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The Gazette of the Democratic Socialist Republic of Sri Lanka
EXTRAORDINARY

අංක 2384/44 – 2024 මැයි මස 18 වැනි සෙනසුරාදා – 2024.05.18
No. 2384/44 – SATURDAY, MAY 18, 2024

(Published by Authority)

PART IV (A) – PROVINCIAL COUNCILS

Provincial Councils Notifications

WESTERN PROVINCE PROVINCIAL COUNCIL

Notification made under Sub-section 32(3) of the Provincial Councils Act No. 42 of 1987

I, Roshan Goonethileke, the Governor of Western Province, do hereby notify that the Procedural Rules (Amended) of the Western Provincial Council Public Service, No. 01 of 2024 prescribed by virtue of the powers vested in me under Sub-section 32 (3) of the Provincial Councils Act, No. 42 of 1987 will hereby be declared.

It is hereby further notified that these rules should not be a hindrance with regard to appeals referred to the Western Provincial Council Public Service Commission on transfers relevant to year 2024 or with regard to implementation of a decision relevant to an appeal made to me, as at the effective date of these rules.

ROSHAN GOONETHILEKE,
RWP and BAR VSV USP PHD (Hons.),
FIM (Sri Lanka) NDC PSC,
Marshal of the Sri Lanka Air Force,
Governor,
Western Province.

At the Office of the Governor of Western Province,
Located in Western Provincial Council Building,
Battaramulla.
13th May, 2024.



RULES

1. These rules shall be enforced to make provisions regarding annual transfers in the Western Provincial Council Public Service and to make provisions to amend Procedural Rules of Western Provincial Council Public Service consequential thereto and included in the *Extraordinary Gazette* Paper No. 2364/32 dated 29th December 2023 of the Democratic Socialist Republic of Sri Lanka.
2. These rules shall be cited as Procedural Rules (Amended) of the Western Provincial Council Public Service.
3. Having repealed Section No. 233 to Section No. 240 of the Procedural Rules of the Western Provincial Council Public Service, the following sections will be substituted instead:-

233. Appointment of Annual Transfer Committees relevant to annual transfers of the Western Provincial Council Public Service shall be as follows.

- (1) A Transfer Committee relating to annual transfers of the Chief Secretary's Office and provincial ministries, departments and institutions attached thereto, and Local Government Authorities of the Western Province, relating to the services of the Western Provincial Council Public Service mentioned below shall be appointed by the Chief Secretary, whereas, Annual Transfer Committees relating to Departmentalized Positions under each department shall be appointed by the heads of each department delegated with powers to make transfers shall be appointed prior to 01st of July in every year.

- (i) Development Officers' Service
- (ii) Management Services Officers' Service
- (iii) Office Employees' Service
- (iv) Drivers' Service

Even so, where the number of officers in the Departmentalized Services of the Western provincial Council Public Service comprises a number below 25 persons, before appointing a Transfer Committee thereto, prior approval should be obtained from the Secretary of the provincial ministry under which the relevant department functions by presenting facts relevant to the requirement of such transfer.

- (2) The composition of a Transfer Committee appointed by the Chief Secretary shall consist of;

- (a) all five Secretaries of provincial ministries,
- (b) Deputy Chief Secretary (Personnel and Training)
- (c) a representative from each Trade Union which consists of 15% or more of the officers out of the total number of officers serving in the department or the relevant service and relevant to the said department or service,

or,

A representative from each Trade Union which has released an officer for fulltime Trade Union work.

One Secretary from among the aforementioned Ministerial Secretaries shall become the Chairman of the committee.

- (3) The composition of a Transfer Committee appointed by Department Heads;

- (a) Head of the relevant Department,
 - (b) a representative nominated by the Secretary of the Ministry under which the Department functions,
 - (c) a representative from each Trade Union which consists of 15% or more of the officers out of the total number of officers serving in the department or the relevant service and relevant to the said department or service,
- or.

A representative from each Trade Union which has released an officer for fulltime Trade Union work.

The Department Head should be the ex-officio Chairman of the Committee.

- (4) Composition of a Transfer Committee appointed for transfer of teachers in a Zonal Education Office Should consist of;

- (a) Zonal Director of Education,
 - (b) a representative nominated by the Provincial Director of Education,
 - (c) a representative from a Trade Union which consists of 15% or more of the officers out of the total number of officers serving in the department or the relevant service and relevant to the said department or service,
- or,

A representative from each Trade Union which has released an officer for fulltime Trade Union work.

The Zonal Education Director shall be the ex-officio Chairman of the Committee.

234. Every officer who completes five years of service in any post in the Western Provincial Council Public Service and who does not exceed 57 years of age by the first of January of the year in which the transfer takes effect shall be subject to an annual transfer in accordance with the Annual Transfer Policy and subject to the provisions mentioned under these rules.

