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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1720/7 - 2011 අගෝස්තු 24 වැනි බදාදා - 2011.08.24

No. 1720/7 - WEDNESDAY, AUGUST 24, 2011

(Published by Authority)

PART IV (A) - PROVINCIAL COUNCILS

Provincial Councils Notifications

NORTH WESTERN PROVINCE PROVINCIAL COUNCIL

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

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

Allegations to be inquired into

ALLEGATIONS :-

- (i) During his tenure of office as Chairman of the Pradeshiya Sabha, Maho from on or about 01st of April, 2011 has committed the offence/offences stated in section/sections 185 (1) (a) and / or 185 (1) (b) and / or 185 (1) (e) of Pradeshiya Sabha Act, No. 15 of 1987, by taking measures to Pay a sum of Rupees Fourty Six Thousand two Hundred and Seventy Five (Rs. 46,275.00) or and amount close to that amount by the payment voucher No. 624 to the institute of "Sesath Electricles Company", No. 68, Maliban Street, Colombo 11 from the General Fund without a formal resolution by the Pradeshiya Sabha on or about 2011.06.23 for the supply of street lamp accessories for the repair of Street Lamps within the area of authority Pradeshiya Sabha, Maho.
- (ii) During his tenure of office as Chairman of the Pradeshiya Sabha Maho from on or about 01st of April, 2011 has committed the offence/offences stated in section/sections 185 (1) (a) and / or 185 (1) (b) and / or 185 (1) (e) of Pradeshiya Sabha Act, No. 15 of 1987, by disturbing to the duty of Acting Secretary, Management Assistant Mrs. I. M. Swarnathilaka of Pradeshiya Sabha Maho on 26.07.2011.

- (iii) During his tenure of office as Chairman of the Pradeshiya Sabha, Maho from on or about 01st of April, 2011, has committed the offence/offences stated in section/sections 185 (1) (a) and / or 185 (1) (b) and / or 185 (1) (e) of Pradeshiya Sabha Act, No. 15 of 1987, by ordering Acting Secretary, Management Assistant Mrs. I. M. Swarnathilaka of Pradeshiya Sabha, Maho to make payment from the General fund of the Pradeshiya Sabha without fulfilling the prerequisites in respect of a financial matter under section 219(1) of the Pradeshiya Sabha Act No. 15 of 1987 of Pradeshiya Sabha on or about 26.07.2006.
- (iv) During his tenure of office as Chairman of the Pradeshiya Sabha, Maho from on or about 01st of April, 2011 has committed the offences stated in sections and / or 185 (1) (b) and / or 185 (1) (e) of Pradeshiya Sabha Act, No. 15 of 1987, by obtaining 27 sand cubes from the Magistrate Court, Maho by submitting written facts to the Magistrate Court Maho, that it was for the construction of Phase II and Phase III of the Bus Stand Maho of the Pradeshiya Sabha Maho and using it for his personnel matter.
- (v) During his tenure of office as Chairman of the Pradeshiya Sabha Maho from on or about 01st of April, 2011 has committed the offence/offences stated in section/sections 185 (1) (a) and / or 185 (1) (b) and / or 185 (1) (e) of Pradeshiya Sabha Act, No. 15 of 1987, by violating the section 174 of Pradeshiya Sabha Act No. 15 of 1987 by taking measures to pay a sum of (Rs.1,43,850/-) or an amount close to that amount to the institute of “Sesath Electrical Company”, No. 68, Meliban Street, Colombo 11, without observing a formal tender procedure on or about 2011.07.13 for the supply of Street Lamp accessories for the repair of Street lamps within the area of authority of Pradeshiya Sabha Maho.
- (vi) During his tenure of office as Chairman of the Pradeshiya Sabha Maho from on or about 01st of April, 2011 has committed the offence/offences stated in section/sections 185 (1) (a) and / or 185 (1) (b) and / or 185 (1) (e) of Pradeshiya Sabha Act, No. 15 of 1987, by taking measures to pay sum of (Rs. 1,43,850.00) or an amount close to that amount by the payment vouchers No. 741, 742, 743 and 744 to the institute of “Sesath Electrical Company”, No. 68, Maliban Street, Colombo 11 from the General Fund without a formal resolution by the Pradeshiya Sabha on or about 2011.06.13 for the supply of street lamp accessories for the repair of Street Lamps within the area of authority Pradeshiya Sabha, Maho.

Further this retired high court Judge Oliver Weerasena esquire is entitled to the powers of a Commissioner appointed under commission of inquiry Act in terms of the provisions more fully described in section 185 of Pradeshiya Sabha Act, No. 15 of 1987 to be read with section 2 of Provincial Council (incidental Provisions) Act, No. 12 of 1987 and you are further informed to conduct this inquiry and submit a report including the findings of the inquiry within a period of 3 months from the date of this appointment.

