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Chapter 01 - Institutional Profile/Executive Summary

Office of the Parliamentary Commissioner for Administration

Annual Report for the year – 2020

1.1 Introduction

The legal basis for the establishment of the Office of the Parliamentary Commissioner for Administration is found in Article 156 of the Constitution of the Democratic Socialist Republic of Sri Lanka enacted in the year 1978. Consequently, Parliamentary Commissioner for Administration Act No.17 of 1981 was passed by the Parliament on 02.03.1981 defining powers, responsibilities and functions of the Office of Ombudsman in a detailed manner. Subsequently, the Parliamentary Commissioner for Administration Act No.17 of 1981 was amended by the Act Nos.16 of 1991 and 26 of 1994.

The Office of Ombudsman commenced its functions initially in 1981 at No.222, Galle Road, Colombo 04. Thereafter, the Office was shifted to No.594/3, Galle Road, Colombo 03 and was functioning there during the period 1989 – 2006. Again, it was moved to No.06, Elibank Road, Colombo 05 and was functioning there from 2006 to 2017. Currently, the Ombudsman's Office is situated at No.14, R.A. De Mel Mawatha, Colombo 04.

1.2.1 Vision

With the view of eradicating administrative injustices caused by the officials of the State and other similar institutions, it is our vision to make every effort to ensure sound public service through vigilance and particularly by delivering just & fair decisions that are combined with impartiality and transparency.

1.2.2 Mission

Carrying out unbiased investigations into the complaints made in relation to violation of individual rights caused by erroneous administrative decisions taken by the officials of the State, Local Government Institutions, Statutory Boards, Corporations and Semi-Government Institutions; and thereafter to make appropriate orders, decisions, suggestions and recommendations remedying those violations. Aforesaid violations include administrative miscarriages and various other injustices including violation of Fundamental Rights enshrined in the Constitution of the Republic of Sri Lanka.

1.2.3. Objective

Our main object is to assist the state machinery in correcting the injustices caused to persons by erroneous administrative decisions taken by the officials of the State, Local Government, Statutory Boards, Corporations and Semi-Government Institutions, and accordingly to assist the State machinery to carry out the administration of the State efficiently and effectively and to ensure implementing executive decisions efficiently and in the correct manner.

1.3 Main Functions

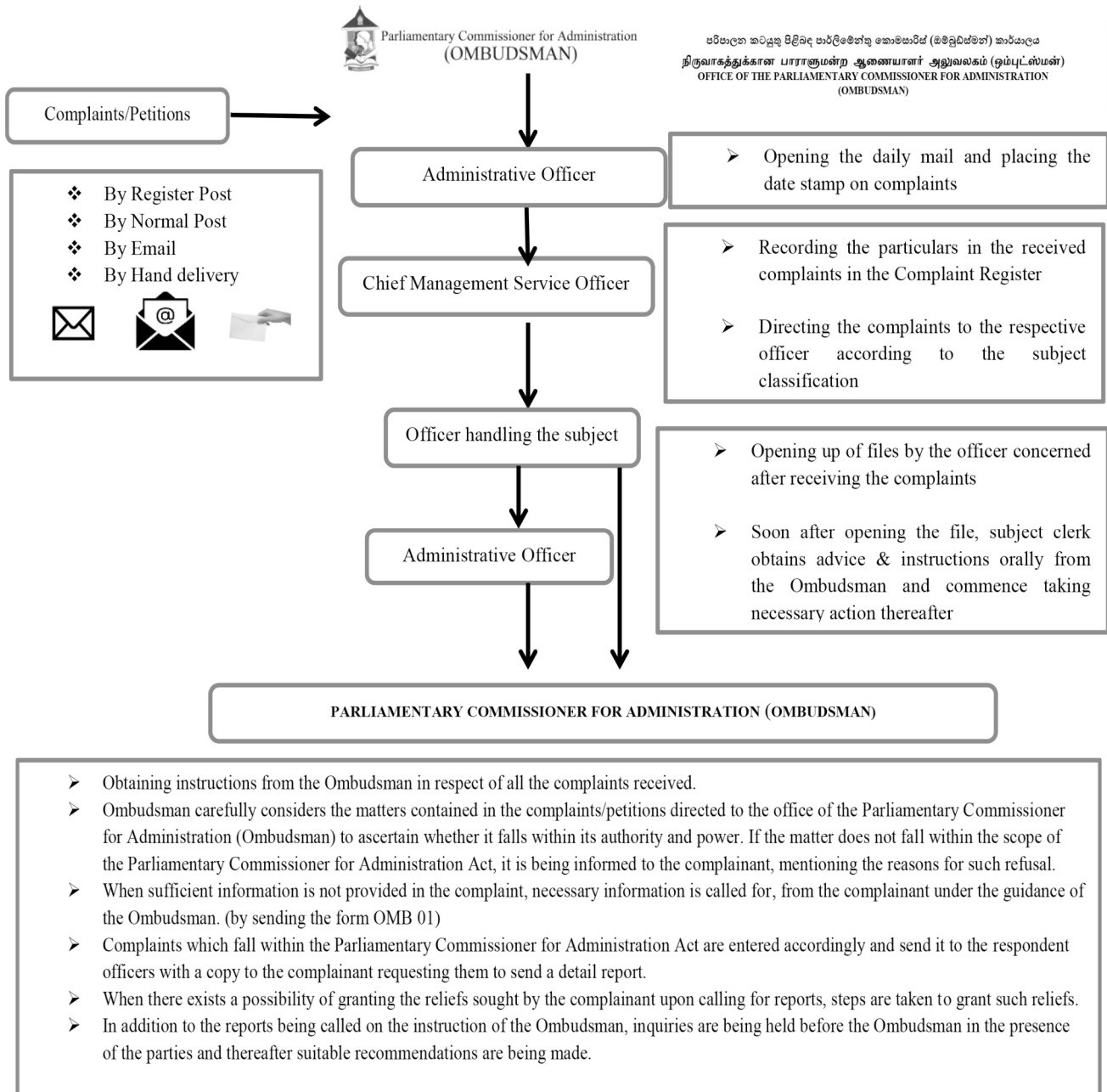
Article 156 of the Constitution of the Republic of Sri Lanka stipulates that the Parliament shall provide for the establishment of the Office of the Parliamentary Commissioner for Administration (Ombudsman). This position is tasked with the duty of investigating complaints or allegations of infringement of fundamental rights or other injustices caused or likely to be caused, while performing duties by public officers and by officers in public corporations or by officers in Local Government Institutions or any other similar institutions; and, remedying them and/or making appropriate recommendations to overcome those violations.

Accordingly, the Parliamentary Commissioner for Administration Act No.17 of 1981 was enacted establishing the Office of Ombudsman where powers, duties and functions of the Ombudsman are described and defined. The aforesaid Act was amended subsequently by the Act No.26 of 1994 enabling the Ombudsman to receive and entertain complaints of infringements of fundamental rights or other injustices directly from the members of the public.

The Ombudsman is required to investigate and inquire into the alleged infringement of fundamental rights or injustices caused or unfairness meted-out and then to determine whether the decision, act or omission of the public officer concerned is contrary to law, unjust, oppressive, discriminatory or had been made in the improper exercise of the discretion of the officer concerned. Where the Ombudsman is satisfied, after due investigation that a person's fundamental rights have been violated by a public officer or has suffered an injustice at the hands of such officer, he should make a determination and necessary recommendations accordingly. The Ombudsman, by way of relief to the person affected, may recommend that the act of the public officer concerned be reconsidered, rectified, cancelled or varied and direct the Head of the Institution to which the said public officer belongs, to notify within a specified time, the steps which he proposes to take, to give effect to the recommendation.

Finally, it should be mentioned that it is clear that a noble duty is cast upon the Ombudsman to ensure protection of fundamental rights of the people referred to in the Constitution and also to protect them from any other injustices caused by the acts performed by the officers of the government and other similar institutions. At the same time, it must be noted that whilst protecting these rights of the people, it is also the duty of the Ombudsman to ensure that the administration policy of the Government is properly implemented, having due regard to the matters contained in Articles of the Constitution and to the provisions of the other legislative enactments and regulations made thereunder and of course to the rules contained in various circulars and directions issued by the government authorities.

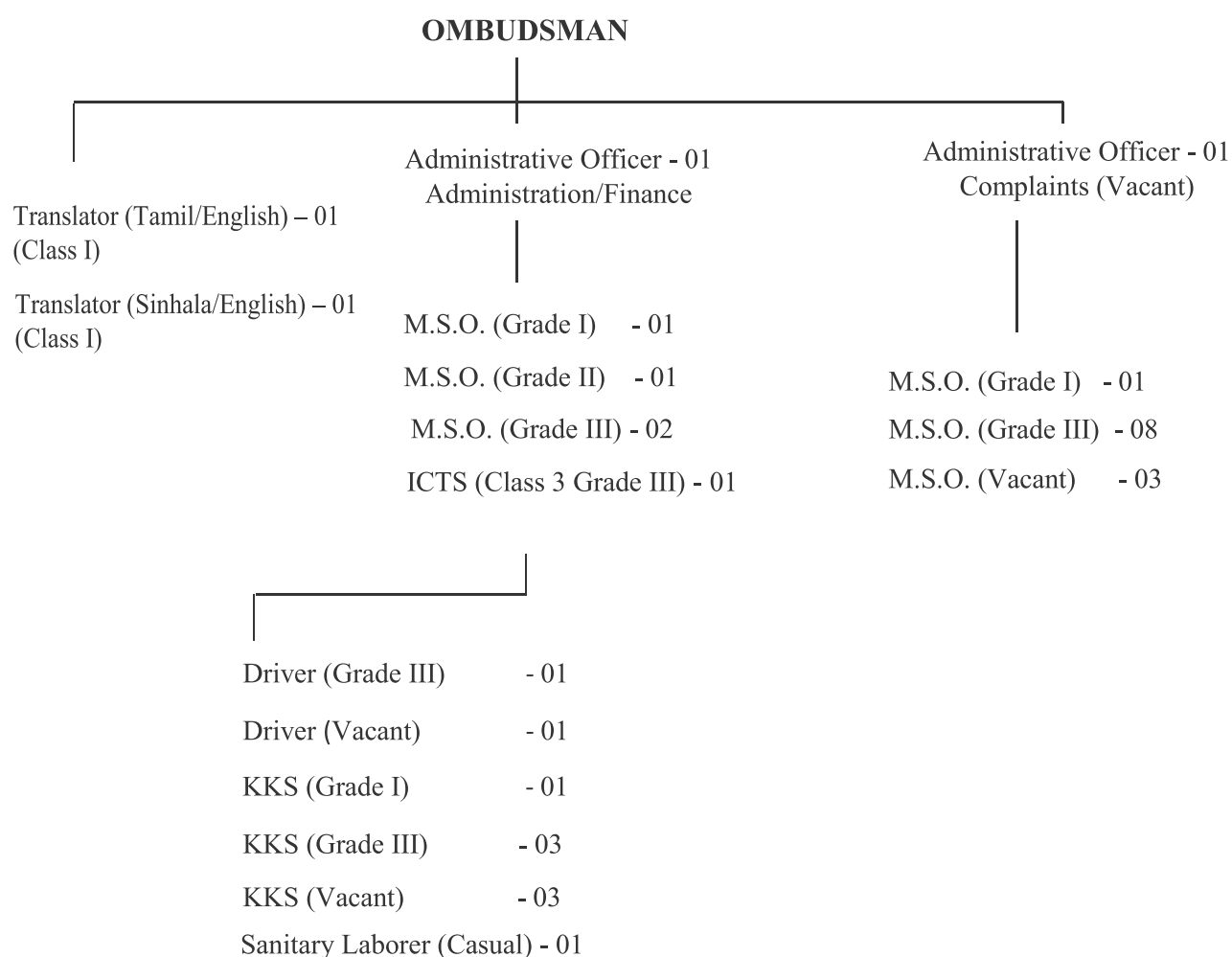
Various Stages of the Procedure Followed After Receiving Complaints



1.4 Office Staff

Approved cadre for this office is 32 in number. However, as shown in the structure below, only 24 officers were attached to this office as at the end of 2020. It is to be noted that delay might be occurred in the progress of work due to the said prevailing shortage of the staff of this office.