235. Annual transfer procedure

- (1) In preparing the annual transfer policy, the Delegating Authorities should consider the following points.
 - (a). Categorizing workplaces into **unfavourable, favourable, and highly favourable** categories based on geographic location, approved financial benefits, other benefits and privileges, and number of transfer requests received;
 - (b). The minimum period of time that an official of the Western Provincial Council Public Service must serve in any **service-place** that would result in an annual transfer application;
 - (c). The maximum period allowed to an official of the Western Provincial Council Public Service to serve in any service;
 - (d). Grounds which became the basis to a Western Provincial Council Public Service Officer to submit an application for annual transfers;

- (e). To provide the opportunity to the officer of the Western Provincial Council Public Service to develop his knowledge and skills in a broader field;
 - (f). Preventing attempts by officers to remain in the same duty location continuously by transferring between duty locations located in the same geographical area;
- (2) The Annual Transfer Policy in respect of respective posts and services of the Western Province Public Service should be prepared by every Delegated Authority delegated to carry out annual transfers in the Western Provincial Public Service in accordance with these rules as well as taking into account the conditions mentioned in the service minutes or recruitment procedures related to the services and posts and submitted to the Governor for approval with the recommendations of the Western Provincial Council Public Service Commission.
 - (3) The transfer policy approved by the Governor under these rules shall be posted in the official website of the Chief Secretary of the Western Province and made known to all the post holders in the Western Province Public Service,
 - (4) The annual transfer process shall be carried out only in accordance with the Annual Transfer Policy approved by the Governor under sub-section (2) above and Subject to the provisions mentioned under these rules.

236. Calling for Annual Transfer Applications

- (1) The Officer delegated with power regarding Annual Transfers shall issue notice calling for annual transfer applications from officers of the Western Provincial Council Public Service before the 30th day of June every year and the notice should have stipulated that applications for annual transfers under these rules by all the Public Service Officers of the Western Provincial Council who are eligible for transfers should be submitted to the Delegating Authorities before July 31st of that year.
- (2) The fact that any officer of the Western Provincial Council Public Service who is eligible for annual transfer under these rules has not submitted an application under Sub-section (1) shall not be regarded as a hindrance to the officer's annual transfer.
- (3) It is mandatory for the concerned authority to submit to the Transfer Committee appointed under these rules before the 10th day of July every year the information of all the officials who have submitted the relevant applications and those who have not applied for the annual transfers.
- (4) Every Transfer Committee shall act in accordance with these rules and the annual Transfer Policy to submit the committee's recommendations on annual transfers to the concerned Delegating Authority before 15th August every year, and in making such submission, it shall be the responsibility of the Annual Transfer Committee to properly report the reasons which became the basis for such recommendations.
- (5) Before the 31st day of August every year, the notice containing the decisions on the proposed annual transfers shall be approved by the Delegating Authority and shall be published in the official website of the Chief Secretary for the awareness of all officers of the Western Provincial Public Service.
- (6) if any officer or employee aggrieved by a decision of the Delegated Authority regarding annual transfers appeals to the Provincial Public Service Commission of Western Province, such appeal shall be made only in accordance with Schedule 1 to these rules and submitted with certified copies of all supporting documents.
- (7) The Delegating Authority shall mention under the same Annual Transfer Decisions the ability and time allowed for

appeal by an officer dissatisfied by the annual transfer decision approved by the Delegated Authority and published under this rule, to appeal to the Western Provincial Public Service Commission against the said decision of the Delegated Authority.

