

**PROGRESS REPORT OF THE
PUBLIC SERVICE COMMISSION**

01.01.2016 – 30.09.2016

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01. Introduction

Functions of the Public Service Commission appointed by the President on the recommendation of the Constitutional Council in terms of Article 54(1) of the Constitution as amended by the 19th amendment, have been initiated with effect from 15th October 2015.

The Public Service Commission, in accordance with the provisions in Article 55(5) , submits the Annual Report in each year and scheduled to be produced a progress report on the instructions of the Constitutional Council once in each quarter. We have been informed to submit progress report in once in each quarter in September, 2016 and therefore, the progress of three quarters in one report is hereby put forwarded for the period from 01.01.2016 to 30.09.2016.

Despite reports to be submitted quarterly to the Parliament, the progress of the functions in the office is being monthly supervised by the Commission itself. The Public Service Commission has carried out its functions without specific obstacles during the previous three quarters.

02. Meetings of the Public Service Commission

Details on meetings held during the period from 15.10.2015 to 30.09.2016

Year 6 2015 (15.10.2015 - 30.09.2016)

Month	No. of meetings
October	04
November	10
December	11
Total	25

Year 2016 (01.01.2016 6 30.09.2016)

Months	Number of Meetings
January	10
February	10
March	10
April	08
May	10
June	10
July	08
August	08
September	09
Total	83

03. Steps taken for efficiently executing duties in the Public Service Commission

Following steps have been taken during the period to effectively and efficiently extend services to clients by the Public service Commission.

i. Formulation and Implementation of Clients Charter

The Public Service Commission performs its duties under six main divisions such as Administration, Finance, Establishments, Appointments and Promotions, Disciplinary and Appeals. After recognizing each task separately carried out by these divisions a "Clients Charter" has been introduced with the intention of extending such tasks efficiently and effectively for the public.

The Charter has been formulated evolving with categories mentioned below;

1. Service Delivered
2. Information required
3. Relevant Laws, Orders, Regulations, etc.
4. Points of work flow
5. Duration
6. Responsible Officers

With the introduction of the Clients Charter, functions of the Commission could handle effectively and efficiently as well. A specific target seal contained with period of time and standards has been introduced for regulating the functions of the Clients Charter being practically implemented.

ii. Implementation of Target Seal

This actually displays total time duration that needs each tasks to be fulfilled and the time spent by each officer separately in the process of implementation of the respective tasks. If any delay occurs in implementation of the task, the responsibility would thereby fall in to the officer concerned. By introducing this concept, delays caused by each officer in carrying out a particular task could be minimized and thereby it is expected to increase efficiency of employees.

iii. Feedback of official functions

Meetings of senior grade staff officers once a week and meetings of all staff grade officers as well as other staff officers and audit management committee meetings have also timely been held in order to efficiently execute duties of the Commission. Actions have been taken to achieve the mission of the commission by implementing a system of feedback on progress of each division, having called monthly progress report from all divisions of the commission.

iv. Annual Progress Review Meeting of Additional Secretaries

Annual Progress Review meeting is held with the participation of Additional Secretaries of all ministries intending to provide service efficiently and effectively by solving difficulties recognized in the process of executing duties by the PSC through enhancing co-operation and collaboration with institutions connected to the Public Service Commission.

v. Formats prepared for calling information from Ministries/Departments

Various formats have been introduced for calling information from Ministries/Departments on instructions decisions and orders relevant to tasks to be fulfilled by the PSC under Volume I of the Procedural Rules of the Public Service Commission published in the gazette extraordinary bearing No. 1589/30 dated 20.02.2009 of the Democratic Socialist Republic of Sri Lanka with the intention of discharging such tasks efficiently and systematically preventing of delays in dealing with them and also new formats have been put in place instead, having amended shortcomings found in formats used at present.

04. Meetings held with Ministries and Departments

Several discussions were held with respective Ministries and Departments for seeking favourable solutions effectively in working out with problems arised in Ministries and Departments.