OFFICE SRTUCTURE



1.5 Procedure Adopted Upon Receiving Complaints

Each and every complaint/petition received by this office is entered in a separate register and then a specific number is allocated for that complaint. Thereafter, the complaints are classified according to the subjects such as; Pensions, Widows & Orphans' Pension Payments, Salary Anomalies, Salary Increments, Promotions, Lands, Unauthorized Constructions, Termination of Services, Reinstatement in office, Service Absorption, Admission to Universities/Schools, Misuse of Powers etc. These are the particular subjects allocated to and dealt with by the Office of Ombudsman and they belong to the category of "Management Service Officers" in the Government Service. Upon registering a complaint, it is referred to the respective Management Service Officer (Subject Clerk) and thereafter it is their duty to open up a file for each and every complaint. This selection of topic is being carried out by the Chief Management Service Officer at the office.

Once a file is opened in respect of a particular complaint, the subject clerk makes a minute in the file summarizing the contents of the complaint. Thereafter, he/she, having discussed the nature of the complaint with the Administrative Officer, both of them meet the Ombudsman and seek his advice and guidance as to the steps that are to be taken in connection with the complaint.

It is a very important meeting and, at that point, the Ombudsman carefully considers the contents of the complaint along with other documents annexed thereto. The first and foremost issue that would be looked into is to ascertain whether the complaint/allegation, falls within the jurisdiction of the Ombudsman. In determining this issue, Ombudsman carefully addresses his mind to the matters contained in Sections 10, 11 and 17 of the Parliamentary Commissioner for Administration Act (hereinafter referred to as the Act). If the complaint does not fall within the ambit of the Act, the complainant is informed forthwith giving reasons for the inability to proceed with the matter.

When the Ombudsman decides to proceed with the application, he makes appropriate orders as to the steps that are to be taken in connection with each and every complaint. If

the Ombudsman feels that it is necessary to obtain more information, such as the relief sought, and against whom the complaint is made, then such information is requested from the applicant. Thereafter, every effort is made to conclude the case in accordance with the provisions of the Act and very often it will depend on the nature of the complaint.

Having decided to proceed with the matter, generally, observations are called from the officers holding higher positions than the officials against whom the allegation is made. Many instances are found where the authorities have decided to grant relief soon after they receive the said letters by which the observations are being called. There are instances where this office had to send several reminders to get the observations on the issue. In a fair number of cases, the Ombudsman was able to see a meaningful outcome after exchanging several letters. In the event that the Ombudsman is unable to achieve an acceptable decision adopting such a process, the relevant parties are summoned to this office for a formal inquiry.

This inquiry is held observing the rules of natural justice giving every party an opportunity to present their respective cases in the presence of each other. Whenever a violation of a fundamental right or an injustice has been caused to the complainant, the Ombudsman makes every effort to ensure granting relief to the victim. If he fails to achieve an acceptable solution by such a cause of action, further inquiries are made to rectify the errors made. If the Ombudsman is unsuccessful in all such endeavours, he makes a determination on the issue and informs the same to the respondent-party to ensure that it is implemented within a given period of time. If no action is taken within the time so specified, the Ombudsman shall forward a copy of his report to His Excellency the President and to the Parliament for appropriate action. At this stage, it must be noted that the Office of Ombudsman always maintains strict confidence when following the procedure referred to hereinbefore.

Having mentioned the manner in which the applications are being processed and the actions taken thereafter, I will now refer to a few matters covering different areas where this office was able to grant reliefs to the applicants who sought the intervention by the Ombudsman. I believe it will be of somewhat assistance to understand properly the nature and the type of the applications made to this office during the year under review.

No. OMB/P/2/1/162

Name: Mr.W.H.Punyadasa

The applicant, Mr. W.H Punyadasa, is the eldest son of his family and is in possession of irrigated Land plot bearing No. 2776 of අ.භ.ව් 73/4 which had been conveyed to his father by Sri Lanka Mahaweli Authority. However, His father had nominated his sister, W.H Manel Priyanthi as the successor to the aforementioned land plot. As a result, even though he has tried to obtain ownership of the aforementioned block of land for the past 26 years, he was unable to obtain a permit for the land. Finally, Mr. W.H Punyadasa made a complaint to us and sought relief.

Upon calling for reports from Sri Lanka Mahaweli Authority, they have sent a report stating that the irrigated land plot in question is the allotment of land marked Lot 2776 depicted in Plan No.අ.භ.ව්.73/4 which is in extent of 1.276 Hectares. The report further states that the license bearing No.මම/උව/ජර/බ/54 had been issued in the name of the father of the complainant having nominated Hettige Manel Priyanthi, the daughter of the allottee, as the successor to the land. However, it is important to note that the applicant had developed and had been in occupation of the land continuously for a very long period of time. Afterwards, an inquiry was made from the Sri Lanka Mahaweli Authority to ascertain whether it was possible to hand over the irrigated land to the applicant W.H Pundayadasa, on the basis of his long-term possession of the land. Accordingly, we were informed that, though W.H Manel Priyanthi had been summoned for an inquiry to obtain her consent to transfer the land to the complainant, she had failed to attend the said inquiry.

Subsequently, we obtained the address of W.H Manel Priyanthi from the Sri Lanka Mahaweli Authority and inquired whether she would agree to hand over the land in question to her brother W.H Punyadasa. Her position was that, she could transfer the ownership of the land if she is commensurate with the present market value of the land. Upon informing Sri Lanka Mahaweli Authority of her stand and inquiring about any other possible reliefs that could be given to Mr. W.H Punyadasa, Mahaweli Authority informed that the land division of the Mahaweli Authority will convene another inquiry prior to making a final decision. As a result, the applicant has sent us a letter of gratitude dated 27.11.2020, informing that he was able to resolve his problem that existed for 26 long years due to the intervention by the Ombudsman.

No. OMB/P/2/4/4628

Name: Mrs.D.M.N.A.Dissanayaka

The applicant, D.M.N.A. Dissanayake had been appointed as a Pharmacist in 1993 and had been working at the Matale District Hospital until 29.07.2015. Thereafter, on 27.09.2014 she was promoted to the Special Grade in Pharmacy. The applicant complained that three officers who were promoted along with her, were given the promotion backdating it to read as 01.01.2013 and further stated that she was not treated in the same manner. She also complained that two other officers who are junior to her also had been promoted to the Special Grade with effect from the same date namely 01.01.2013. In this premise, it was her position that grave injustice had been caused to her due to these decisions and accordingly she requested that she also be given the promotion backdating it to 01.01.2013.

Pursuant to the calling of reports from the Director of Health services Central Province, it was revealed that initially, on 20.05.2013, three special Grade Posts in Pharmacy had been approved for the Central Province. Accordingly, three officers who obtained highest marks based on their seniority and merits were appointed on 15.08.2014. Due to the retirement of one of them, the applicant who had been in the 4th position in the seniority list also had been given the appointment to the Special Grade Pharmacist but with effect from 27.09.2014. another 02 Special Grade Pharmacist posts were approved for the Central Province on 05.08.2015 effective from 01.01.2013, even without a request being made by them. However, the appointments made subsequently of the two officers who were given special grade promotions were also backdated and was made effective from 01.01.2013. In which case, the appointment of the applicant should also have been backdated to read it as 01.01.2013 but it had not been made so. Accordingly, it was revealed and observed that there had been grave injustice caused to the applicant because the two subsequent appointments had been given with effect from 01.01.2013 to the officers who are junior to the applicant in their service and also with lesser merits.

Accordingly, upon clarifying the relevant facts to the Director of Central Provincial Health Services, the Department took necessary action to backdate the Special Grade Promotion in Pharmacy to the applicant to which the applicant was entitled to. As a result, the issue of the complainant which she had been trying hard to settle was successfully resolved with the intervention of this office.

No. OMB/P/2/4/4414

Name: Mrs.S.N.C.Dayarathne

The complainant, S.N.C. Dayaratne had applied and passed the Limited Examination for Recruitment to Class III of the Education Administrative Service, notice to which was published in the *Gazette Extraordinary* dated 18.12.2015. Though she had faced the oral interview which was held for the recruitment to the said post, she has not been given the appointment due to the absence of 1/3 of subject combination, in the subject of “Student Counseling and Guidance” in her degree. Thereafter, she had made a request to appoint her to the post on the basis that she has fulfilled the basic qualifications.

Pursuant to the calling of reports in this regard from the Education Services Committee of the Public Service Commission, an inquiry was held summoning the relevant officials of the Ministry of Education and the Education Services Committee of the Public Service Commission. In that inquiry, it was revealed that the appointment could be granted to the applicant if the relevant University confirms that there exist 1/3 subject combination for the subject of “Student Counseling and Guidance” in the syllabus of the degree obtained by her. Subsequently, with the intervention of the Ombudsman and upon receiving confirmation from the University of Colombo, the Education Services Committee of the Public Service Commission took steps to grant the applicant, the appointment in the Education Administrative Service.

Accordingly, the applicant who did not get an appointment despite fulfilling all the qualifications was able to obtain her due appointment, upon intervention by this office.

No: OMB/P/2/5/3347

Name: Mr.T.A.P.Karunarathne

An application had been made by T.A.P Karunarathne, a resident of No. 105/1, Gokarella, Balawattala, on 02.03.2020 stating that his transfer order was not being made effective by the authorities concerned. The applicant had been working at the Medical Supplies Division located at No. 357, Ven. Baddegama Wimalawansa Thero Mawatha, Colombo 10 since 05.05.2014. While working there in that office he had applied for a vacancy in the Kurunegala Regional Medical Supplies Division on 12.04.2018. However, despite the approval given by the Secretary to the Ministry of Health to transfer him to the North Western Provincial Public Service, his transfer order was not been carried out due to the reason that the applicant was liable for an offence committed by another pharmacist.

Upon inquiries been made from the Director - Medical Supplies Division in this regard, it was revealed that though the transfer procedure in transferring the applicant had already been completed, transfer order was not being made effective because the election had been declared by then. However, assurance was given to release the applicant to the North Western Provincial Public Service as soon as the election is over with regarding the alleged inquiry pending against another party. Having informed her the above decision, she was requested to inform us when the transfer is made effective. Thereafter, by her letter dated 09.09.2020, she informed us that she had been released from her present station to work in the North Western Provincial Service and enjoying it basically due to the intervention of this office.

No: OMB/P/2/6/2490

Name: Mrs. K.A.Wimalawathie

The facts of the complaint sent by Mrs.K.A.Wimalawathie dated 10.10.2014 are as follows. The applicant's complaint was that her lawfully wedded husband, Mr.M.D.Peter, with whom she got married in 1960, had been missing for about seven years since 1980. Therefore, she married to a person named Wijesiri Dharmaratne in 1990, believing honestly that Mr. Peter had died and also because she had found it difficult to raise 6 children born to her by the previous marriage with Mr. Peter. After a lapse of 4 years, in 1994, the first husband of the applicant who had been critically ill had returned home. As a result, her second husband has left her. Thereafter, she has started to live with her former husband Peter once again. Peter had died in the year 1997. After his death, she has obtained Widow's and Orphan's pension lawfully due to her by the marriage of her late husband Peter.

