferred on requirements of service, the Appointing Authority or Authority with delegated power shall personally satisfy himself that a need mentioned in the above Section 241 has actually arisen and aforementioned transfer can not be delayed till the next annual transfers.
243. Depending on requirements of service, an officer of Provincial Public Service may be transferred by an Authority with delegated power at short notice.
244. The Authority with the delegated power shall take actions to record in the relevant file clearly all the factors based to the transfer of an officer of Provincial Public Service depending on requirements of service.

245. Further, the Authority with delegated power shall clearly mention the aforementioned reasons in the letter of transfer issued to the relevant officer of Provincial Public Service.

### **Transfers on Disciplinary Grounds**

246. Disciplinary Authority or the Authority with delegated power may transfer an officer of Provincial Public Service on disciplinary grounds, in the following instances, even without prior notice.
- I. Where a disciplinary order has been made with a transfer as punishment resulting from a formal disciplinary inquiry against the relevant officer of the Provincial Public Service.
  - II. Eventhough the findings of the preliminary investigation do not warrant the interdiction of an officer and where the said officer should not be allowed to serve in the aforementioned station any longer;
  - III. Where it is found on the matters revealed either before the beginning or in the course of the preliminary investigation or based on the circumstances arisen that retention of an officer in his post or service station may obstruct the conduct of the preliminary investigation.
247. Disciplinary Authority or the Authority with delegated power shall state in the transfer letter issued to the officer of Provincial Public Service who is transferred as per Section 246, under which sub- section of aforementioned Section 246 he is subjected to transfer. The reasons on which the transfer is based should be given in writing to the aforementioned officer if so requested.
248. In an event where it is established at the end of a preliminary investigation that there is no basis as to framing a charge sheet against the relevant officer or where he is acquitted from all the charges following a formal disciplinary investigation the relevant officer may submit a request to his Disciplinary Authority or Authority delegated with powers regarding a transfer made under II and III of Section 246 above.
249. A Disciplinary Authority or Authority with delegated power upon receiving a request as per Section 248 above, shall inform the relevant officer within 02 months of receipt of the decision made regarding the aforementioned request after having considered the facts mentioned in III of Section 241 above and the facts mentioned in the aforementioned request.

### **Procedure to be Followed Regarding the Appeals Made to the Appellate Authority Against Transfer Orders Made on Requirements of Services and Disciplinary Grounds.**

250. An officer who is aggrieved by a transfer order made by an Authority with delegated power on the requirements of services or disciplinary grounds may appeal to the Public Service Commission against aforementioned decision in terms of Chapter XVI of these rules.

### **Non-annual Transfers on Requests Made by the Officers of the Provincial Council Public Service**

251. Authority with delegated power may consider a special request for transfer made by an officer on the following grounds which were not taken into consideration under annual transfers.
- i. On medical grounds
  - ii. On personal problems faced with in consequence of unforeseen circumstances
  - iii. Requests made to meet the requirements mentioned in the Officer's Service Minutes and Schemes of Recruitment.
252. Authority with delegated powers on transfers shall make every possible effort to fulfill the requests, made under the reasons mentioned in Section 251 above, under annual transfers. Authority with Delegated power shall, after having obtained and confirmed the information that it is not possible to delay the requests made by an officer until the time of next annual transfer, consider only such requests under this.

253. Any transfer made on the requests under Section 251 above shall not adversely affect the annual transfers and it shall not prejudice the privileges or entitlements of any officer subject to transfer under annual transfers.

254. Any transfer made under Section 251 above shall not affect a transfer granted on an officer on disciplinary grounds.

#### **Transfers of Trade Union Officers**

255. Key office bearers of a mother organization of a trade union should be appointed to the service stations where their service is required for the work of the union and they are not subjected to the transfers under general Minutes of Transfers.

256. The Appropriate Authority should determine in consultation with the relevant union regarding to which union and to which designations of the union should be given the sponsorship and to which stations they should be assigned.

257. An officer who is appointed to a service station under Section 255 above lapses from the rank sponsored or promoted to a higher post, class or grade is subjected to transfer under general Minutes.