Srl. No	Date	Matter	Departments/Ministries involved
01.	02.03.2016	Filling of vacancies in the Office of Sri Lanka Intellectual Properties	Ministry of Industries and Commerce/ Office of the Intellectual Property
02.	05.05.2016	Discussion on engaging Forest Range Security Officers on the acting basis for Assistant Director posts in the Wild Life Department	Ministry of Sustainable Development and Wild Life/Ministry of Public Administration & Management
03.	29.06.2016	Discussion on problems regarding Authorized Officers/Senior Authorized Officers in the Department of Immigration & Emigration	Ministry of Internal Affairs, North West department and Cultural affairs.
04.	26.08.2016	Discussion on problems in the Postal Department	Ministry of Postal Services and Muslim Religious Affairs/ Postal Department

Meeting held after 30.09.2016			
05.	06.10.2016	Preparation of general procedure to solve matters arised in All Island Services.	Ministry of Public Administration & Management/Ministry of Finance.
06.	10.10.2016	Preparation of general procedure for solving problems arised on All Island Services	National Salaries and Cadre Commission/Ministry of Public Administration and Management/ Ministry of Finance
07.	11.10.2016	Discussion on problems in the Service Minute of Inland Revenue	Ministry of Finance/Department of Inland Revenue
08.	01.11.2016	Discussion on problems in seniority of Statistician and Senior Statistician of the Department of Census and Statistics,	Ministry of National Policies Economic Affairs/ Department of Census and Statistics
09.	01.11.2016	Discussion on problems in seniority of Statistician and Senior Statistician of the Department of Census and Statistics,	Ministry of National Policies Economic Affairs/Department of Census and Statistics
10.	02.11.2016	Discussion on filling of vacancies in the Posts of Assistant Directors of the Department of Wild Life	Ministry of Sustainable Development and Wild Life/Department of Wild Life Conservation
11.	02.11.2016	Promotions on officers belong to Sri Lanka Technical Service of the Sri Lanka Agricultural Service and Department of Agriculture	Ministry of Agriculture/ Department of Agriculture
12.	02.11.2016	Discussion on Recruitment to Grade III of Sri Lanka Foreign Service	Ministry of Foreign Affairs
13.	10.11.2016	Making aware of the way that future affairs to be attended after establishment of Education Service Committee and inquiring of the present progress	Ministry of Education
14.	18.11.2016	Discussion on problems in the Medical Service after having established the Health Service Committee	Officers in the Medical Services Division of the Ministry of Health

05. Functions of Divisions in the Public Service Commission

Public Service Commission is comprised with following divisions and is dealt with matters carried out by each division.

i. Establishments Division

Establishments Division is tasked with the formulation of Service Minutes of each Service approved by the Government in terms of delegation of Powers of the Public Service Commission published in the Gazette Notification No. 194/41 dated 20.11.2015 and formulation of Schemes of Recruitment for each post approved outside such services above. Such Service Minutes and Schemes of Recruitment are comprised with recruitment procedure to be followed in recruiting officers for each approved post, required qualification for recruitment, salary scale applicable to the post, Service conditions, Promotions procedure and all other relevant details and facts. Approval of Director General of Management Services concerning the cadre approval, recommendation of Salary and Cadre Commission as Salary Scales, recommendation of Director General Establishments for Service Minute or Scheme of Recruitment have been sought after prior to the approval of relevant Service Minute or the Scheme of Recruitment.

Tasks carried out by the Establishments Division

- (i) Matters relating to delegation of authority, responsibilities and powers within the scope of the Public Service Commission
- (ii) Formulation of guidelines based on the Procedural Rules of the Public Service Commission.
- (iii) Formulation and amendment of the Transfer Schemes of public officers.
- (iv) If any approved Service Minute, Scheme of Recruitment or Scheme of transfer is amended, action will be taken to amend them on the recommendation of respective Secretaries.
- (v) Taking actions to provide policy decisions on request forwarded for solutions on problems arised in appointments, promotions made by authorities to whom powers are delegated.
- (vi) Taking action to solving matters pertaining to Procedural Rules of the Public Service Commission, Service Minutes, Scheme of Recruitment, Scheme of transfer and Circulars and instances where actions to be taken outside the rules and orders of the PSC.

