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PART IV (A) — PROVINCIAL COUNCILS

Provincial Councils Notifications

WESTERN PROVINCE PROVINCIAL COUNCIL

Order pertaining to the delegation of powers of the Western Provincial Public Service under Section 32(2a) of the Provincial Councils Act, No. 42 of 1987 as amended by the Provincial Councils (Amendment) Act No. 28 of 1990

WHEREAS the Governor of the Western Province by his Order published in the *Extraordinary Gazette Notification* No. 2046/8 dated 26.03.2018, delegated to the Western Provincial Public Service Commission, the power of appointment, transfer, promotion, dismissal from service and disciplinary control of officers of the Western Provincial Public Service; From and out of the powers so delegated, the powers to the extent provided for in each Schedule, from Schedules 01 to 07 hereto, are hereby delegated to the officers specifically mentioned in column I of each of the said Schedules, being powers pertaining to the appointment, transfer, promotion, dismissal and disciplinary control as are specified in corresponding column III of the Schedules, in respect of the categories of public officers as specified in column II of the Schedule thereto, in conformity with the provisions in clause 32 (2a) of the Provincial Councils Act No. 42 of 1987 as amended by the Provincial Councils Act, No. 28 of 1990.

Provided however, in the event of any question arising in respect of any delegation or as to the implementation of the delegation hereof, made by the Western Provincial Public Service Commission, the decision of the said Commission shall be final and conclusive. The Commission hereby directs that in the course of implementing the powers hereby delegated to the Provincial Chief Secretary or to any officer by the Western Provincial Public Service Commission, all the decisions taken by such officer shall be implemented subject to the provisions in clause 32 (2a) and 32 (2b) of the Provincial Councils Act No. 42 of 1987 as amended by the Provincial Councils (Amended) Act, No. 28 of 1990.

The said Commission specifically directs hereby that whoever officer to whom the aforementioned powers have been delegated, they, at all times of implementing the powers so delegated to them, shall act in accordance with the procedural rules of the Western Provincial Public Service made by the Governor of the Western Province acting in terms of clause 32 (3) of the Provincial Councils Act, No. 42 of 1987 and also in conformity with the Establishment Code and: any conditions rules, regulations and other procedures decided upon from time to time by the Governor of the Western Province and the Western Provincial Public Service Commission.

In the course of the implementation of the powers delegated, any party dissatisfied shall have the right to appeal to the Western Provincial Public Service Commission. Further, the powers in addition to those specified in Schedules 01 to 07 hereto, and delegated by Order of the Governor, Western Province, by *Extraordinary Gazette* Notification No. 2064/32 dated 26.03.2018 of the Democratic Socialist Republic of Sri Lanka, it is hereby further directed, shall be implemented by the Western Provincial Public Service Commission.

In accordance with the decision of the Western Provincial Public Service Commission dated 26.06.2018, it is hereby specifically directed that the aforementioned delegation of powers shall be implemented with effect from the 26th of June 2018 and that the previous delegation of powers is hereby revoked, without detriment to any measures taken under or considered to have been taken under any such delegated power.

K. SARATH GUNATILAKE,
Chairman,
Provincial Public Service Commission,
Western Province.

Provincial Public Service Commission,
Western Province,
109, Main Street, Battaramulla,
On this 26th day of June 2018.

SCHEDULE No. 01

<i>Column I Officer to whom the powers are delegated</i>	<i>Column II Officers' Category</i>	<i>Column III Delegated Powers</i>
1. Chief Secretary	(I) Officers belong to All Island Services <ul style="list-style-type: none"> i. Sri Lanka Administrative Service ii. Sri Lanka Engineering Service iii. Sri Lanka Scientific Service iv. Sri Lanka Architectural Service v. Sri Lanka Accountant Service vi. Sri Lanka Planning Service vii. Sri Lanka Educational Administrative Service viii. Sri Lanka Animal Production and Health Service viii. Sri Lanka Medical Service ix. Sri Lanka Indigenous Medicine Service x. Sri Lanka Survey Service xi. Sri Lanka Agricultural Service 	<ul style="list-style-type: none"> (a). Appointment to the Western Provincial Public Service. (b). Placements to the posts of Ministries, Departments and Institutes in the Western Provincial Council. (c). Transfers among Ministries, Departments and Institutions of the Western Province. (d). Release from provincial public service.
	(II) Officers belong to All Island Services (Except the Educational Administrative Service)	(a). Disciplinary control (subject to the directives of the Public Service Commission)*

SCHEDULE No. 01 (Contd.)