258. At all the times, this sponsorship should be given subject to the requirements of the service and the rules of discipline.

259. A union which is entitled to this sponsorship and desiring to enjoy it should submit an application form including the below mentioned facts to the appropriate authority.

I. Names of the Officers to whom this sponsorship is to be given

II. Service station to which each of the officers should be appointed and the number of members of the union.

260. Appropriate Authority in respect of:

A respective Head of the Department in which the membership of a union is limited to its officers.

Secretary to the Ministry in charge of provincial affairs; in relation to a union in which the membership is not limited to the officers of a department.

#### **Steps to be taken Following the Implementation of Transfers**

261. It shall be the responsibility of the Secretary to the Provincial Ministry or Head of the Department or Head of the Institution of the officer on transfer, as the case may be, to duly transmit the following documents to the Head of the new station of the officer within two weeks of the transfer of the officer.

I. Updated personal file with the updated History Sheet.

II. Written recommendation in respect of the payment of next salary increment for the period from the date of his last increment up to the date of the implementation of his transfer;

III. Performance Appraisal Report of the officer

IV. Leave particulars of the officer

V. Statement of Holiday Railway Warrants obtained by the officer

VI. Salary particulars of the officer

VII. Credit Balance Statement of the officer

VIII. Certificate which shows that Widows' / Widowers' and Orphans contributions have been continuously recovered from the salary of the relevant officer for the period which he served in his office.

## CHAPTER XVII

### Procedure Related to the Appeals against the Decisions on Promotions and Transfers

262. (a) In terms of Section 32(2) of the Provincial Councils Act No. 42 of 1987 and subjected to the provisions of any other written law, powers related to promotion and transfer of the officers of the Western Provincial Public Service may be, from time to time, delegated to the Provincial Public Service Commission of this province.
- (b) An officer aggrieved by an order of transfer or promotion made under the powers of an authority with delegated power under the powers delegated to the Provincial Public Service Commission in terms of Section 4 of the Provincial Councils (Amendment) Act No. 28 of 1990 may appeal against the aforementioned order to the Provincial Public Service Commission. Any officer aggrieved by an order of promotion or transfer made by the Provincial Public Service Commission may appeal to the Governor against such order.
263. An appeal made against an order of a promotion or a transfer by an officer to the Appellate Authority shall be made in accordance with Appendix No. 22. Further, he should submit the certified copies of the relevant documents in support of the facts presented by him along with the appeal.
264. A Provincial Public Service Officer shall submit an appeal to the Provincial Public Service Commission through the Authority with delegated powers and a copy of such appeal shall be forwarded to the Head of the Institution, Head of the Department and Secretary to the respective Ministry as appropriate. It is the responsibility of the Authority with delegated powers to forward an appeal submitted to him without delay to the Provincial Public Service Commission with his observations. The officer, if he desires, may submit an advance copy of the appeal directly to the Provincial Public Service Commission.
265. A retired officer making an appeal relating to a promotion due during the period when he was in the Provincial Public Service on which the decision has been made after his retirement by the relevant Authority with delegated power shall submit such appeal directly to the Provincial Public Commission. However, a copy of such appeal shall be sent to his former Head of the Department or former Head of the Institution.
266. An appeal against an order of promotion made by an Authority with delegated power shall be made by the relevant officer within 30 days of making the decision in question and an appeal against an order of transfer made by an Authority with delegated power shall be submitted within 14 days of receipt of such order of transfer to the relevant officer. Appeals which are not received within the stipulated time shall be rejected by the Appeal Commission or the relevant Appellate Authority.
267. Head of the relevant Institution, Head of the Department, Appointing Authority and the Secretary to the Ministry shall ensure that an appeal handed over by an officer for transmission to Provincial Council Public Service Commission is delivered to the Secretary of the said Commission along with all the relevant files, documents and reports and respective observations and recommendations. However, appeals on annual transfers mentioned in Chapter XVI shall be forwarded to the Provincial Chief Secretary before 01<sup>st</sup> of December along with the relevant files, documents, reports observations and recommendations.
268. It is the responsibility of every officer to submit the appeals in accordance with the requirements mentioned 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 by the Provincial Chief Secretary.
269. Commission or the relevant Appellate Authority may take a decision with regard to an appeal submitted by an officer against an order of promotion within 45 days of the receipt of the documents mentioned in Section 223 above. The Provincial Chief Secretary may take a decision regarding an appeal submitted by an officer against an order of transfer within 15 days of receipt of the documents mentioned in Section 223 above.