Tasks carried out by the Establishments Division during the period from 01.01.2016 to 30.09.2016

	Matter	Total
1.	Formulation and Amendment of new Schemes of Recruitment	64
2.	Formulation and Approval of new Schemes of Recruitment	1
3.	Amendment of Schemes of Recruitment	41
4.	Amendment of Service Minutes	30
5.	Formulation and approval of schemes of transfer	10
6.	Amendment of Schemes of transfer	7
7.	Correction to Schemes of Recruitment and Service Minutes	8
8.	Issuing of PSC Circulars	4
9.	Approval given on requests on deviations from Schemes of Recruitment in exceptional cases	16
10.	Approval given on requests on deviations from Service Minutes in exceptional cases	10
11.	Matters relating to procedural Rules of the PSC	1
12.	Solutions for policy matters	100
13.	Solutions for general matters	77
14.	Matters pertaining to SC/AAT/Court of Appeal	54
	Total	423

Court cases dealt with the year Under review

Complaints laid before AAT

Compilations Number Pending as at 31.12.2015	Number received during 2016	AAT Total under received as at 30.09.2016	Number of PSC decision upheld	Number of PSC decision revolved	Number pending as at 30.09.2016
16	10	26	2	20	23

Cases Filed in the Supreme Court

Number pending as at 31.12.2015	Number received during 2016	Total number received as at 30.09.2016	Number of dismissal and agenised with PSC decision	Number of PSC decisions revolved by the SC	Number pending as at 30.09.2016
60	12	72	6	0	66

Cases Filed in the Court of Appeal

Number pending as at 31.12.2015	Number received during 2016	Total number received as at 30.09.2016	Number of PSC decision upheld	Number of PSC decisions revoked and relief granted	Number of appeal as at 30.09.2016
5	5	10	0	0	10

- ❖ No submissions on cases have been forwarded to the Parliamentary Commissioner for Administration (Ombudsman), Human Right Commission H(RC) and Public Petitions Committee (PPC) during the period under review.

ii. Appointments Division

Following functions relating to appointments of public officers (other than Ministry Secretaries, Head of Departments and officers of the Provincial Public Service and Judicial Service) in respect of whom powers of the Public Service Commission have not been delegated as published in the Gazette Extraordinary No. 194/41 dated 20.11.2015 are carried out by the Appointments each Division.

Recruitment in accordance with the approval Service Minutes/Schemes of Recruitment and Promotion, Confirmation in Service, Termination of Service, Reversion to the further post, Appointment on acting/attending to duties basis, Release (out right/temporary), Recruitment on contract basis, Resignation from service, Re-appointment to the Service/Post, Retirement (on optional/compulsory/medical grounds in terms of PA Circular 30/88), Re-employment of retired public officers as contract basis, Appointment to Scheduled Posts in the Service Minutes(where)applicable)

Promotions Division is also dealt with appeals made to the Administrative Appeals Tribunal against the orders/decisions imposed by the Public Service Commission on functions above and cases filed in the SC and CA as well.

	Progress Review of the Appointments Division (01.01.2016 – 30.09.2016)	Numbers
1.	Retirement	619
2.	Confirmation	1406
3.	Recruitment	1625
4.	Re-employment on contract basis	570
5.	Appointment on contract basis	19
6.	Decision on efficiency bars	933
7.	Appointment to act/attend to the duties	747
8.	Release	107
9.	Resignation	13
10.	Absorption	72
	Total	6111

Number of pending cases and complaints for which the Division had to be appeared as at 31.12.2015 and completed cases and complaints out of them as at 30.09.2016.