However, her pension had been suspended since 2009 for the reason that she had contracted another marriage for the second time while the existence of her first marriage. The complainant has further pointed out that the Department of Pensions had not taken action to pay the Widows 'and Orphans' Pension to her, despite the fact that there is a decision by court to the effect that the subsequent marriage to Mr. Dharmasiri is *void ab initio*, which was made in the divorce case filed in Ratnapura District Court in 2012.

Pursuant to the calling of reports in this regard from the Director General of the Department of Pensions, he has informed that the pension could not be paid to the complainant in terms of Article 31 (1) (1) of the Widowers' and Orphans' Pension Act.

However, a recommendation was made to the Department of Pensions that the applicant is entitled to obtain the pension and to take necessary action to pay the pension considering the said decision pronounced by Court. Decision made by Ratnapura District Court is that the applicant's subsequent marriage to Mr. Dharmasiri is a void marriage and should be considered it as there was no marriage contracted by the applicant with Dharmasiri.

Subsequently, with our intervention, the pension was paid to the applicant from January 2016. However, the Department of Pensions has stated that they will not be able to pay the arrears from 2009 to December 2015. Upon exchanging several lengthy correspondences from 2016, in the year 2018 we directed the Secretary to the Ministry of Public Administration to exercise his powers and approve the payments due to the applicant. Due to delays in exchanging correspondence between the Ministry of Public Administration and the Department of Pensions from 2018 onwards, we again inquired from the Secretary to the Ministry of Public Administration on 19.03.2019. Department of Pensions thereafter informed us that the Secretary to the Ministry of Public Administration has given his approval to pay the arrears of pension for the period from 2009 to 2016 as well. Consequently, Department of Pensions has informed us that action had been taken to pay the arrears of pension to the applicant in November 2020.

Even though, the applicant had made several requests to the officers continuously, for many years, to obtain the pension along with arrears, the relevant authorities had not given a favorable response. After the applicant submitted this complaint to our office in 2015 and due to the intervention by this office, action was taken to pay her the, Widows' and Orphans' pension with effect from the year 2016 and to pay the arrears of widows' and orphans' pension for the period 2009 to 2016 as well.

No: OMB/P/2/7/804

Name: Mr.A.M.Senanayake

The applicant, Mr.A.M.Senanayake retired from the public service on 25.04.2005. This complaint had been made by him on 06.03.2020 to obtain his correct pension along with arrears since he has retired as an officer attached to Sri Lanka Technological Service [Special Grade] though he had been a Public Health Field Assistant. Pursuant to the calling of reports in this regard from the Director General of Pensions, we were informed

that the arrears from 01.01.2008 to 30.06.2019 had been paid to the complainant along with the July 2020 pension.

Merely calling for reports from the Department of Pensions on 01.06.2020, the complainant was able to receive the arrears of pensions in a short period of two months that had been delayed for several years. Similarly, there is another applicant who has received the promotions due to his commitment and dedication, had complained to our office with some hope but with deep regret about the non-payment of his salary revisions. Having received the arrears of salary within a short time span, applicant who was overjoyed, has forwarded a letter of gratitude to show his sincerity.

No: OMB/P/2/7/414

Name: Mr.K.G.Bandupema

The applicant, Mr. K.G.Bandupema who was a member of the Sri Lanka Army Medical Corps, retired from the post of Authorized Officer Grade I on 14.12.2007, after serving the Army for 22 years 08 months and 27 days. Having retired, he has subsequently joined the active-duty in the Army again on 29.02.2013 and has served for 03 years 02 months and 09 days and thereafter resigned from that service on 07.05.2016 having put in 55 years of service altogether in the Army.

According to the Public Administration Circular No. 03/2016 issued on 31.12.2015, salary scale of public servants had been increased with effect from 01.01.2016. Accordingly, the salary increments of the employees of the Three-Armed Forces also were given in accordance with the said Management Services Circular 03/2016. Although two salary increments had been given to the complainant by that time, his complaint was that he had not being given the other salary increment which he was entitled as per the said Management Services Circular 03/2016.

in this regard we called for a report from the Directorate of Pay and Records in the Army. They informed us that a request had already been made to the Ministry of Defense for further advice in accordance with the Circular No.03/2016 to revise the salaries of those who served the Army in an emergency and also considering the services that they have rendered. Thereafter, we made inquiries also from the Ministry of Defense in this regard and it was followed by several exchange of correspondence. Finally, upon receiving

advice from the Attorney General on this question of revision of pension that was requested by the complainant, Ministry of Defense stated that the revised pension could be paid to the complainant in accordance with Management Service Circular No. 03/2016. Consequently, the applicant informed us by way of a letter of gratitude which is dated 12.02.2020, that he had received the salary increment which he had requested.

Even though, the applicant had been requesting the authorities to grant the relevant salary increment since 2017, those authorities have failed to respond favorably. However, the applicant was able to obtain successful results after he made the complaint to our office. Needless to say, that the applicant is not the only one who enjoyed the outcome of his request to this office but many such retirees and many other employees also were able to obtain the increment which they are entitled to according to the above circular. As a result, there had been a significant increase in the pensions and salaries of those persons who were not given the benefit of that increment. Accordingly, it is to be noted that a large number of people were able to obtain the salary increment based on the outcome of the complaint made to us by Mr. Bandupema.

No: OMB/P/2/9/833

Name: Mrs.N.A.Sandamali Priyanthika

The applicant, Mrs.N.A.Sandamali Priyanthika, complained that, though the documents that are necessary to change her address given in her National Identity Card, from Division No. 427, Lower Kosgama, East Grama Niladhari Division to Division No. 440, Neluwattuduwa Division had been handed over to the Grama Niladhari, he had refused to accept those documents. As a result, she was not able to obtain a new Identity Card.

This office called for observations from Seethawaka Divisional Secretary. Consequent to the calling of reports, he has directed the Grama Niladhari of Neluwattuduwa Division to carry out the above task. However, due to the failure of the Grama Niladhari to act accordingly, the applicant had to shift back to the previous place of residence to obtain the National Identity Card.

It is necessary to mention that whilst investigating into the above complaint, it was revealed that the husband of the Grama Niladhari of the said No.440, who neglected the duty, also was serving in the capacity of the Administrative Grama Niladhari (Supervisor), within the same Divisional Secretariat Division. Considering all those

circumstances, Grama Niladhari of the Neluwattuduwa Division was transferred to Padukka Divisional Secretariat by the District Secretary in order to prevent any inconvenience that may cause to the people in the future.

No: OMB/P/2/10/1601

Name: Mr. S.C.Leelarathna

Complainant alleged that the manner in which the marks were allocated in respect of a deed submitted by the applicant, when he appeared for an interview in order to admit his child to Grade 01 at ර/අර්ථ/President's College for the year 2020, is incorrect. The complainant had submitted his application on the basis of "Near Residence" referred to in the circular applicable when admitting children to grade 1.

Having considered the above complainant, a report was called from the Principal at ර/අර්ථ / President's College. Consequently, he has sent a report which is dated 02.03.2020 stating that Sri Lanka Mahaweli Authority, by their letter dated 04.09.2019 has informed that the place where the complainant resides in relation to which the permit which was submitted at the interview to substantiate the residence is not in the name of the applicant but is in the name of his mother. The report of the Principle further states that it is the reason for not admitting the child to the school. Accordingly, the Principle has stated that the marks were allocated considering the facts mentioned in that letter and not in the manner as presented by the applicant.

However, Sri Lanka Mahaweli Authority, subsequently had issued another letter dated 09.10.2019, stating that the complainant is the owner of the land where he resides. Contents in that letter had not been considered even by the Appeal Board and therefore no marks were given on the strength of the subsequent letter.

Accordingly, it was found that the complainant's child had lost the opportunity of obtaining due marks for the admission to the school because of the error made in the first letter dated 04.09.2019, issued by Sri Lanka Mahaweli Authority. Following the inquiries made by us, it became clear that an injustice had been caused to the child of the applicant. Subsequently, we sent another letter dated 23.06.2020 to the Secretary of Ministry of Education explaining the above circumstances and requested him to intervene into the matter.

As a result, the admission of the child of the applicant to the Grade 01 at ජ/ඇමි / President's College was approved and the principal was informed accordingly. It was informed to the Director of Education (National Schools) as well by the letter dated 03.09.2020 to take necessary steps.

Subsequently, Complainant Mr. S.C. Leelaratne had sent a letter of Gratitude dated 28.09.2020 informing as that his child was admitted to Grade 01 at ජ/ඇමි / President's College on 09.09.2020.

A similar complaint also lodged by Mr. K.P.W.S. Niroshana on 24.02.2020. Action was taken on that complaint too under file number OMB / P / 2/10/1609 and similarly we were able to admit the daughter of this applicant also to Grade 01 at ජ/ඇමි / President's College.

No: OMB/P/2/10/1326

Name: Mr. R.P.J.Rankothge

The facts of the complaint sent by Mr. R.P.J. Rankothge dated 21.03.2018 are as follows. This applicant, has served Sri Lanka Transport Board for 33 years and due to hearing impairment and other ailments, he has retired from service on 14.10.2016. However, he had retired voluntarily in terms of the Circulars 'No. 01 of 2016 and / or No. 01 (i) of 2016' issued by SLTB. According to his retirement made under the said circular, the complainant was entitled to a compensation amounting to Rs. 2,048,970 / but the applicant had only received Rs. 1,862,700 / -. Therefore, the applicant's complaint was that he should be given the arrears amounting to Rs. 186,270 / -.

Upon considering the above issues, reports were called from the General Manager of Sri Lanka Transport Board. He has sent two reports dated 09.07.2018 and 13.11.2018. Accordingly, the Deputy General Manager (Administration) had informed that, since the applicant had failed to annex the certificate obtained for the training that he had underwent at the German Technical Training College, the period that he served at the Training College was not included when calculating his period of service. As a result, his service period was calculated as 30 years and compensation had been paid without calculating his training period at the Training College.

However, while expressing his view in this regard, the applicant stated that, his training period at the German Technical Training College had been recorded and found in his

personal file. He also submitted that his gratuity was paid taking into account his period of service as 33 years though only 30 years of service had been considered when computing the amount of Compensation.

Thereafter, inquiries were made from the Sri Lanka Transport Board in this regard. We were informed by a report dated 29.03.2019, that the reason for such a discrepancy was due to the applicant tendering the training certificate only after submitting the application for compensation. Therefore, even though the period he served at the college was included when paying the gratuity, it had not been considered when the compensation was paid.

Complainant had submitted the certificate of completion of his training by then, to the Sri Lanka Transport Board. Therefore, we observed that it is not justifiable to ignore the 03-year training period for the payment of compensation, merely because the delay in submitting the documents. Accordingly, a recommendation was made by this office to Deputy General Manager (Administration) by letter dated 04.06.2019, stating that if the applicant is entitled to receive the gratuity taking into account the duration of the training, there is no reason to withhold the compensation for the three-year training period.

Subsequently, Mr. R.P.J. Rankothge sent a letter of gratitude dated 24.01.2020, informing that he was able to receive the arrears of compensation from the Sri Lanka Transport Board.