270. The Commission shall sent its decision on an appeal made as aforementioned directly to the Appellate Authority under registered post with copies to the Authority with delegated powers, Head of the Department and Head of the Institution.
271. An officer aggrieved by a decision or an order of the Provincial Public Service Commission may appeal to the Provincial Governor within two weeks of receipt of such decision to an officer.

## CHAPTER XVIII

### Preparation of Documents and Reports on Public Officers

272. Every Authority with delegated power, Every Administrative Authority, Every Head of the Department and Every Head of the Institution shall maintain the below mentioned documents containing the information relevant to all the public officers under their purview in accordance with the formats prescribed by the Provincial Public Service Commission.

### Documents to be Maintained

- I. Register of appointment and the promotion of the public officers to be maintained by the Authority with delegated power.
  - II. Register of the public officers dismissed from the service to be maintained by the Authority with delegated power.
  - III. Register of the resigned public officers to be maintained by the Authority with delegated power.
  - IV. Register to be maintained by the Authority with delegated power of public officers who have vacated the post.
  - V. Register to be maintained by the Authority with delegated power of public officers under suspension and on compulsory leave.
  - VI. Register of retired public officers to be maintained by the Authority with delegated power.
  - VII. Register to be maintained by the Authority with delegated power of public officers sent on retirement on general inefficiency.
  - VIII. Register to be maintained by the Authority with delegated power of public officers sent on retirement as compassionate alternative to dismissal from service.
  - IX. Semiannual report on the changes of the staff which is provided to the Commission by the Authority with delegated power (Submission of statistical data relevant to the public officers semiannually to the Commission).
  - X. Register to be maintained in relation to the entire staff of every Government Office/ Institution.
273. The Authority with delegated power, the Head of the Department or the Head of the Institution shall forward a statistical summary of the data included in the registers maintained as per Section 272 above semiannually to the Secretary to the Ministry. Thereafter, the Secretary to the Ministry shall send the data due on 31<sup>st</sup> of June and 31<sup>st</sup> of December of every year before 31<sup>st</sup> of July and 31<sup>st</sup> of January to the Secretary to the Provincial Public Service Commission.
274. Every Head of the Provincial Ministry/ Department/ Institution shall maintain a continuous and updated register on the entire staff serving in each of the office of the Provincial Council.

## CHAPTER XIX

### Channels of Communication

275. Every Authority with delegated power may correspond with the Commission through his Secretary to the Provincial Ministry, Western Provincial Chief Secretary with regard to the matters related to his powers.

276. Except as otherwise stated in these Procedural Rules, in all the cases an officer of Provincial Public Service shall correspond with the Provincial Public Service Commission only through the relevant Head of the Institution, Head of the Department, the Secretary to the Provincial Ministry and the Chief Secretary of the Western Province.
277. Every letter submitted to the Western Provincial Public Service Commission shall only be referred to the Secretary to the Commission.

## CHAPTER XX

### Applicability of the Establishment Code

- I. Chapter IV, Chapter VI to Chapter XVII, Chapter XIX to Chapter XXXVI of the Establishment Code of the Democratic Socialist Republic of Sri Lanka shall apply with minor alterations together with their alterations to the requirements of the Western Provincial Public Service and amendments thereto.
- II. Governor shall have the right to interpret any matter mentioned under any Chapter under the above mentioned Section of the Establishment Code of the Democratic Socialist Republic of Sri Lanka, in relation to Western Provincial Public Service.
- III. Every reference made as Director General in the Establishment Code of the Democratic Socialist Republic of Sri Lanka as should be considered as a reference made for the Governor of the Western Province.

## CHAPTER XXI

### Interim Provisions

The rules enacted under Section 32 of the Provincial Councils Act, No. 47 of 1987 inserted in the *Extraordinary Gazette* of the Democratic Socialist Republic of Sri Lanka No. 2055/13 and dated 24<sup>th</sup> January 2018 shall be repealed from the effective date of these rules.