237. (1) A person who is dissatisfied with the decision of the Delegated Authority under Section 236 above in relation to annual transfers, may appeal to the Western Provincial Council Public Service Commission within 14 Working days of the government from the date of publication of the said decisions and such an appeal shall be submitted to the Secretary of the Provincial Public Service Commission, the through the relevant head of Institution, Head of Department, the Secretary of the Ministry, or the Delegated Authority.
- (2) The officer is authorized to submit an Advance Copy of the appeal made in accordance with the provisions of Sub-section (1) directly to the Secretary of the Western Provincial Council Public Service Commission if the officer considers it necessary.
- (3) Authority with Delegated powers, Secretary to the Provincial Ministry, Department Head or the Head of the Institute shall ensure appropriately to forward an appeal handed over by an officer relating to an annual transfer to be referred to the Western Provincial Council Public Service Commission, together with the reports in accordance with Schedule (1) and Schedule (2) hereof including files, reports and his observations along with the relevant appeal to the Western Provincial Public Service Commission.
- (4) Decisions of the Western Provincial Public Service Commission in relation to the appeals referred to the said Commission on annual transfers should be included into the official website of the Western Provincial Public Service Commission before 30th of September.
238. (1) An Official who is aggrieved by a decision of the Western Provincial Council Public Service Commission regarding annual transfer decisions can submit the related appeal to the Western Provincial Governor through the Authority with Delegated Power under the prescribed hierarchy.
- (2) The Period allowed for submitting an appeal to the Western Provincial Governor under Sub-section (1) above shall be a period of 14 government working days from the date of publication of the decision of the Western Provincial Public Service Commission in the website of the Western Provincial Public Service Commission.
- (3) Decisions relating to annual transfer appeals submitted to the Governor of the Western Province under above Sub-section (2) should be informed to the Appellant with copies to Authority with Delegated Power before 30th of November every year.
239. (1) Decisions relating to annual transfer appeals submitted to the Governor of the Western Province under above Sub-section (2) should be informed to the Appellant with copies to the Authority with Delegated Power before 30th of November every year.
- (2) In relation to the annual transfers, relevant transfer orders should be issued to the relevant officers before 15th of December every year and the date on which the transfer should take effect under the order of transfer shall be the 1st of January of the following year or such date as may be decided by the Authority with Delegated Power.
240. **Implementation of Annual Transfers on Due Date**
- (1) Relevant Secretary to the Provincial Ministry or the Head of the Institution or the Head of the Department shall take action to release a Provincial Public Service Officer who has received an annual transfer order, well in time from his present station so that he may assume duties in the new station on due date. Likewise, it is a responsibility of the officer who is on transfer to report for duty at his new station on the due date.
- (2) It is the responsibility of the relevant disciplinary authorities to take disciplinary actions against the authority who do not arrange for formal release from the current place of work so that an officer who is on an annual transfer order

can assume duties at the new place if work on the due date,.

- (3) Secretary to the Provincial Ministry or the Head of the Department or the Head of the Institution shall take actions to internally use a temporary arrangement to cover the duties of an officer who has received an annual transfer order to release him from his current work station without waiting for his successor to arrive.
- (4) Secretary to the Provincial Ministry or the Head of the Department or the Head of the Institution shall, when an officer from his staff receives an annual transfer order, make arrangements to take charge of official files, documents, other properties of the State or Provincial Council, keys, computer passwords, and office identity card *etc.* From the custody of the officer on transfer prior to the date the said transfer order will take place. Likewise, it shall be the responsibility of the officer who received the annual transfer order to make arrangements, in consultation with the Head of his Institution, to duly handover all the materials that are in his custody.
- (5) Despite the fact that he had been released from his former station on an annual transfer order, an officer, who does not report for duty at his new station duly without valid excuse, shall be deemed to have been 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, as the case may be, of his new station to take actions in terms of Chapter XIII of the Procedural Rules of the Western Provincial Council Public Service.
- (6) A copy of the letter relating to the release of the officer who received the transfer order should be sent to the Head of the New Station so that the Head of the new work station can proceed as mentioned in Sub section (5) above.

SCHEDULE I

**Submitting Appeals to the Provincial Public Service Commission on
Annual Transfer Decisions of**
Information about the Appellant

a. Personal Details

| | | | |
|---|--|--|-----------|
| 1. Name with Initials:- | | | |
| 2. Designation and Class:- (Grade) | | | |
| 3. Date of Birth:- Years/Months/Days | 4. Age: Years..... Months..... Days (as at 31.12.20....) | 5. National Identity Card No:- | 6. Gender |
| 7. Permanent Address :- | 8. Temporary Address:- | 9. Telephone Number Official :- Personal:- | |
| 10. Marital Status:- | 11. Name of the Spouse:- | 12. Job and the Service Station of the Spouse:- | |
| 13. Number of Children:- | 14. Their Age:- | 15. Their Schools :- | |

b. Service Information

| | | | | |
|--|--------------------|--|--|--|
| 16. Appointment Date:- | | | | |
| 17. Current Service Station :- | | 18. City where the Service Station is Located:- | | |
| 19. Date reported to the current service station:- Year..... Month..... Date..... | | 20. Service period at the Current Service Station (as at 31.12.20.....) Years..... Months..... Days..... | | |
| 12. Whether worked in a benefit receiving (preferred) workplace/workplaces? | | | | |
| 22. Previous place of work served in the Public Service | Service Station | A preferred workplace/ a non-preferred workplace | Service Period | |
| | | | From Years..... Months..... Days..... | To Years..... Months..... Days..... |
| | 1 | | | |
| | 2 | | | |
| | 3 | | | |
| | 4 | | | |
| | 5 | | | |
| | 6 | | | |

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IV (අ) වැනි කොටස - ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ අති විශේෂ ගැසට් පත්‍රය - 2024.05.18