Cases filed in the Supreme Court

	Number pending as at 31.12.2015	Number completed final in the year 2016
Cases filed before 2016	28	05
Cases filed in the year 2016	06	02

Cases filed in the Court of Appeal

	Number Pending as at 31.12.2015	Number completed in the year 2016
Cases filed before 2016	10	00
Cases filed in the year 2016	02	00

Cases Filed in the Administrative Appeals Tribunal

	Number Pending as at 31.12.2015	Number completed in the year 2016
Filed before year 2016	83	28
Filed in the year 2016	25	01

Besides these appeals 18 complaints made to the Human Rights Commission and 6 complaints made to the Public Petitions Committee have been handled by this Division.

iii. Promotions Division

Following Functions relating to promotions of public officers (other than Ministry Secretaries, Head of Departments and officers of the Provincial Public Service and Judicial Service) in respect of whom powers of the Public Service Commission have not been delegated as published in the Gazette Extraordinary No. 194/41 of 20.11.2015 are carried out by the promotions Division.

Promotion to posts as per approved Service Minutes/Scheme of Recruitment (from grade to grade/on seniority and merit), Appointments to posts (on Seniority/on the results of structured interviews).

Appeals made to the Administrative Appeals Tribunal against to the orders/decisions imposed by the PSC on the functions above as well as cases filed in the Supreme Court and the Court of Appeal are also dealt with the Promotions Division.

Progress Review of the Promotions Division (01.01.2016 ó 30.09.2016)		
1.	Grade to Grade Promotion	3404
2.	Promotion on Selection	412
3.	Appointment to Posts	335
	Total	4151

Pending cases and complaints as at 31.12.2015 for which the division had to be appeared and number of cases and complaints out of them completed as at 30.09.2016

Supreme Court Cases

	Number Pending as at 31.12.2015	Number completed in the year 2016
Cases filed before the year 2016	26	03
Cases filed in the year 2016	10	00

Cases Filed in the Court of Appeal

	Number pending as at 31.12.2015	Number completed in the year 2016
Cases Filed before the year 2016	03	00
Cases filed in the year 2016	01	00

Complaints made to the Administrative Appeals Tribunal

	Number pending as at 31.12.2015	Number completed in the year 2016
Cases filed before the year 2016	81	08
Cases filed in the year 2016	05	01

Besides the cases and appeals above, Public Service Commission has given its decisions on 06 complaints made to the Human Rights Commission and 04 complaints made to the Public Petitions Committee during the period from 01.01.2016-30.09.2016

iv. Disciplinary Division

The Public Service Commission has exercised its disciplinary control powers concerning offences set out in first schedule of Chapter XLVIII of the Establishments Code in relation to staff officers belonging to All Island Services and officers who are entitled of Salary Scale of MN-7 referred in PA/Circular No. 6/2006. The Disciplinary Division in terms of the aforesaid powers vested in the Public Service Commission, extends much needed co-operation by way of making observations and recommendations to the Commission in order that it could arrive at decisions when and where necessary.

Role of the Disciplinary Division

The Division handles the disciplinary matters involving officers of the All Island Services and officers coming under the scope of the Public Service Commission as stated in the Gazette Notification No. 1733/52 of 25.11.2011 concerning the Delegation of Powers of the Public Service Commission based on the preliminary investigations conducted by the Heads of Department or Secretaries of Ministries.

Functions carried out by the Disciplinary Division during the period from 01.01.2016 to 30.09.2016

Srl. No.	Matter	Number of orders from 01.01.2016-30.09.2016
1.	Issuance of Charge Sheets	77
2.	Amendments to Charge Sheets	18
3.	Exoneration from charges	50
4.	Dismissal from service	03
5.	Other disciplinary punishments	56
6.	Re-in statements in service	26
7.	Dismissal of appeals	13
8.	Retirement under Section 12 of the Pension Minute	12
9.	Compulsory leave	04
10.	Compulsory retirement	1
11.	Interdiction	8
12.	Appointment of Inquiry Officers	93
13.	Conservation of retirement under disciplinary grounds to normal retirement	11
14.	Retirements from service	03
15.	Completion of disciplinary matters	47
16.	Other General orders	286
17.	Observation from AAT Appeals	34
18.	Observation for court applications	07
	Total	749