## CHAPTER XXII

### General Matters

278. Interpretations

Unless the context otherwise requires, in these Procedural Rules:

- I. “**Governor**” means the Governor of the Western Province,
- II. “**Provincial Council**” means the Provincial Council of the Western Province,
- III. “**Provincial Public Service Commission**” means the Western Provincial Public Service Commission appointed under Section 33 of the Provincial Councils Act No. 42 of 1987,
- IV. “**Chief Secretary**” means the Chief Secretary of the Western Province,
- V. “**Disciplinary Procedure**” means the Disciplinary Procedure of the Western Provincial Public Service,
- VI. “**Disciplinary Authority**” means the officer on whom the powers of disciplinary control of the provincial public service have been delegated by the Commission,



- VII. “**Permanent Officer**” means a public officer appointed by the relevant Appointing Authority on permanent basis to a post in an approved cadre in accordance with the approved Service Minute or the approved Scheme of Recruitment subject to a probation period or inspection period or conditions thereon with or without pension rights.
- VIII. “**Substitute Employee**” means an officer appointed to perform the duties of a post temporarily until the substantive holder who is absent returns for duty.
- IX. “**Casual Employee**” means an officer appointed on casual basis to a post approved as a casual post on daily paid basis for a limited period.
- X. “**Temporary Employee**” means an officer appointed to a post approved as temporary post.
- XI. “**Ex- Serviceman**” means an officer or a person of another rank who has honourably left an armed force by retirement or on being completed his period of service other than on disciplinary grounds.
- XII. “**All Island Services**” means a service already identified as All Island Services as Sri Lanka Administrative Service, Sri Lanka Engineering Service, Sri Lanka Scientific Service, Sri Lanka Architects Service, Sri Lanka Accountants Service, Sri Lanka Planning Service, Sri Lanka Education Administrative Service, Sri Lanka Agriculture Service, Sri Lanka Animal Production and Health Service, Sri Lanka Medical Service, Sri Lanka Indigenous Medical Service, Sri Lanka Surveyors Service, and any other service identified time to time as an Island Service.

In the event of any inconsistency between the Sinhala, Tamil and English texts of these Procedural Rules, the Sinhala text shall prevail.

No.	Appendix
1	Letter of Appointment on Pe
2	Letter of Appointment on Ce
3	Letter accepting or rejecting
4	Letter confirming the report
5	Annual Review Report on of
6	Letter terminating the appoi
7	Letter terminating the appoi
8	Letter promoting over the Eff
9	Letter terminating the Appoi
10	Request for release from the
11	Request for release from cur
12	Notice of Vacation of Post
13	Representation relating to pr
14	Register of Appointments &
15	Register of Dismissed Officer
16	Register of Resigned Officer
17	Register of Officers Vacated
18	Register of officers Interdict
19	Register of Retired Officers
20	Biannual Report on changes
21	Register of Staff Employed
22	Appeals against Appointme

(Registered Post)

My No. : .....

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

Sir/Madam

\* I am pleased to inform yo  
 of.....with effect fro  
 professional test held on .....

10. .... at the ..... at .....  
without a valid reason this appointment

2. You shall hold this post to the benefit of the country and its people

3. You should be unreserved in the duties of your post in the strictest

4. You have no right to engage in the Public Service.

5. This appointment is permanent. During this period you must prove that you are capable of performing the duties stipulated in this letter of appointment. You must ensure that other requirements you are required to fulfil are confirmed in this appointment at the time of your appointment. In case it appears that you are not capable of performing the duties of this post during this period, Your appointment shall be terminated by the Authority that you have been confirmed in.

6. This appointment is pensionable under the Government & Orphans' Pension Fund. You shall be entitled to a pension

7. This appointment is subject to the provisions of ..... for the period of .....

8. Before the expiry of ..... you shall be required to learn a second language in accordance with the provisions of the Language of the second language shall be Sinhala. Further, you shall be required to learn either Sinhala or Tamil as the second language.