Letters of gratitude sent by those who have obtained reliefs due to the Ombudsman's intervention are annexed for the purpose of completion of the Annual Report.

Chapter 02 – Progress and the Future Outlook

2.1 Observations and Suggestions

2.2 Statistical Analysis

2.1.1 Observations

Basically, the role of this institution is to inquire into the complaints that come within the scope of the Office of Ombudsman in terms of the powers and duties vested under the Parliamentary Commissioner for Administration Act and the subsequent amendments made thereto. Accordingly, steps were taken during the last year too, under the provisions contained in the aforesaid Act to remedy alleged injustices caused by public officers in the exercise of their duties towards citizens, as referred to in Article 156 of the Constitution. In doing so, this office made every effort to remedy the alleged injustices that were referred to us for redress. Whenever no amicable settlement was possible, this office made every other means, such as writing to the officers concerned repeatedly and also by contacting them even over the telephone, depending on the circumstances of each case, endeavoring it to have those issues settled expeditiously. During the year under review, a total of 1366 complaints were disposed of having held inquiries *inter-parte* and also upon hearing the parties in a summery manner. There is balance of 828 complaints that were carried over to the year 2021 for further action.

It is to be noted that inadequacy of information provided by the applicants for us to proceed with a complaint is an obstacle to commence inquiries. In such a situation, this office is compelled to request the applicants to provide the required information to this office. In any event, we usually send a particular form, prescribed and named as “OMB-01” to all the applicants requiring them to answer the questions mentioned therein so that we will be able to obtain required and necessary information such as the officers against whom the application is made and the exact decision by which the alleged violation of rights had been committed.

During the year under review, the number of complaints received against the Ministry of Public Administration had decreased noticeably compared to the year 2019. Change in the scope and the duties of the Ministry in the year 2020, may have contributed to decrease the number of complaints. The said change is the separation of the scope of, Ministry of Public Administration, Home Affairs, Provincial Councils and Local Government into two areas. Accordingly, this office received 160 complaints against the Ministry of Home Affairs and Disaster Management. Among them, a considerable number of complaints were received against, Divisional Secretariats and District

Secretariats. Considerable number of complaints had been received to obtain Permits for Government lands and Mahaweli lands. Complaints we received regarding their ownership to those lands were also at a high level when compared to the last year.

Complaints made against officers of the Ministry of Education and the Department of Education also were at a high level. Among them, a considerable number of complaints were in respect of admission of children to the first grade in schools. Such indolence may have been due the irregularities that take place when giving marks during the interview and also due to the issues that arise with the number of schools situated closer to the place of residence where a child could be admitted.

Number of complaints received against, unauthorized constructions, blockage of drainage systems, cutting trees which cause disturbances to neighbors had been increased. The Officials in local government bodies including Pradeshiya Sabhas / Urban Councils / Municipal Councils are the officers responsible to rectify the above issues.

To a large extent such problems were adhered to in the way expected, resulting it achieving the desired results. The number of complaints received against the Department of Pensions had comparatively decreased. Sending response without causing much delay by the Department of Pensions could have been the reason for such satisfactory outcome. However, it is to be noted that there were instances where reminders too had to be sent, to obtain their response.

It is necessary to note that, the disputes between private parties, the matters that had been dealt with or are being adjudicated before Court, issues relating to appointment, transfer, disciplinary control and dismissal of public officers, non-compliance with a decision/ recommendation / action of the Auditor General: fall outside the jurisdiction of the Ombudsman. Applications made due to such matters are being rejected at the very outset. Furthermore, it is to be mentioned that there exists enormous delays in making some applications. However we reject those applications unless the reasons for such delays are explained.

It should also be noted that, it has taken considerable time to resolve an issue, due to the reasons such as delay in replying to the Ombudsman, by the public officers when called

for. Such lethargy in resolving issues and their reluctance to answer the questions also causes delays in obtaining justice.

It is necessary to note that during the pendency of an inquiry or investigation upon a complaint being received, the officials whose decisions had been challenged, expended time and effort, trying to justify a decision or action that they have taken without paying due heed to sense of justice or fairness. Moreover, regardless of the gravity of the wrong done and its deleterious effects on individual citizen, officials seem to have continued in taking wrongful action or spurious decisions, despite justifiable complaints being made against them. It is to be noted that such conduct never enhances proper administration and indeed vitiates the same. Also, it leads to distancing from good governance as public officials do not readily receive citizens and listen to them who bring in legitimate complaints to their notice.

Despite the Covid-19 pandemic in the country this year, our activities continued without any delay. Due to the curfew imposed in the country, the office was closed only in the month of April. As a result, the inquiries convened by us with the participation of the relevant parties had to be postponed. At present, the work is being carried out as usual.

2.1.2 Suggestions

Having considered the matters pertaining to the complaints made to this office following suggestions could be made to remedy the erroneous administrative decisions.

The issue in file bearing No. OMB / P / 2/2/3517/2019 was that the complainant had lost his rights to the land which he had developed for a period of 38 years or even more.

The land in issue in this matter is situated within the Divisional Secretariat Divisions of Karadeniya in Galle district and the permit bearing No. L.L.55551 had been given to the mother of the applicant, Mrs. P.H.Siriyawathi. While she was alive, the right of inheritance was transferred to the applicant's elder brother, and thereafter that brother was named as the successor to the permit. Applicant's mother and the father had died. Her elder brother had been a permanent resident of another Mahaweli land for more than 20

years and he also had died in 2019. In her complaint, Siriyawathie stated that she had been developing, improving, and had been in possession of the aforesaid land Plot while maintaining the same.

After the death of her elder brother, his wife had requested Karadeniya Divisional Secretary, to transfer the title of the land to her. Having conducted inquiries in this regard on 09.10.2019 at the Divisional Secretariat office, summoning all the parties who claimed rights to the land, recommendation had been made to give the land to the wife of Mrs. Siriyawathi's elder brother. However, that person had only agreed to give a portion of the land to Mrs. Siriyawathi who was in continuous possession of the land.

It was revealed that Mrs. P.H. Siriyawathi had been subjected to severe injustice due to the said decision. It was observed that the applicant had lost the land which had been developed and improved by her for over 38 years. However, it should be noted that the decision taken by the Karadeniya Divisional Secretary was never a decision taken against the law in the Land Development Ordinance. at the same time, it is also to be noted that Karadeniya Divisional Secretary had failed to pay due heed to the Common Law concept which requires him to give special attention to the improvements and developments made by the applicant and then to take remedial actions accordingly.

Following suggestions may be made to avoid such issues caused under those circumstances:

- I. Steps should be taken to amend certain provisions of the Land Development Ordinance in a timely manner considering the other Laws and Regulations. This will minimize the occurrence of such problems.
- II. Amending the, Land Development Ordinance in respect of transfer of ownership of a government land, enabling the persons who have been developing and possessing the land for a long period of time, to obtain ownership.
- III. It was clear from the complaints received that following the death of a permit holder of a government land, confusion has arisen as to which person should inherit the land, when the permit had been issued in the name of the deceased. Special attention should be paid to this matter and the Land Development Ordinance should be amended accordingly.

The issue in the file bearing No. OMB / P / 2/2/3127 was that, following the death of the husband of the applicant, Mrs. K. Siriyawathi, the title of the land to which her husband was named as the successor, had not been transferred to her.

The land in question is a government land, located within Agalawatta Divisional Secretariat Division. The permit bearing No. LL 190 had been issued to the father of the deceased husband of the complainant, Mrs. K. Siriyawathi. The husband's father had died in 1981. The husband of the applicant, who was named as the successor in title, died in 1983. The land was later acquired by the government under Section 85 of the Land Development Ordinance as no owner could be found.

However, Mrs. K. Siriyawathie later submitted an affidavit requesting the ownership of the land. At that time, it was learnt that the land had been occupied by an unauthorized person. Although the Agalawatta Divisional Secretary had filed a case in Matugama Magistrate's Court under the provisions of the Recovery of Possession Act, to obtain an eviction order to remove the unauthorized occupant, he was not been evicted due to non-implementation of the judgment. Thereafter, the Western Provincial Land Commissioner had informed the Divisional Secretary to issue a permit in the name of Mrs. Siriyawathi. Accordingly, the relevant surveys of the land were carried out. However, due to the failure of the unauthorized occupant to vacate the aforesaid Land and Premises and due to not handing over peaceful and vacant possession of the said Land and Premises, the Divisional Secretary (Agalawatta) had sought the advice of the Attorney General prior to issuing a permit. However, given the reasons that the record of the above-mentioned case which was filed in Matugama Magistrate court had been misplaced while it was in the custody of the court, the Attorney General was unable to give the requested instructions. Under those circumstances, Mrs. K. Siriyawathi had lost the ownership of the land. The land is still in the possession of the unauthorized person.

Following suggestions may be made to avoid such injustices caused under those circumstances:

- I. Although the Agalawatta Divisional Secretary has the power to evict an unauthorized occupant with the assistance of the Fiscal Officers, when a court order had been issued in respect of a matter, his failure to implement it, is an administrative lethargy

and weakness on the part of the relevant officials. It is necessary to ensure that the officers should be informed to avoid such weaknesses and short-comings.

- II. When files, reports, documents, etc. of all government institutions are sent or taken out from record rooms, a proper procedure needs to be followed and the documents that contain important information should be identified and make a record of it and should be kept safely under the custody of a responsible officer.

The issue in file bearing No. OMB / P / 2/4/4552 is that the applicant, Mrs. M.B.A.Sandamali, who had been working as a Development Assistant in the Puttalam Zonal Education Office, was not absorbed into Grade III of the Development Officers' Service, to which she was entitled to.

The applicant had been appointed as a Development Assistant in the Postal Department on 22.08.2005. Subsequently, she had been transferred to the North Western Provincial Council and reported for work at the Puttalam Zonal Education Office on 20.06.2016. Thereafter, she had made a request to the North Western Provincial Public Service Commission, to promote her to Grade II on 22.08.2015, as she was entitled to be promoted with effect from that date. However, the Provincial Council has informed her that the required period of service was in the Central Government and therefore her request could not be granted. Thereafter, the applicant had requested the Postal Department to promote her to Grade II and to absorb her into the Development Service. Even after referring it to the Ministry of Public Administration, the relevant absorption and promotion was not given.

Pursuant to the reports been called from the relevant authorities, an inquiry was held at this office, summoning the Director General of Combined Services, Director of Combined Services, Senior Administrative Secretary (Main Office) of the Postal Department and the applicant. At this inquiry, it was decided to inquire into this matter from the Public Service Commission since the applicant has expressed her desire to absorb into the service of Development Officer as per Public Administration Circular No. 10/2012. By then she has completed 10 years of service required for promotion to Grade II. As a result, the required approval was obtained from the Public Service Commission, and the Ministry of Public Administration acted on that approval and resolved the applicant's problem.

Following suggestions may be made to avoid such issues:

- I. Government agencies should act with proper coordination with the relevant institutions without unnecessary delay.
- II. When making requests for appointments and promotions, public officers who make such requests also should make the request without delay

The issue in files bearing No. OMB/P/2/7/822, OMB/P/2/7/826, OMB/P/2/7/829, OMB/P/2/7/831, OMB/P/2/7/832, OMB/P/2/7/839, OMB/P/2/7/861, OMB/P/2/7/882, OMB/P/2/7/912 was that though the applicants have received appointments on casual / substitute / temporary/daily basis before they reach the age of 45, they have lost their pensions, since they have passed the age limit of recruitment to the public service at the time of their confirmation in the respective posts.