<i>Column I Officer to whom the powers are delegated</i>	<i>Column II Officers' Category</i>	<i>Column III Delegated Powers</i>
	(III) Where the Public Service Commission of the Western province is the appointing authority: - (i) Officers who belong to the SL salary group (except the posts of the SL salary group limited to the local government authorities)	(a). Transfers among Ministries/ Departments and Institutions (b). Dismissal from service and disciplinary control
	(IV) Where the Public Service Commission of the Western Province is the appointing authority those belonging to tertiary and secondary levels as per Public Administration Circular 06/2006: - (i) Officers who do not belong to SL salary group	(a). Transfers and disciplinary control among the Chief Secretariat and institutions affiliated to the Chief Secretariat. (b). Transfers among Ministries, Departments and Institutions.
	(V) Post-holders belonging to primary salary groups MT-1, MN-1 and PL as per Public Administration Circular 06/2006	(a). Appointments to the posts, promotions and transfers to, dismissal from service and disciplinary control of officers of the Chief Secretariat in the Western Province and to the institutions affiliated to the Chief Secretariat. (b). Transfers among ministries / departments/institutions except local government institutions.

*Note: - "Subject to the directives of the Public Service Commission" means, functioning in compliance with orders which have already been made and likely to be made in the future by the Public Service Commission.

SCHEDULE No.02

<i>Column I Officers to whom powers are delegated</i>	<i>Column II Officers' Category</i>	<i>Column III Delegated Powers</i>
1. Secretary to the Governor	(I) Officers belonging to tertiary and secondary levels as per Public Administration Circular 06/2006 whose appointing authority is the Public Service Commission of the Western Province.	(a) Dismissal and disciplinary control of officers of the relevant office
2. Secretary to the Provincial Public Service Commission		
3. Secretary to the Provincial Council		
	(II) Post-holders belonging to primary salary groups MT-1, MN-1 and PL as per Public Administration Circular 06/2006	(a) Appointment to posts and promotion of the relevant office. (b) Dismissal and disciplinary control of officers of the relevant office

SCHEDULE No. 03

<i>Column I Officers to whom powers are delegated</i>	<i>Column II Officers' Category</i>	<i>Column III Delegated Powers</i>
1. Secretaries to all Ministries*	(I) Officers belonging to tertiary and secondary levels as per Public Administration Circular 06/2006 whose appointing authority is the Public Service Commission of the Western Province: -	(a) Transfers among the respective Ministry, its departments and institutions . (b) Dismissal from service and disciplinary control of the officers belonging to the Ministry (Except those of the SL salary group) <i>Note:</i> Except dismissal and disciplinary control of the officers of the recruitment grade in Health Services, coming under the purview of the Departments of Ayurveda and of the Health Services
	(II) Post-holders belonging to primary salary groups MT-1, MN-1 and PL as per Public Administration Circular 06/2006	(a) Appointments to the posts, transfers and promotions of the respective Ministry and its Departments (b) Dismissal and disciplinary control

SCHEDULE No. 03 (Contd.)

<i>Column I Officers to whom powers are delegated</i>	<i>Column II Officers' Category</i>	<i>Column III Delegated Powers</i>
	(III) Post-holders belonging to primary level salary group PL as per Public Administration Circular 06/2006	<p>(a) Appointment and transfer and promotions to the posts of the respective Ministry and its departments and institutions.</p> <p>(b) Dismissal from service and disciplinary control (Except Departments of Health and Ayurveda Departments of the local government institutions)</p>

*Note:

In addition to above powers the following schedules also applicable:

Schedule No. 04 - the subject of Education

Schedule No. 05 - the subject of Local Government

Schedule No. 07 - the subject of Health

SCHEDULE No. 04

<i>Column I Officers to whom powers are delegated</i>	<i>Column II Officers' Category</i>	<i>Column III Delegated Powers</i>
1. Secretary to the Provincial Ministry of Education	(I) Sri Lanka Educational Administrative Service	<p>(a) Transfers among the Ministries, Department and zonal offices.</p> <p>(b) Dismissal and disciplinary control (Subject to the directives of Public Service Commission)</p>
(In addition to the powers in the above Schedule No.03)	(II) Sri Lanka Principals' Service	<p>(a) Appointment to Provincial Public Service</p> <p>(b) Placements to the posts</p> <p>(c) Transfers</p> <p>(d) Dismissal and disciplinary control</p> <p>(e) Release from the Provincial Public Service</p>

SCHEDULE No.04 (Contd.)

<i>Column I Officers to whom powers are delegated</i>	<i>Column II Officers' Category</i>	<i>Column III Delegated Powers</i>
2. Provincial Director of Education	(I) Western Provincial Teachers' Service	(a) Transfers among zones. (b) Dismissal and disciplinary control
	(II) Post-holders belonging to primary salary groups MN-1 and PL as per Public Administration Circular 06/2006	(a) Transfers among zones. (b) Dismissal and disciplinary control
3. The Zonal Director of Education	(I) Western Provincial Teachers' Service	(a) Graded promotions and retirement (b) Transfers within the zone
	(I) Post-holders belonging to primary salary group PL as per Public Administration Circular 06/2006	(a) Transfers within the zone

**Note:*

“Subject to the directives of the Public Service Commission” means, functioning in compliance with orders which have already been made and likely to be made in the future by the Public Service Commission.