9. The salary scale applicable to you shall be the salary scale of ..... You will be placed on the salary step, determined by the Western Provincial Council's first Efficiency Bar before you proceed to the second salary step ..... and the third salary step ..... the Service Minute / Scheme of Remuneration for the first appointment will be terminated for it

10. You should discharge your duties in accordance with the procedures enacted by the Western Provincial Council, subject to the Establishments Code, the Provincial Council, other regulations and amendments issued thereto from time to time

11. You are bound to furnish the Government with such information and

ලැංකේ

12. In accordance with the normal circumstances you are liable Provincial Council.

13. You are liable to discharge to you instantly or with due notice.

14. You should prove through of this appointment that you are men to ensure that this medical examination forms General 169 and Health 169.

15. You shall make the affirm Socialist Republic of Sri Lanka. If you shall cease at the expiry of such period.

16. You should duly establish

17. As soon as you assume have reported for duties.

18. On the day itself that you

- i. Forms of Oath/Affirm Republic of Sri Lanka
- ii. Certified copy of your
- iii. Birth Certificate
- iv. Originals and a set of of the required basic c
- v. Marriage certificate, if
- vi. Service Agreement on
- vii. Declaration of Assets
- viii. Declaration of Assets
- ix. Address permanent an

19. In case you want to resign post by paying the Western Provincial Authority.

20. If the fact that you have s Western Provincial Public Service is will be treated null and void and th Section 47 of the Procedural Rules of

21. Please acknowledge receipt of this letter and accept this appointment subject to the conditions of service.

Copies:

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

\*This page is for the use of the appointee.

My No. \_\_\_\_\_

Mr./Mrs./Miss. \_\_\_\_\_

Sir/Madam,

**Appointment**

I am pleased to inform you that you have been appointed to the post of \_\_\_\_\_ with effect from \_\_\_\_\_ test held on \_\_\_\_\_ and the interview held on \_\_\_\_\_ at \_\_\_\_\_ a.m. / p.m. For this reason this appointment shall stand from the date of the test held on \_\_\_\_\_.

2. You shall hold this post on behalf of the country and its people.

3. You should be unreservedly devoted to the duties of your post in the strictest manner.

4. You have no right to engage in any other occupation during the Public Service.

5. This appointment is made to terminate on..... This appoint

6. You have no right whatever in this appointment which is made on contract that you be appointed to another post

7. You will be paid a monthly salary entitled during the effective period of your appointment to this post is entitled.

8. You should discharge your duties in accordance with the procedures enacted by the Western Provincial Public Service. Sri Lankan Democratic Socialist Republic of Sri Lanka thereto from time to time.

9. In accordance with the official regulations in normal circumstances you are liable to

10. You are liable to discharge your duties on notice given to you instantly or with a

11. You shall make the affirmation of the Democratic Socialist Republic of Sri Lanka. If you do so, your appointment shall cease at the expiry of such period

12. You should duly establish

13. As soon as you assume duty

14. On the day itself that you are

- i. Certified copy of your
- ii. Certificate of Birth
- iii. Originals and a set of photocopies of the required basic educational qualifications
- iv. Marriage certificate, if married
- v. Service Agreement on the terms and conditions of service
- vi. Declaration of Assets and Liabilities
- vii. Declaration of Assets and Liabilities
- viii. Address permanent and temporary
- ix. Forms of Oath/Affirmation of the Democratic Socialist Republic of Sri Lanka.

15. Your appointment may be

16. In case you want to resign from this post by paying the Western Provincial Public Service Appointing Authority.

17. If the fact that you have served in the Western Provincial Public Service is discredited, your appointment will be treated null and void and the a

18. Please acknowledge the receipt of this letter and accept this appointment subject to the conditions of service.

Copies:-

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. Auditor General - For your information

My No. \_\_\_\_\_

Sir,

This refers to your letter No. \_\_\_\_\_

02. I hereby inform you that I have accepted the appointment offered to me by the letter under reference.

03. I hereby inform you that I have accepted the appointment offered to me and letter of appointment.

(To be submitted in duplicate)

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

Sir,

**Report**

Reference letter No. ...., dt

02. I hereby confirm that I rep  
 responsibilities subject to the conditi

(Appointing Authority)

I hereby certify that (Mr./M  
 of.....