At the time those appointments were made permanent they have already reached 45 years in age. However, when the officer submits the relevant applications to the Department of Pensions on retirement at the age of 60 to have the pension, the Department of Pensions inform them that it is not possible to grant pension for the reason that they were made permanent in those positions only after they have passed the age of 45 years.

it is necessary to take a clear policy decision to resolve this burning issue since we are also not in a position to make a recommendation deviating from the existing legal framework. Therefore, in order to avoid such problems, I suggest that when granting appointments beyond the age of 45 years to the public service, either the appointees should clearly be informed in writing that they are not entitled to the pension under the rules found in the “Minutes on Pensions” or repeal the regulations in the Minute on Pension allowing them also to have the pension rights.

Finally, as the last suggestion, I recommend that necessary regulations should be made by way of a circular to impose punishments to the officers in the public service and allied services when they make wrong and erroneous decisions. It will be a result oriented remedial measure though harsh on the decision makers.

2.2 Statistical Analysis

2.2.1 Statistical Analysis

There were 1228 complaints received directly from the members of public, in addition to the 5 complaints referred to us by the Parliamentary Petitions Committee during the year 2020. Also, there were 961 complaints that were brought forward from the year 2019. Accordingly, altogether there were 2194 complaints that were dealt with, during the year under review.

Table 1: Statistical Analysis – Year 2020

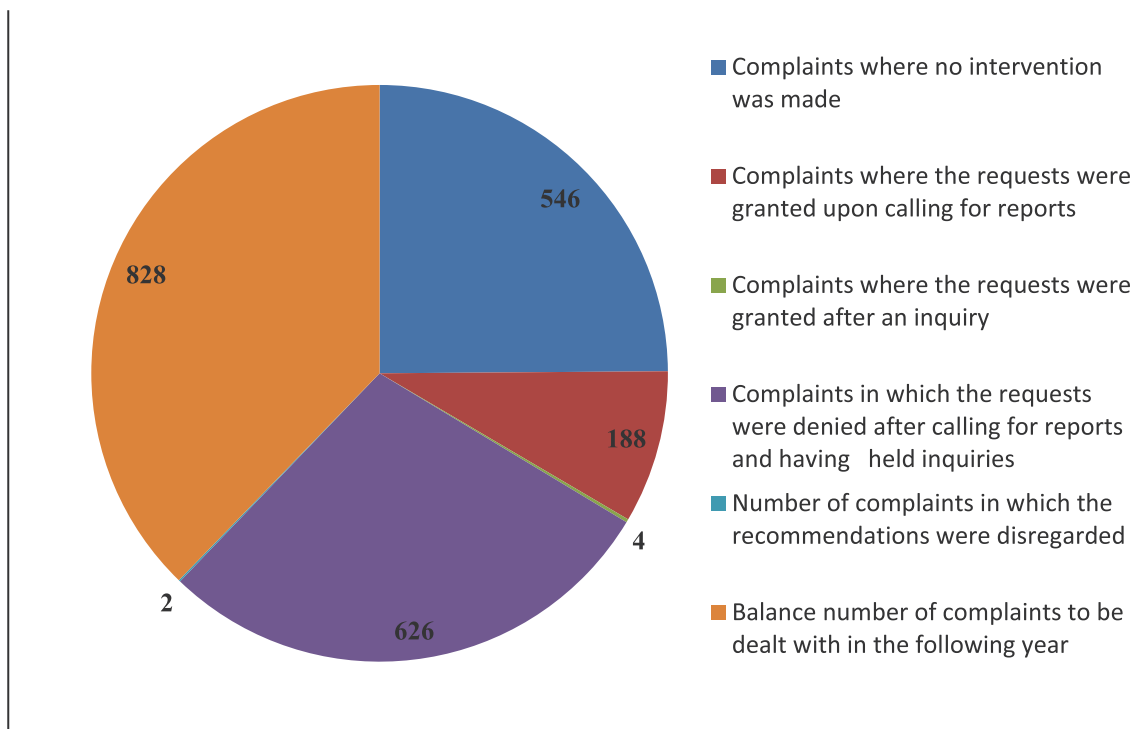
	Pending	Closed	Total
Balance Complaints from the year 2019			961
(1) Total number of complaints received during the period 01.01.2020 to 31.12.2020			
(I) Directly from complainants	1228		
(II) Referred by the Parliamentary Public Petitions Committee	5		
(2) Total number of complaints received during the year 2020			1233
Total number of complaints that were dealt with during the year 2020:-			2194

Total number of complaints investigated during the year 2020:-			
(1) Number of files terminated at preliminary stages :-			
i. Outside the jurisdiction of the Ombudsman		521	
ii. Complaints in which no specific reliefs were sought		25	(546)
(2) Number of complaints inquired into having called for reports from the respective institutions :-			
i. Complaints in which the reports were called upon considering the facts mentioned in the complaint – Not concluded	462		
ii. Complaints in which further reports were called for upon considering the matters mentioned in the reports received – Not concluded	340		
iii. Complaints where the requests were granted after receiving the reports		188	
iv. Complaints in which reliefs were granted on our recommendations made considering the reports that were called for			
v. Complaints in which the requests were denied after calling for reports		437	
vi. Proceedings in the files were terminated due to the lack of interest by the complainants		178	(803)
(3) Complaints where the inquiries were held with the participation of the parties when a decision could not be arrived by calling for reports :-			
i. Number of inquiries held having summoned the complainants and the respondents having looked at the reports received – Not concluded	23		
ii. Complaints in which the requests were denied after having held inquiries		11	
iii. Complaints in which the recommendations were made at the conclusion of the inquiries – Not concluded	3		
iv. Number of complaints in which reliefs were granted having implemented the recommendations made		4	
v. Number of complaints in which the recommendations were disregarded		2	(17)
(1)+(2)+(3) Total			(1366)
Balance number of complaints to be dealt with as at 31.12.2020			828

2.2.2 The manner in which the complaints were dealt with

Totality of the complaints that were to be dealt with for the year 2020 were amounting to 2194 and out of which 828 complaints were carried forward to the following year. Accordingly, 1366 complaints were disposed of during the year 2020. (As shown in Table 1 – Statistical Analysis) Following is the summary in relation to the manner in which those complaints were dealt with.

Graph 1: Manner in which the complaints that were dealt with for the year 2020

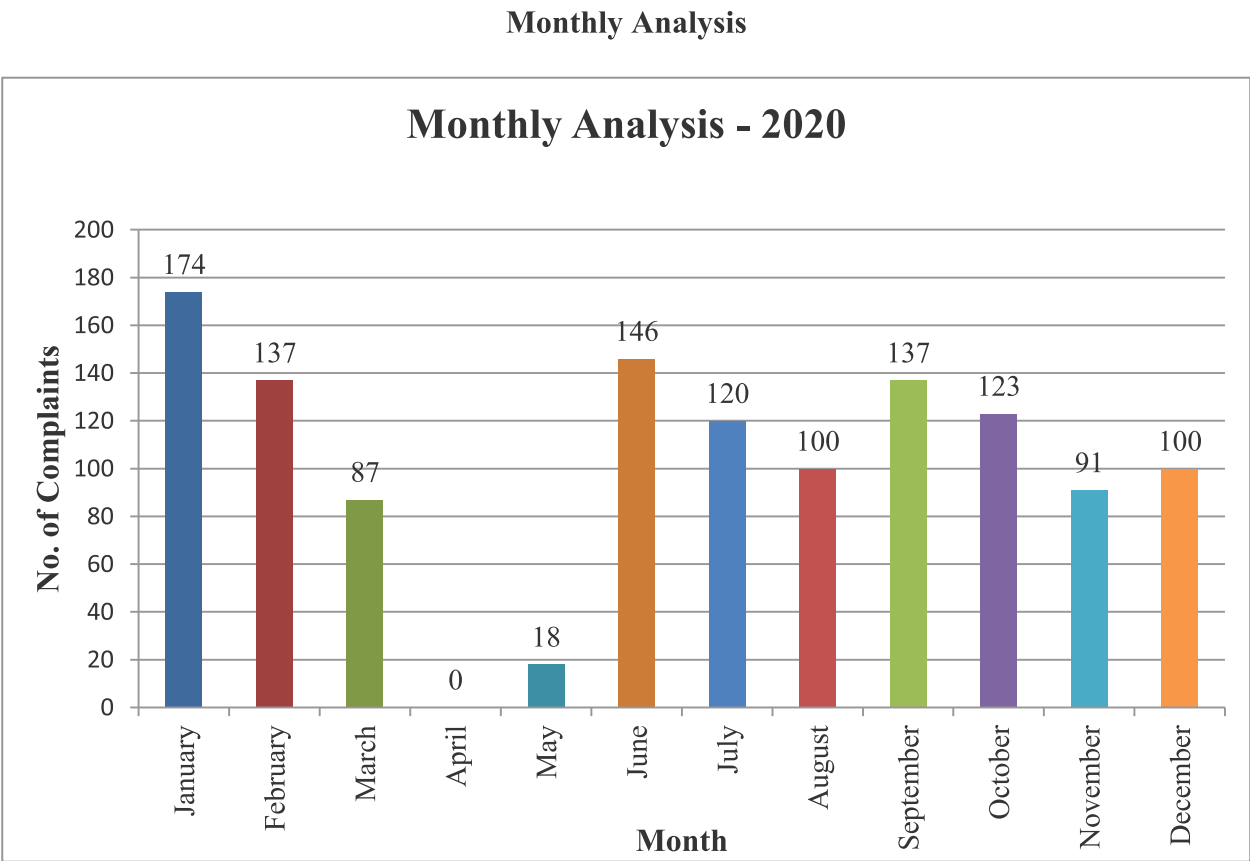


Manner in which the complaints were dealt with	Number of Complaints
Complaints where no intervention was made	546
Complaints where the requests were granted upon calling for reports	188
Complaints where the requests were granted after an inquiry	4
Complaints in which the requests were denied after calling for reports and having held inquiries	626
Number of complaints in which the recommendations were disregarded	2
Balance number of complaints to be dealt with in the following year	828
Total number of complaints that were dealt with during the year 2020	2194

2.2.3 Monthly Analysis

Total number of complaints lodged for the year 2020 was 1233. No Complaint was received for the month of April since this office was closed due to Covid -19 virus. The highest number 174 and it was for the month of January. Relevant particulars are described in graph 2 below:

Graph: 2 Complaints made for each month for the year 2020



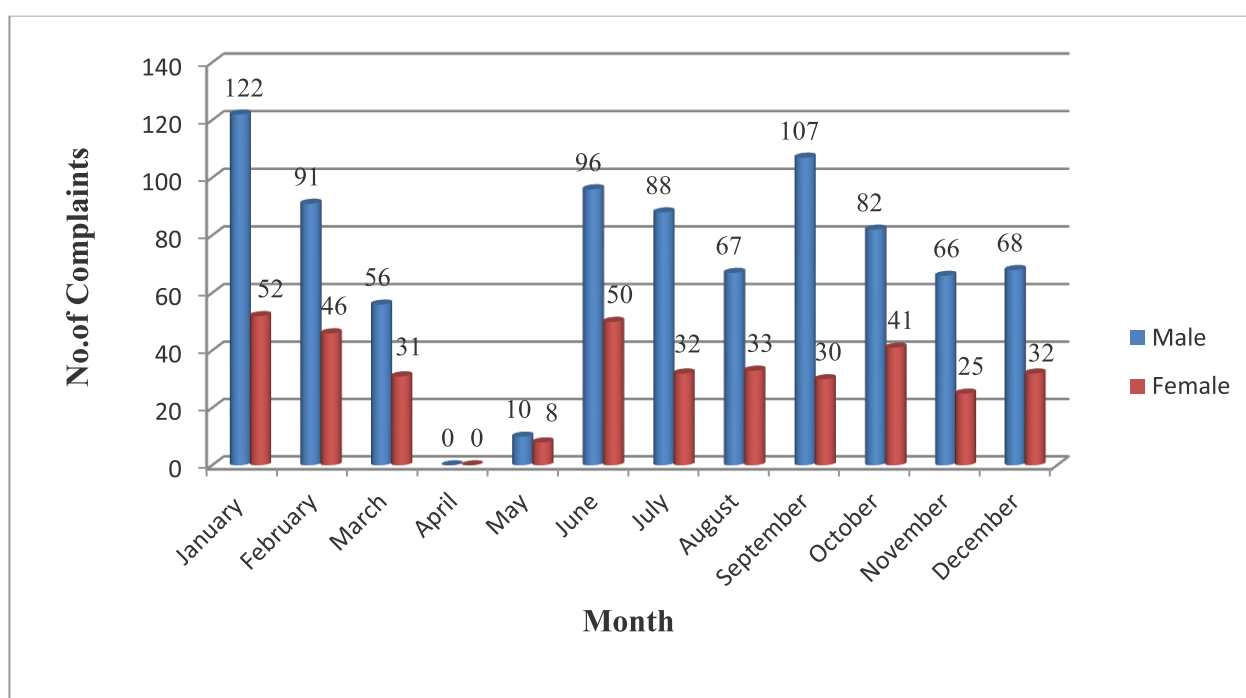
2.2.4 Analysis under the category of Male/Female

853 complaints were made by males while 380 were by females. Those are described in Table - 2 and in Graph - 3.

Table: 2 – Total number of complaints for 2020 on the basis of male and female

Month	Male	Female	Total
January	122	52	174
February	91	46	137
March	56	31	87
April	0	0	0
May	10	8	18
June	96	50	146
July	88	32	120
August	67	33	100
September	107	30	137
October	82	41	123
November	66	25	91
December	68	32	100
Total	853	380	1233

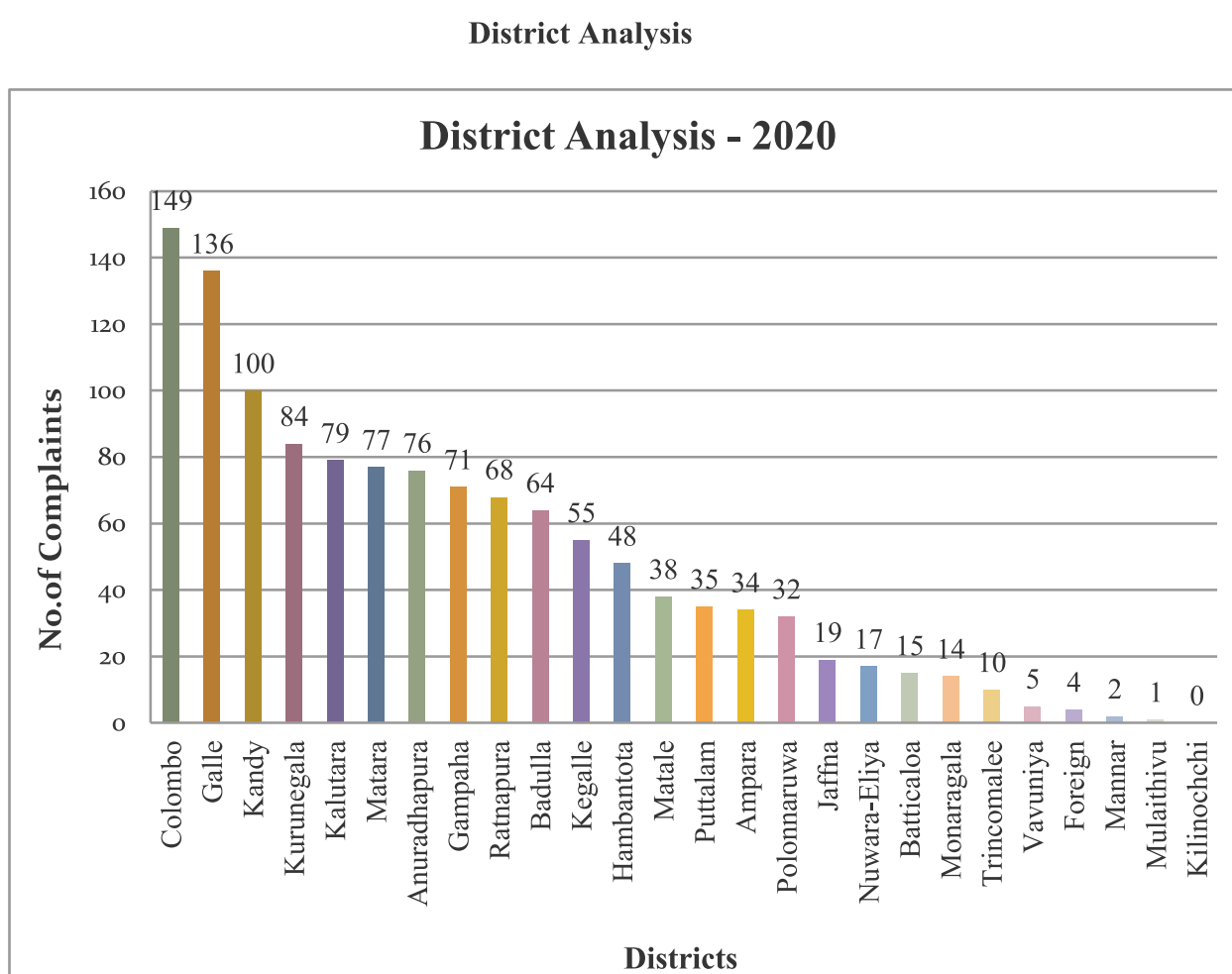
Graph 3: - Total number of complaints for 2020 on the basis of male and female



2.2.5 Analysis on the basis of Districts

Highest numbers of complaints for the year 2020 were received from the District of Colombo and it was amounting to 149. Next highest was from Galle District and it was 136 and the number of complaints from Kandy District were 100. No complaint was received from Kilinochchi District. Refer Graph 4 below.

Graph: 4 –Total number of complaints received for the year 2020 according to the Districts that they reside permanently



2.2.6 Analysis based on the Respective Subjects

In the year 2020, there were considerable number of complaints in respect of the matters such as; issuing of land Permit and Grants of state land, matters related to pension, issues regarding widows & orphans, confirmation of employment, termination of servicers, reinstatements, promotions, salary anomalies, salary increments, claims for arrears, inaction of officers concerned, payments of employees trust fund, unauthorized construction & annoyances made, issuing licenses, issues relating to building permits. Refer Table 3 below.

Table 3: - Complaints received against the public officers on the basis of respective Subjects

	Subject	Number of Complaints
1	Land permits, Grants of State Lands	133
2	Pension, W&O	110
3	Termination of Employment, Reinstatement, Extension	82
4	Service Absorption, Recruitment, Appointments, Confirmation, Antedating	81
5	Salary Anomalies, Increments, Arrears, Allowances	77
6	Delay, Incompetence, Negligence, Abuse of power.	69
7	Promotions, Seniority	63
8	University / School Admissions, Examination results	52
9	Unauthorized Constructions / Nuisances	47
10	Miscellaneous	25
11	Roadways	24
12	Compensation, Poor relief, Samurdhi	19
13	Transfers from place of work	15
14	EPF / ETF / Gratuity	15
15	Licenses, Building Permits	12
16	Harassment at Work Place	12
17	Electricity, Water, Telephone Connections, Disconnections.	9
18	Loans, Recovery, Rescheduling	6
19	Complaints where no intervention was made	382
Total number of complaints		1233

2.2.7 Analysis as to the Categories such as Ministry, Corporation, Public Institution etc.

Looking at the following Table, it is seen that there exists a large number of complaints against the Home Affairs, District Secretariats/ Divisional Secretariats and the Ministry of Education & Higher Education. When conducting inquiries, it was revealed that majority of the complaints were on issuing of Grants and Permits to State Lands and many of those were against the respective Divisional Secretaries. Refer Table 4 below:

**Table 4: - Complaints received against the public officers in the Ministries.
Departments, Authorities and Public Institutions etc.**

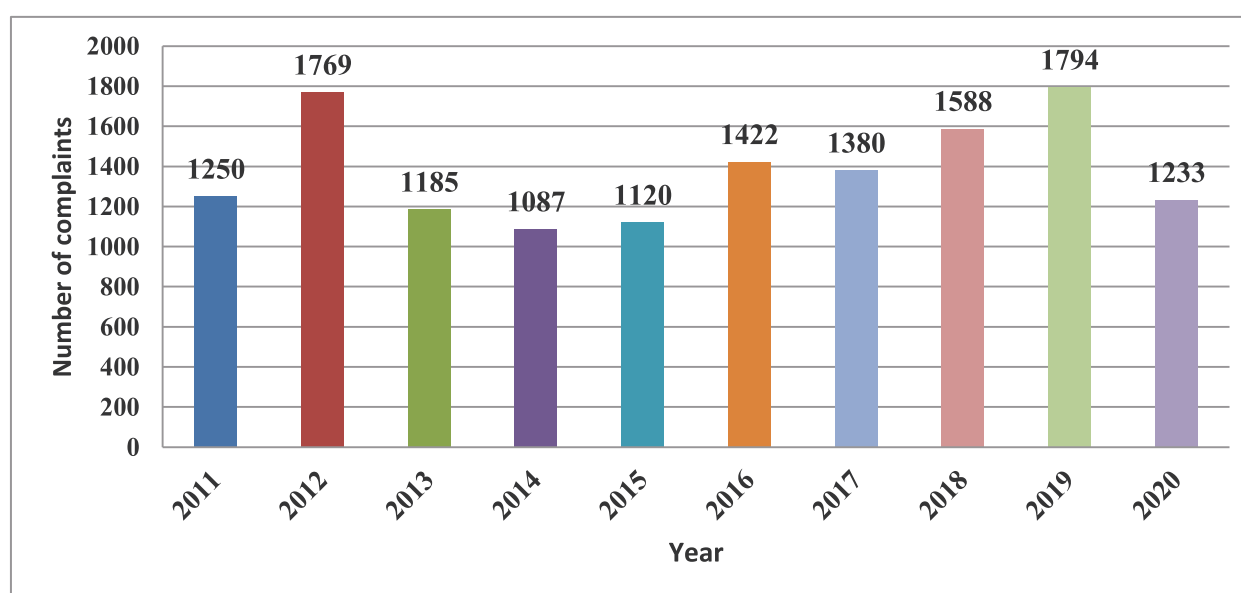
	Ministries, Departments, Authorities etc.	Number of Complaints
1	Home Affairs; District Secretariats, Divisional Secretariats	160
2	Education & Higher Education	147
3	Provincial Councils & Local Government Institutions	91
4	Pensions	71
5	Corporations/Authorities/Boards(CPC,CEB,SLAA,RDA,SLBC,SLRC)	57
6	Health and Indigenous Medicine	39
7	Different Institutions	30
8	Irrigation & Mahaweli Authority	27
9	Transport (SLCTB, CGR, CMV)	25
10	Defense & Internal Security	23
11	Agriculture	21
12	Public Services Commission (Central and Provincial)	20
13	Public Administration	20
14	Cooperative Development	16
15	Social Services / Samurdhi	12
16	Universities	11
17	Posts and Telecommunication	9
18	Lands & Land Reforms Commission	9
19	State Banks	8
20	Finance	7
21	Bureau of Foreign Employment	7
22	Forests	7
23	National Water Supply & Drainage Board	5
24	Urban Development Authority	4
25	National Youth Services Council	4

26	Justice	3
27	Geological Survey and Mines Bureau	3
28	Excise Department Of Sri Lanka	3
29	Department of Motor Traffic	2
30	Department of Registration of Persons	2
31	Department of Examinations	2
32	Plantations	2
33	Department of Technical Education and Training	2
34	Central Cultural Fund	2
	Total number of complaints	851

2.2.8 Analysis of the complaints received by the Ombudsman’s Office during the last 10 years

Upon considering the complaints received for the last 10 years including those of the complaints for the year 2020, it is observed that the highest number of complaints had been made within the last year namely 2019. The number was 1794. Next highest number was 1769 in the year 2012 and it was 1588 in 2018. Lowest number had been received in 2014. Refer Graph 5 below:

Graph: 5 – Complaints received for the last 10 years



Chapter 03 - Overall Financial Performance for the Year

Chapter 04 – Performance indicators

Chapter 05- Performance of the achieving Sustainable Development Goals (SDG)

Chapter 06 - Human Resource Profile

Chapter 07– Compliance Report

Chapter 03 - Overall Financial Performance for the Year ended 31st December 2020

3.1 Statement of Financial Performance

ACA -F

Statement of Financial Performance

for the period ended 31st December 2020

Rs.