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

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

At the Chief Minister's Office,
Kurunegala,
23rd August, 2011.

SCHEDULE

(a) Oral Evidence

- (i) Mrs. D. M. Bhagya Madhubhani Dissanayaka, Store Keeper, Pradeshiya Sabha, Maho.
- (ii) Mr. R. M. Senarath Bandara, Electrician, Pradeshiya Sabha Maho.
- (iii) Mr. R. M. Wanninayaka (former Authorized Officer of the Maho Pradeshiya Sabha from 06.01.2011 to 01.04.2011), Divisional Secretariat, Maho.
- (iv) Mrs. I. M. Swarnathilaka, Management Assistant, Pradeshiya Sabha, Maho.
- (v) Mrs. Saman Latha, Local Government Officer (Finance) Pradeshiya Sabha, Maho.
- (vi) Mr. R. A. P. Wanninayaka, Government Officer, (Finance) Pradeshiya Sabha, Maho.
- (vii) Mr. W. Thanthirigama, Administrative Officer, Department of Indigenous Medicine, Kurunegala.
- (viii) Mr. H. Wijethunga, Management Assistant, Pradeshiya Sabha Polpithigama.
- (ix) Mrs. R. M. Rathnayaka Menike, Chief Management Assistant, Department of Local Government.
- (x) Mr. D. M. Dissanayake, Road Labour, Pradeshiya Sabha, Maho.
- (xi) Mr. Y. M. Senanayaka, Acting Secretary, Pradeshiya Sabha, Maho.
- (xii) J. A. Piyasena, Road Labour, Pradeshiya Sabha, Maho.
- (xiii) Officer in Charge, Police Station, Maho.
- (xiv) District Medical Officer, District Hospital, Maho.
- (xv) Director, Teaching Hospital, Maho.
- (xvi) Mr. W. P. B. Thilakarathna, Program Assistant, (Revenue Improve) Pradeshiya Sabha, Maho.
- (xvii) Mr. R. I. B. S. B. Rathnamalala, Management Assistant, Pradeshiya Sabha, Maho.
- (xviii) Mr. R. M. Rathnayaka, Substitute Revenue Overseer, Pradeshiya Sabha, Maho.
- (xix) Mr. K. M. Aruna Pushpakumara, Driver of Pradeshiya Sabha, Maho.
- (xx) Manager, People's Bank, Maho.

(b) Written Evidence

- (i) Report of Tender Board dated 01.03.2011
- (ii) Appointing letter of Tender board by the Authorized Officer on 27.01.2011
- (iii) Ma/Prasa/Sa/2/1 General Order dated 15.03.2011
- (iv) Ma/Prasa/Sa/2/1 General Order dated 28.04.2011
- (v) Files pertaining to the Construction of phases II and III of the Bus stand ,Maho of the Pradeshiya Sabha, Maho.
- (vi) Register of sand, metal, gravel of the Pradeshiya Sabha, Maho.
- (vii) Stock Book of receipt of street lamps from 2051 to 2100
- (viii) Stock Book of issuing street lamps from 2351 to 2400
- (ix) Letter of (confiscate) No. Ma. U/Sand issued by the Magistrate Court, Maho to the name of the Chairman of the Pradeshiya Sabha, Maho for the construction of phase II and III of the Bus Stand Maho and the letter of issuing products No. Ma. D.C.
- (x) Statement made by acting Secretary Mrs. I.M.Swarnathilaka of Pradeshiya Sabha, Maho.

- (xi) The Letter containing the statment made over the Telephone by the Chairman of Pradeshiya Sabha, Maho to Mrs. R. M. Rathnayaka, Chief Management Assistant, Department of Local Government.
- (xii) Voucher No. 624 dated 23.06.2011 and the annexure relating to that.
- (xiii) The file relating to the Street Lamp Accessories 2011.
- (xiv) Payment Vouchers No. 741, 742, 743 and 744 dated 13.07.2011.
- (xv) Copy of the cheque issued for the vouchers No. 741,742,743 and 744 dated 13.07.2011 by Pradeshiya Sabha Maho.
- (xvi) Oral Statements and Reports of pertaining to the Departmental inquiry conducted in connection with the obstruction to the duty of I. M. Swarnalatha.
- (xvii) Voucher No. 436 dated 26.04.2011 and the annexure relating to that.
- (xviii) The bill without a date, to the value of Rs. 29500/- of the institute of Colonial Electrical Equipment.
- (xix) Photocopy of the Cheque No. 012951 and the counterfoil of it.
- (xx) Gazette Paper (Extraordinary) of Democratic, Socialist Republic of Sri Lanka No. 1687/41 and 06.01.2011 relating to the appointment of the Authorized Officer.
- (xxi) Appointment Letter of K.M.Arunashantha, Driver of the Pradeshiya Sabha.