Date:.....

Reference No. : .....

**Annual Review Rs**

01. Particulars of the officer

- 1.1 Name of the Officer: .....
- 1.2 Designation: .....
- 1.3 Station: .....
- 1.4 Date of assumption of the .....
- 1.5 The date on which the pr .....
- 1.6 Period relevant to the Ren .....



02. A brief description of the duties

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

03. Attendance

- 3.1 Does he attend office in person?  
3.2 Does he habitually come to office on time?  
3.3 Does he duly attend to his duties?  
3.4 Does he spend office time profitably?  
3.5 Leave particulars for the year

Casual

Vacation

04. Discipline and Conduct

- 4.1 Discipline and conduct in office  
4.2 Discipline and conduct in public  
4.3 A brief description of his character

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

05. Health

- 5.1 Was his physical health satisfactory?  
5.2 Was his mental health satisfactory?

06. Performance of duties

- 6.1 Capability  
6.2 Efficiency  
6.3 Dedication  
6.4 Diligence  
6.5 Neatness  
6.6 Courteousness  
6.7 Reliability  
6.8 Adherence to instructions  
6.9 Obedience  
6.10 Knowledge of laws, rules and regulations

07. Any special skills shown:

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

08. Any noticeable weaknesses should be stated here.

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

09. Particulars of passing over the case to the next level.

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

10. Particulars about gaining proficiency in the job.

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

11. Additional educational and professional training.

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

12. Matters to be brought to the attention of the Reviewing Officer.

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

13. Final conclusion on the officer's performance.

14. The conclusions of this Review.

(Immediately Supervising Staff Officer)

Signature : .....

Name : .....

Designation : .....

Date : .....

15. The conclusions of this Review.

Date : .....

(Registered Post)

My No. : .....

Mr./Mrs./Miss : .....  
(Designation)

Through : .....

Sir/Madam,

You are hereby informed that effect in terms of Section 86, Volume failure to fulfill the requirements for

2. Please settle all advances a Failure to do so will result in legal a

3. Please duly handover all I card, etc. in your charge before.....

Date : .....

Copies :-

1. Secretary, Western Provincial
2. Accountant
3. Auditor General
4. Personal file of the officer

My No. : .....

Mr./Mrs./Miss : .....  
(Designation)

Through : .....

You are hereby informed that effect in terms of Section 93, Volume failure to fulfill the requirements for

2. Accordingly you are hereby;

3. Please duly hand over all goods, etc in your charge before.....

Copies:

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

My No.: .....

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

Post : .....

Through : .....

**Notice**

You are hereby informed that you have been appointed to the post of .....  
 Recruitment of the post of .....

Copies :

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

My No.:

Mr./Mrs./Miss.:

Through :

This is to inform you that you are hereby notified that you are not eligible for the post of ..... in terms of ..... as a result of your failure to pass the Efficiencies Test.

02. Please settle all advances before..... Failure to do so

03. Please duly handover your official identity card, etc. in your possession against you.

Copies :

1. Secretary, Western Provincial Council
2. Accountant
3. Auditor General
4. Personal File of the Officer



(Appointing Authority)

Through

Request for permission  
for service

I. Particulars of the officer

- 1.1 Full Name: .....
- 1.2 Service: ..... Clerk
- 1.3 Designation: .....
- 1.4 Station: .....
- 1.5 Department / Institution
- 1.6 Provincial Ministry: .....
- 1.7 The date on which the
- 1.8 Age as at the date of receipt
- 1.9 Whether or not the officer

1.10 If the officer has received  
.....  
.....

1.11 If the officer is under instructions  
details.  
.....  
.....  
.....

## 1.12 Details of previous temporary appointment

*Institution:* .....

.....

.....

.....

## 2. The post which the officer expects to be appointed to

2.1 Institution: .....

2.2 Ministry: .....

2.3 Trade Union / Welfare Union: .....

2.4 Post: .....

2.5 Whether the request is for a permanent or temporary appointment: .....

2.6 If temporary, for how long: .....

2.7 The proposed date of appointment: .....

## 3. I attach hereto a letter issued by.....

.....