PART IV (A) - GAZETTE EXTRAORDINARY OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA - 18.05.2024

| | | | | |
|--|----------------------------------|-----|---|--|
| c. Information on Annual Transfer Request (put √ mark in the relevant box) | | | | |
| 23. | Has applied for Annual transfers | Yes | | Duty stations applied for if transfers have been applied. 1 2 3 4 5 |
| | | No | | |
| The place of work if annual transfers have been received | | | | |
| 24. Number of officers constituting the transfer cycle | | | | |
| 25. Has applied to the Transfer Review Committee | | Yes | | |
| | | No | | |
| 26. Information regarding the request made to the Review Committee | | | | |
| Cancellation of transfers | | | If applied to revise the transfer, the duty place applied for such revision 01. 02. 03. | |
| Revision | | | | |
| Getting a new transfer | | | | |
| Decision of the Delegated Authority of Transfers | | | | |

| | |
|--|--------------------|
| 28. Reasons for appealing to the Western Provincial Council Public Service Commission against the decision of the Delegated Authority of Transfers | |
| 1. | |
| 2. | |
| 3. | |
| 29. A certified copy of the written evidence in support of the above reasons is attached as annexure below. | |
| Annexure (01) | |
| Annexure (02) | |
| Annexure (03) | |
| 30. Relief sought | |
| 1. | |
| 2. | |
| 3. | |
| I declare that all the information given above are true and correct. | |
| Date | Signature |

d. Recommendation of the Secretary of the Provincial Ministry/ Head of the Department

1. I certify that the above information submitted by the officer are correct as per his/her personal file.
2. I recommend/ not recommend the appeals forwarded to the Public Service Commission regarding the annual transfers on the following reasons.

- i.
- ii.
- iii.

3. Appellant can/cannot be released without a successor.

.....

Date

.....

Signature

e. Recommendation of the Delegated Authority of Transfers

- i. Number of officers involved in transfer cycle:
- ii. Recommendation on the appellant:
.....

.....

Date

.....

Signature

SCHEDULE 2

**Appeals to the Public Service Commission of the Western Provincial Council regarding
Annual Transfer Decisions**

Information on the successor officer

- I. Name and Designation of appellant officer :
 II. Information on the successor officer in respect of the appellant officer

a. Personal information

| | | | |
|--|---|--|-----------|
| 1. Name with initials | | | |
| 2. Post and Class :- (Grade) | | | |
| 3. Date of Birth: Years/months/days | 4. Age: Years 20..... months days..... (as at 20.....12.31) | 5. National Identity Card Number :- | 6. Gender |
| 7. Permanent Address:- | 8. Temporary Address:- | 9. Telephone number :- Office:- Private | |
| 10. Civil Status:- | 11. Name of the spouse: | 12. Occupation and place of work of the spouse | |
| 13 Number of Children:- | 14. Their age:- | 15. Schools attending :- | |

b. Service information

| | | | |
|--|--------------|---|--|
| 16. Date of appointment:- | | | |
| 17. Present duty station:- | | 18. City in which the duty station situated:- | |
| 19. Date of reporting to present duty station :- Years.....months.....days..... | | 20. Duration of service at present duty station (as at 20 Years months..... days.... | |
| 21. Have you worked in a benefit receiving (preferred) duty station/ stations? | | | |
| 22. Previous duty station worked in the Public Service | duty station | A preferred duty station/ a non- preferred duty station | Service period |
| | | | From Years..... months..... days..... to Years..... months..... days..... |
| | 1 | | |
| | 2 | | |
| | 3 | | |

c. Information on the Annual Transfer Request (put mark in the relevant box)

| | | | |
|-------------------------------------|-----|--|---------------------------|
| 23. Has applied for annual transfer | Yes | | Duty stations applied for |
|-------------------------------------|-----|--|---------------------------|

| | | | |
|--|----|---|---|
| 1. 2. 3. | No | | if transfers have been applied 1 2 3 |
| Has applied to the Transfer Review Committee | | Yes | |
| | | No | |
| 25. The request made to the Annual Transfer Review Committee | | | |
| Cancelling the transfer | | Duty stations for which the transfer is to be revised/ new transfer to be given 01. 02. 03. | |
| Revision | | | |
| Obtaining a new transfer | | | |

26. Decisions of the Transfer Review Committee

27. Whether the successor officer of the appellant has/ has not forwarded an appeal to the Public Service Commission of the Western Provincial Council.

.....

28. Observations and recommendations of the Delegated Authority of Transfers regarding the execution of transfer cycle without prejudice to the successor officer if the request of the appellant is granted.:

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

Date

.....
Signature

EOG 05 - 0136