Budget (Current Year)		Note	Actual	
			Current Year	Previous Year
-	Revenue Receipts		-	-
-	Income Tax	1	-	-
-	Taxes on Domestic Goods & Services	2	-	-
-	Taxes on International Trade	3	-	-
-	Non Tax Revenue & Others	4	-	1206
-	Total Revenue Receipts (A)		-	1206
-	Non-Revenue Receipts		-	-
-	Treasury Imprests		26,913,000	28,725,000
-	Deposits		8,105	-
-	Advance Accounts		578,222	830,934
-	Other Receipts		729,482	730,863
-	Total Non-Revenue Receipts (B)		28,228,809	30,286,797
-	Total Revenue Receipts & Non Revenue Receipts C = (A)+(B)		28,228,809	30,288,003
	Less: Expenditure			
-	Recurrent Expenditure		-	-
13,970,000	Wages, Salaries & Other Employment Benefits	5	13,509,174	13,810,834
13,400,000	Other Goods & Services	6	12,374,722	13,576,693
850,000	Subsidies, Grants and Transfers	7	433,562	578,556

ACA-1

ACA-3
ACA-4
ACA-5/5(a)

ACA-2(ii)

-	Interest Payments	8	-	-	
-	Other Recurrent Expenditure	9	-	-	
<u>28,220,000</u>	Total Recurrent Expenditure (D)		26,317,458	27,966,083	
	Capital Expenditure				
-	Rehabilitation & Improvement of Capital Assets	10	-	-	ACA-2(ii)
200,000	Acquisition of Capital Assets	11	186,578	30,850	
-	Capital Transfers	12	-	-	
-	Acquisition of Financial Assets	13	-	-	
100,000	Capacity Building	14	-	616,425	
-	Other Capital Expenditure	15	-	-	
<u>300,000</u>	Total Capital Expenditure (E)		186,578	647,275	
	Main Ledger Expenditure (F)		1,453,408	1,599,249	
	Deposit Payments Advance		8,105	-	ACA-4
	Payments		1,445,303	1,599,249	ACA-5/5(a)
	Total Expenditure G = (D+E+F)		27,957,444	30,212,607	
<u>28,520,000</u>	Imprest Balance as at 31st December 2020 H = (C-G)		271,365	75,396	

3.3 Statement of Financial Position

ACA-P

Statement of Financial Position

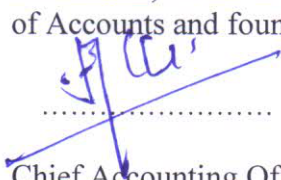
As at 31st December- 2020

Note	Actual	
	Current Year	Previous Year
	Rs	Rs

Non Financial Assets

Property, Plant & Equipment	ACA-6	10,682,073.00	10,495,495.00
<u>Financial Assets</u>			
Advance Accounts	ACA-5/5(a)	4,604,698.00	3,512,618.00
Cash & Cash Equivalents	ACA-3	271,365.00	57,528.00
Total Assets		15,558,136.00	14,065,641.00
<u>Net Assets / Equity</u>			
Net Worth to Treasury		10,682,073.00	10,495,495.00
Property, Plant & Equipment Reserve		-	-
Rent and Work Advance Reserve	ACA-5(b)	4,604,698.00	3,512,618.00
<u>Current Liabilities</u>			
Deposits Accounts	ACA-4	-	-
Imprest Balance	ACA-3	271,365.00	57,528.00
Total Liabilities		15,558,136.00	14,065,641.00

Detail Accounting Statements in above ACA format Nos. 1 to 6 presented in pages from ..152... to ..154... and Notes to accounts presented in pages from ..155... to158.... Form and integral parts of these Financial Statements. The Financial Statements have been prepared in complying with the Generally Accepted Accounting Principles whereas most appropriate Accounting Policies are used as disclosed in the Notes to the Financial Statements and hereby certify that figures in these Financial Statements, Notes to accounts and other relevant accounts were reconciled with the Treasury Books of Accounts and found to in agreement.


.....
Chief Accounting Officer Accounting Officer
Name : **K.T. Chitrasiri**
Designation : **Parliamentary Commissioner for Administration (Ombudsman)**
Date : **No. 14, First Floor, R.A. De Mel Mawatha, Colombo 04.**
30.03.2021

.....
Chief Financial Officer/ Chief Accountant/
Director (Finance)/ Commissioner
(Finance) **H.P.A. PATHIRANA**
Name : **Administrative Officer**
Date : **Office of the Parliamentary Commissioner for Administration (Ombudsman)**
First Floor, No. 14, R.A. De Mel Mawatha, Colombo 04.

3.4 Statement of Cash Flows

ACA-C

Statement of Cash Flows for the Period ended 31st December-2020

	Actual Current Year Rs.	Previous Year Rs.
<u>Cash Flows from Operating Activities</u>		
Total Tax Receipts	-	-
Fees, Fines, Penalties and Licenses	-	-
Profit	-	-
Non Revenue Receipts	1,315,809	1,561,797
Revenue collected for the other Heads		
Imprest received	26,913,000	28,725,000
Total Cash generated from Operations (a)	28,228,809	30,286,797
<u>Less - Cash disbursed for:</u>		
Personal Emoluments & Operating Payments	25,883,896	27,387,527
Subsidies & Transfer Payments	433,562	578,556
Finance Costs - Imprest Settlement to Treasury	271,365	57,528
Total Cash disbursed for Operations (b)	26,588,823	28,023,611
NET CASH FLOW FROM OPERATING ACTIVITIES(C)=(a)-(b)	1,639,986	2,263,186
<u>Cash Flows from Investing Activities</u>		
Interest	-	-
Dividends	-	-
Divestiture Proceeds & Sale of Physical Assets	-	-
Recoveries from On Lending	-	-
Total Cash generated from Investing Activities (d)	-	-
<u>Less - Cash disbursed for:</u>		
Purchase or Construction of Physical Assets & Acquisition of Other Investment	1,639,986	2,263,186

Advance Payments		
Total Cash disbursed for Investing Activities (e)	1,639,986	2,263,186
NET CASH FLOW FROM INVESTING ACTIVITIES(F)=(d)-(e)	(1,639,986)	(2,263,189)
NET CASH FLOWS FROM OPERATING & INVESTMENT ACTIVITIES (g)=(c) + (f)	-	-
<u>Cash Flows from Fianacing Activities</u>		
Local Borrowings	-	-
Foreign Borrowings	-	-
Grants Received	-	-
Total Cash generated from Financing Activities (h)	-	-
<u>Less - Cash disbursed for:</u>		
Repayment of Local Borrowings	-	-
Repayment of Foreign Borrowings	-	-
Change in Deposit Accounts and Other Liabilities	-	-
Total Cash disbursed for Financing Activities (i)	-	-
NET CASH FLOW FROM FINANCING ACTIVITIES (J)=(h)-(i)	-	-
Net Movement in Cash (k) = (g) -(j)	-	-
Opening Cash Balance as at 01st January	-	-
Closing Cash Balance as at 31st December	271,365	57,528

3.5 Notes to the Financial Statements

3.6 Performance of the Revenue Collection

Revenue Code	Description of the Revenue Code	Revenue Estimate		Collected Revenue	
		Original	Final	Amount (Rs.)	as a % of Final Revenue Estimate
-	No	-	-	-	-

3.7 Performance of the Utilization of Allocation

Type of Allocation	Allocation		Actual Expenditure	Allocation Utilization as a % of Final Allocation
	Original	Final		
Recurrent	28,220	28,220	26,317	93.2%
Capital	300	300	187	62.3%

3.8 In terms of F.R.208 grant of allocations for expenditure to this Department/District Secretariat/Provincial Council as an agent of the other Ministries/ Departments

Serial No.	Allocation Received from Which Ministry /Department	Purpose of the Allocation	Allocation		Actual Expenditure	Allocation Utilization as a % of Final Allocation
			Original	Final		
-	-	-	-	-	-	-

3.9 Performance of the Reporting of Non-Financial Assets

Rs. ,000

Assets Code	Code Description	Balance as per Board of Survey Report as at 31.12.2020	Balance as per financial Position Report as at 31.12.2020	Yet to be Accounted	Reporting Progress as a %
9151	Buildings and Structures	-	-	-	-
9152	Machinery and Equipment	-	10,682	-	-
9153	Lands	-	-	-	-
9154	Intangible Assets	-	-	-	-
9155	Biological Assets	-	-	-	-
9160	Work in Progress	-	-	-	-
9180	Lease Assets	-	-	-	-

3.10 Auditor General's Report**

** The final audit report issued by the Auditor General to be scanned and placed here while submitting to the Parliament.

Chapter 04 – Performance indicators

4.1 Performance indicators of the Institute (Based on the Action Plan)

Specific Indicators	Actual output as a percentage (%) of the expected output		
	100%- 90%	75%-89%	50%- 74%

Performance indicator of the institution has not been prepared for the year 2020.

Chapter 05- Performance of the achieving Sustainable Development Goals (SDG)

5.1 Indicate the Identified respective Sustainable Developments Goals *

Goal / Objective	Targets	Indicators of the achievement	Progress of the Achievement to date		
			0%-49%	50%-74%	75%- 100%

5.2 Briefly explain the achievements and challenges of the Sustainable Development Goals*

*Action cannot be taken to achieve Sustainable Development Goals in accordance with the role of the institution.

For Chapter 04 and 05

Chapter 06 - Human Resource Profile

06.1 Cadre Management

	Approved Cadre	Existing Cadre	Vacancies / (Excess)**
Senior	01	01	-
Tertiary	04	03	01
Secondary	17	14	03
Primary	10	06	04

06.2 **Briefly state how the shortage or excess in human resources has been affected to the performance of the institute.

The existing staff has to face difficulties due to the reason that the approved cadre has not been filled.