## 4. I attach hereto a certified copy of the list of members of the Public Service Commission selected for the post of ..... the Western Provincial Public Service Commission. The said members registered in the said list are: .....

## 5. I certify that the matters stated by the Western Provincial Public Service Commission in the Procedural Rules of the Western Provincial Public Service Commission are temporarily released from the Western Provincial Public Service Commission.

My No.: .....

(Appointing Authority)

.....

**Request for the permanent appointment**

## 1. Particulars of the Officer

1.1 Full Name: .....

1.2 Service: .....

1.3 Post: .....

1.4 Station: .....

1.5 Department / Institution  
1.6 Ministry : .....

2. The post proposed to be appointed :

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 .....

4. The request of the Institution :

5. The letter of consent by the of .....

6. 25% of the consolidated salary  
Orphans' Pension Fund / Welfare  
.....

7. Accordingly I request that the  
Western Provincial Public Service Commission

My No. : .....

Rev. / Mr. / Mrs. / Miss, .....  
.....  
.....

You who were holding the post  
from ..... without duly approval

02. Accordingly, you are hereby  
Provincial Public Service Commission

03. Please settle all advance  
 ..... Failure to do so will

04. Please duly hand over all  
 official identity card, etc. in your charge

05. As a result of the vacatio  
 Provincial Public Service and the right

Copies:

1. Appointing Authority
2. Relevant Secretary to the Prov
3. Auditor General

Your Ref: .....

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

Rep

I have been informed by  
 dated..... that it is prop

02. I kindly request under Sex  
 Commission that the proposed transfe

21

22

23

03. Certified copies of follow



04. I request that I be transferred to

1st preference.....

2nd preference.....

3rd preference.....

Copies :-

1. Appointing Authority
2. Head of the Department
3. Head of the Institution

**Recommendation of the Head of the**

**(Appointing Authority)**

.....

I am satisfied /not satisfied to

Date : .....

**Register**

Serial No.	Date	Name of the Officer	Service Class Grade

**Register on Office**

Serial No.	Name, Service, Class, Grade, Post of the Officer	Reasons for dismissal in brief

DRD

**Register  
on officers who**

<i>Serial No.</i>	<i>Name, Service, Class, Grade, Post of the Officer</i>	<i>Reasons for Resignation</i>

**Register**

<i>Serial No.</i>	<i>Name, Service, Class, Grade, Post of the Officer</i>	<i>Date of Vacation of Post</i>

**Register  
on Inter**

<i>Serial No.</i>	<i>Name, Service, Class, Grade, Post of the Officer</i>	<i>Whether Intervention</i>

**Register to be  
who have**

<i>Serial No.</i>	<i>Name, Service, Class, Grade, Post of the Officer</i>	<i>Reasons for Retirement in brief</i>

AOE

**Biannual Report on  
to the Western**

New Appointments		Number of Promotions Leave
Permanent	Contract	

Serial No.	Date on which the Officer reported for Service to the Office	2 eg

(Relevant Authority)

Through : (Head of Department / In

App

01. Particulars of the Appellant:

1.1 Full Name : .....

1.2 Service : .....  
 1.3 Post : .....  
 1.4 Station : .....  
 1.5 Department / Institution : .....  
 1.6 Ministry : .....

02. Decision / Order on which the appeal is made

2.1 Describe the decision / order .....  
 .....  
 .....

2.2 Who made the decision .....  
 .....

2.3 The date on which the order was made .....

2.4 Certified copies of letters and documents submitted

Annex (1) .....

Annex (2) .....

2.5 Any other relevant matters .....  
 .....  
 .....

03. Reasons for making an appeal against the decision

3.1 .....  
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3.2 .....  
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3.3 .....  
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3.4 .....  
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3.5 .....  
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3.6 Certified copies of written statements submitted

Annex (1) .....

Annex (2) .....

Annex (3) .....

Annex (4) .....

4. Redress prayed for :-

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Date : .....

Copies :

1. Secretary, Western Provincial  
action)

EOG 12 - 0391