SCHEDULE No. 05

<i>Column I Officers to whom powers are delegated</i>	<i>Column II Officers' Category</i>	<i>Column III Delegated Powers</i>
1. Secretary to the Provincial Ministry of Local Government (In addition to the powers in the above Schedule No.03)	(I) Senior level officers belonging to the SL salary group in the local government authorities where the Public Service Commission of the Western Province is the appointing authority as per Public Administration Circular 06/2006	(a) Transfers among the Ministry, Department of Local Government and Local Government institutions. (b) Dismissal and disciplinary control
	(II) Supra Grade officers in the Provincial Public Management Assistant Service that belong to tertiary level as per Public Administration Circular 06/2006	(a) Placements to posts of Secretary in Pradeshiya sabhas. (b) Placements to the Posts of Administrative Officer in local government institutions (c) Transfers among Ministry, Department and institutions. (d) Dismissal and disciplinary control

SCHEDULE No. 05 (Contd.)

<i>Column I Officers to whom powers are delegated</i>	<i>Column II Officers' Category</i>	<i>Column III Delegated Powers</i>
	(III) The officers belonging to tertiary level as per Public Administration Circular 06/2006, MN-7 salary group in the local government authorities where the Public Service Commission of the Western Province is the appointing authority (Except Supra grade officers in the Provincial Public Management Assistant Service)	(a) Dismissal and disciplinary control
2. The Commissioner of Local Government	(I) The officers belonging to secondary and tertiary levels as per Public Administration Circular 06/2006, where the Public Service Commission of the Western Province is the appointing authority (Except Supra grade officers in the Provincial Public Management Assistant Service)	(a) Transfer of officers of local government institutions, among the department and local government institutions.
	(II) The officers belonging to secondary and tertiary levels as per Public Administration Circular 06/2006, where the Public Service Commission of the Western Province is the appointing authority (Except SL and MN7 salary groups)	(a) Dismissal and disciplinary control
	(III) Officers belonging to primary salary group PL as per Public Administration Circular 06/2006	(a) Dismissal and disciplinary control
	(IV) Post-holders belonging to primary level, whose appointing authority is the Chief administrative authority of local government institutions as per Public Administration Circular 06/2006	(a) Effect transfers to Local Government Institutions when special provisions exist, on consensus of the post-holders of posts and relevant head of local institution.
3. The Assistant Commissioner of Local Government	(I) The officers who belong to secondary and tertiary levels as per Public Administration Circular 06/2006, where the Public Service Commission of the Western Province is the appointing authority (Except Supra Grade officers of the Provincial Public Management Assistant Service)	(a) Transfers among local government institutions with in the district and transfers among district assistant commissioner offices.

SCHEDULE No. 06

<i>Column I Officers to whom powers are delegated</i>	<i>Column II Officers' Category</i>	<i>Column III Delegated Powers</i>
1. Municipal Commissioners 2. Secretaries to Urban Councils 3. Secretaries to Pradeshiya Sabhas	(I) Post-holders belonging to tertiary, secondary, primary level that belong to salary groups MT-3, RS-1, RS-2, RS-3, RS-4, RS-5, MN-1 and PL as per Public Administration Circular 06/2006	(a) With the consent and agreement of the Executive Officer of local government institutions: (i) Appointment to the posts in the respective institution, transfers and promotions within the area of authority. (ii) Dismissal from service and disciplinary control

SCHEDULE No. 07

<i>Column I Officers to whom powers are delegated</i>	<i>Column II Officers' Category</i>	<i>Column III Delegated Powers</i>
1. Secretary to Provincial Health (In addition to the powers in the above Schedule No.03)	(I) The officers who belong to tertiary level as per Public Administration Circular 06/2006, where the Public Service Commission of the Western Province is the appointing authority (i) The officers belonging to MP salary group	(a) Transfers within the province (b) Dismissal and disciplinary control
2. Director of Provincial Health Service.	(I) The officers who belong to secondary/tertiary/primary level as per Public Administration Circular 06/2006, where the Public Service Commission of the Western Province is the appointing authority (Except MP salary group)	(a) Transfers within the respective department (b) Dismissal and disciplinary control of the officers in the recruitment grade belonging to the Department of Ayurveda/Health Service.
3. The commissioner of Provincial Ayurveda	(II) Post-holders belonging to primary salary group PL as per Public Administration Circular 06/2006	(a) Transfers among districts within the Department of Health Services. (b) Transfers of officers of Provincial Department of Ayurveda within the province. (c) Dismissal from service and disciplinary control
4. The Regional Director of Health Service	(I) Post-holders of primary level belonging to PL salary group as per Public Administration Circular 06/2006	(a) Transfers within own district