Cases handled during the period under review

	Number of Supreme Court Applications	Number of Court of Appeal Applications	Number of AAT Applications
Number of cases filed as at 31.12.2015	31	20	122
Number of cases completed as at 30.09.2016 out of cases pending as at 31.12.2015	26	14	23
Number of fresh applications filed from 01.01.2016-30.09.2016	05	03	17
Number of pending cases as at 30.09.2016	10	09	116

v. Appeals Division

1. The authority of appointment, Promotion, transfer, disciplinary control and dismissal of public officers has been delegated in terms of Article 57(1) of the Constitution as specified in the gazette notifications as follows;
 - i. Gazette Extraordinary bearing No. 1733/52 dated 25.11.2011
 - ii. Gazette Extraordinary bearing No. dated 1955/22 25.02.2016 amended by the Gazette Extraordinary bearing No. 1941/41 dated 20.11.2015
2. Public officers who are aggrieved by an order made by a delegated authority referred to above, have been given the right to submit a written appeal to the Commission in accordance with the Article 58(1) of the constitution.
3. Appeals received in the Public Service Commission as referred to above handled by the Appeals Division as mentioned below.
 - i. Calling reports in which recommendations and observations are contained on each appeal from the respective Ministries/Departments.
 - ii. After preparation of descriptive report on each appeal submit to the Public Service Commission
 - iii. Conveyance of decisions given on appeals by the PSC to appellants and other parties.

- iv. Preparation of observation report for appeals to be forwarded to the Administrative Appeals Tribunal against decisions given on appeals by the Public Service Commission and appear before the AAT on behalf of PSC at the hearing of such appeals.
- v. Appear before the Public Petition Committee regarding Petitions head by the Committee.
- vi. Forwarding observations/recommendations of the PSC regarding applications filed in the Supreme Court against decisions of the PSC.

Functions carried out by the Public Service Commission during the period from 01.01.2016 to 30.09.2016

Srl.No	Matter	Number
1.	Number of appeals brought forwarded for the year 2016 from previous years	821
2.	Number of Appeals received from 01.01.2016 to 30.09.2016, previous years	685
	Total	1506
3.	Number of Appeals finalized as at 30.09.2016 from the appeals above	868
	Details of finalized appeals are as follows	
	Appeals on disciplinary matters	210
	Appeals on promotions	82
	Appeals on notices of vacation of post	237
	Appeals on transfers	95
	Appeals on appointments	19
	Appeals on interdictions	19
	Others	206
	Total	868
4.	Number of appeals pending as at 30.09.2016	638
	Details of pending appeals are as follows	
	Number of appeals for which reports on observations/recommendations have been received from the authorities to whom powers have been delegated	182
	Number of appeals for which reports on observations have not been received	456
	Total	638

5.	Number of pending court cases as at 30.09.2016 including previous years	30
6.	Number of AAT cases pending as at 30.09.2016 including previous years	191
7.	Number of inquiries made by the Public Petitions Committee from 01.01.2016 to 30.09.2016	7

Court cases dealt with the period under review

Matter	Pending as at 31.12.2015	Number received a fresh from 31.12.15-30.09.2016	Number completed from 31.12.15 to 30.09.2016	Pending as at 30.09.2016
Cases field in the Supreme Court	24	8	5	27
Cases filed in the Court of Appeal	02	01	00	03
Number of appeals head in the AAT	187	49	45	191
Total	213	57	50	221

Number of inquiries from Public Petitions Committee
appeared during the period from 01.01.15-31.12.15 } 49

Number of inquiries from Public Petitions Committee
appeared during the period from 01.01.2016 030.09.2016 } 07

06. Withdrawing of cases against government laid before the Supreme Court

Withdrawing of 6 cases against the government laid before the Supreme Court as a result of lenient decisions made by the Public Service Commission.