2.2	Personal emoluments register/ Personal emoluments cards has been maintained and updated	Complied	-	-
2.3	Register of Audit queries has been maintained and updated	Complied	-	-
2.4	Register of Internal Audit reports has been maintained and updated	Not Applicable	-	-
2.5	All the monthly account summaries (CIGAS) are prepared and submitted to the Treasury on due date	Complied	.	
2.6	Register for cheques and money orders has been maintained and updated	Complied	-	-
2.7	Inventory register has been maintained and updated	Complied	-	-
2.8	Stocks Register has been maintained and updated	Complied	-	-
2.9	Register of Losses has been maintained and updated	Complied	-	-
2.10	Commitment Register has been maintained and updated	Complied	-	
2.11	Register of Counterfoil Books (GA – N20) has been maintained and updated	Complied	-	-
03	Delegation of functions for financial control (FR 135)			
3.1	The financial authority has been delegated within the institute	Complied	-	-
3.2	The delegation of financial authority has been communicated within the institute	Complied	-	-
3.3	The authority has been delegated in such manner so as to pass each transaction through two or more officers	Complied	-	-
3.4	The controls has been adhered to by the Accountants in terms of State Account Circular 171/2004	Not Complied	This office has no Accountant.	A request was made to have an Accountant to this

06.3 Human Resource Development

Name of the Program	No. of staff trained	Duration of the program	Total Investment (Rs'000)		Nature of the Program (Abroad/Local)	Output/Knowledge Gained*
			Local	Foreign		

*The officers did not give their contribution to the Training programme due to the Coronavirus prevailed in our Country during this year.

Chapter 07– Compliance Report

No.	Applicable Requirement	Compliance Status (Complied/Not Complied)	Brief explanation for Non Compliance	Corrective actions proposed to avoid non-compliance in future
1	The following Financial statements/accounts have been submitted on due date			
1.1	Annual financial statements	Complied	-	-
1.2	Advance to public officers account	Complied	-	-
1.3	Trading and Manufacturing Advance Accounts (Commercial Advance Accounts)	Not Applicable	-	-
1.4	Stores Advance Accounts	Not Applicable	-	-
1.5	Special Advance Accounts	Not Applicable	-	-
1.6	Others	Not Applicable	-	-
2	Maintenance of books and registers (FR445)/			
2.1	Fixed assets register has been maintained and update in terms of Public Administration Circular 267/2018	Complied	-	-

	dated 11.05.2014 in using the Government Payroll Software Package			office from the Department of Management Services and it was informed to fulfill the said requirement through the Administrative Officer.
4	Preparation of Annual Plans			
4.1	The annual action plan has been prepared	Complied		
4.2	The annual procurement plan has been prepared	Complied		
4.3	The annual Internal Audit plan has been prepared	Not Complied	An Internal Audit Unit has not been set up in this office.	There is no necessity of internal auditing for this office.
4.4	The annual estimate has been prepared and submitted to the NBD on due date	Complied	-	-
4.5	The annual cash flow has been submitted to the Treasury Operations Department on time	Complied	-	-
5	Audit queries			
5.1	All the audit queries has been replied within the specified time by the Auditor General	Complied	-	-
6	Internal Audit			
6.1	The internal audit plan has been prepared at the beginning of the year after consulting the Auditor General in terms of Financial Regulation 134(2)) DMA/1-2019	Not Complied	Answer referred to in above 4.3 is applicable.	
6.2	All the internal audit reports has been replied within one month	Not Complied	Answer referred to in above 6.1 is applicable.	
6.3	Copies of all the internal audit reports has been submitted to the Management Audit Department in terms of Sub-section 40(4) of the National Audit Act No. 19 of 2018	Not Complied	Answer referred to in above 6.1 is applicable.	

6.4	All the copies of internal audit reports has been submitted to the Auditor General in terms of Financial Regulation 134(3)	Not Complied	Answer referred to in above 6.1 is applicable.	.
7	Audit and Management Committee			
7.1	Minimum 04 meetings of the Audit and Management Committee has been held during the year as per the DMA Circular 1-2019	Not Complied	An Audit and management Committee has not been set up in this office.	There is no necessity of an Audit and management Committee for this office.
8	Asset Management			
8.1	The information about purchases of assets and disposals was submitted to the Comptroller General's Office in terms of Paragraph 07 of the Asset Management Circular No. 01/2017	Complied	-	-
8.2	A suitable liaison officer was appointed to coordinate the implementation of the provisions of the circular and the details of the nominated officer was sent to the Comptroller General's Office in terms of Paragraph 13 of the aforesaid circular	Complied	-	-
8.3	The boards of survey was conducted and the relevant reports submitted to the Auditor General on due date in terms of Public Finance Circular No. 05/2016	Not Complied	A delay has occurred since this office had been closed due to Covid-19 pandemic situation.	-
8.4	The excesses and deficits that were disclosed through the board of survey and other relating recommendations, actions were carried out during the period specified in the circular	Not Complied	This process is in progress under above mentioned situation.	-

8.5	The disposal of condemn articles had been carried out in terms of FR 772	Not Complied	Due to the delay in conducting the Board of Survey	-
9	Vehicle Management			
9.1	The daily running charts and monthly summaries of the pool vehicles had been prepared and submitted to the Auditor General on due date	Not Complied	This office has no pool vehicles.	-
9.2	The condemned vehicles had been disposed of within a period of less than 6 months after condemning	Not Complied	This office has no condemned vehicles.	-
9.3	The vehicle logbooks had been maintained and updated	Complied	-	-
9.4	The action has been taken in terms of F.R. 103, 104, 109 and 110 with regard to every vehicle accident	Complied	-	-
9.5	The fuel consumption of vehicles has been re-tested in terms of the provisions of Paragraph 3.1 of the Public Administration Circular No. 30/2016 of 29.12.2016	Not Complied	Only one vehicle is attached to this office. It is the official vehicle of the Commissioner. Action has not been taken in terms of para.3.1 of the Circular since only the monthly fuel allowance is given for this vehicle.	-
9.6	The absolute ownership of the leased vehicle log books has been transferred after the lease term	Not Complied	No such vehicles are available.	-
10	Management of Bank Accounts			
10.1	The bank reconciliation statements had been prepared, got certified and made ready for audit by the due date	Complied	-	-

10.2	The dormant accounts that had existed in the year under review or since previous years settled	Not Complied	Dormant Accounts do not exist.	-
10.3	The action had been taken in terms of Financial Regulations regarding balances that had been disclosed through bank reconciliation statements and for which adjustments had to be made, and had those balances been settled within one month	Not Complied	Bank Balance has been overstated.	Action has been taken to analyze and rectify the unidentified balances.
11	Utilization of Provisions			
11.1	The provisions allocated had been spent without exceeding the limit	Complied	-	-
11.2	The liabilities not exceeding the provisions that remained at the end of the year as per the FR 94(1)	Complied	-	-
12	Advances to Public Officers Account			
12.1	The limits had been complied with	Complied	-	-
12.2	A time analysis had been carried out on the loans in arrears	Complied	-	-
12.3	The loan balances in arrears for over one year had been settled	Not Complied	No such loan balance is available.	-
13	General Deposit Account			
13.1	The action had been taken as per F.R.571 in relation to disposal of lapsed deposits	Not Complied	No lapsed deposits are available.	-
13.2	The control register for general deposits had been updated and maintained	Complied	-	-
14	Imprest Account			
14.1	The balance in the cash book at the end of the year under review remitted to TOD	Complied	-	-
14.2	The ad-hoc sub imprests issued as per F.R. 371 settled within one month from the completion of the task	Not Complied	The ad-hoc sub imprests have not been settled within the year 2020	-

14.3	The ad-hoc sub imprests had not been issued exceeding the limit approved as per F.R. 371	Not Complied	Answer referred to in the above 14.2	-
14.4	The balance of the imprest account had been reconciled with the Treasury books monthly	Complied	-	
15	Revenue Account			
15.1	The refunds from the revenue had been made in terms of the regulations	Not Complied	This office is not an income generating office.	-
15.2	The revenue collection had been directly credited to the revenue account without credited to the deposit account	Not Complied	This office is not an income generating office.	-
15.3	Returns of arrears of revenue forward to the Auditor General in terms of FR 176	Complied	-	-
16	Human Resource Management			
16.1	The staff had been paid within the approved cadre	Not Complied	Vacancies required by us have not been filled.	-
16.2	All members of the staff have been issued a duty list in writing	Complied	-	-
16.3	All reports have been submitted to MSD in terms of their circular no.04/2017 dated 20.09.2017	Complied	-	-
17	Provision of information to the public			
17.1	An information officer has been appointed and a proper register of information is maintained and updated in terms of Right To Information Act and Regulation	Complied	-	-
17.2	Information about the institution to the public have been provided by Website or alternative measures and has it been facilitated to appreciate / allegation to public against the public authority by this website or alternative measures	Complied	-	-
17.3	Bi- Annual and Annual reports have been submitted as per section 08 and 10 of the RTI Act	Complied	-	-

18	Implementing citizens charter			
18.1	A citizens charter/ Citizens client's charter has been formulated and implemented by the Institution in terms of the circular number 05/2008 and 05/2018(1) of Ministry of Public Administration and Management	Complied	-	-
18.2	A methodology has been devised by the Institution in order to monitor and assess the formulation and the implementation of Citizens Charter / Citizens client's charter as per paragraph 2.3 of the circular	Complied	-	-
19	Preparation of the Human Resource Plan			
19.1	A human resource plan has been prepared in terms of the format in Annexure 02 of Public Administration Circular No.02/2018 dated 24.01.2018.	Complied	.	-
19.2	A minimum training opportunity of not less than 12 hours per year for each member of the staff has been ensured in the aforesaid Human Resource Plan	Complied	-	-
19.3	Annual performance agreements have been signed for the entire staff based on the format in Annexure 01 of the aforesaid Circular	Not Complied	It has not been prepared.	Step has been taken to prepare in future.
19.4	A senior officer was appointed and assigned the responsibility of preparing the human resource development plan, organizing capacity building programs and conducting skill development programs as per paragraph No.6.5 of the aforesaid Circular	Complied		
20	Responses to Audit Paras			
20.1	The shortcomings pointed out in the audit paragraphs issued by the Auditor General for the previous years have been rectified	Complied	-	-

9. Conclusion

The system in place through the Office of Ombudsman provides a forum for the citizens to have access to an independent, impartial and inexpensive dispute resolution mechanism, which help resolving their grievances, protect their fundamental rights, restoring their dignity and it will help to have confidence in a democratic process.

Sound system of administration is a basic requirement in the modern society. With the view of achieving this goal, the government machinery that is responsible when carrying out routine business in the administrative process, is vested with enormous powers to perform the functions and duties, smoothly and in the best interests of the public at large. The powers so given do not mean that the same are to be applied in violation of rules, regulations, and against the Rules of natural justice and equity.

The office of Ombudsman is always open for the purpose of diagnosing, investigating, redressing and rectifying injustices, if any, caused to a person by way of maladministration. Exercising powers arbitrarily or refusing to act duly and applying delaying tactics in the discharge of official obligations with corrupt or biased motivations are the main factors that are to be looked into and to be rectified by the Office of Ombudsman.

In the present-day context, seeking redress from courts have become very expensive. It is not a secret that seeking redress through court or a tribunal depends on the availability of necessary finances. It is not an exaggeration to state that the Ombudsman is more often fruitful than going to court to have the administrative errors corrected particularly because the Ombudsman has the necessary experience and power, having dealt with a large number of complaints over years. It is a more flexible and cost-effective system as well. Moreover, the office of Ombudsman has the advantage of providing its services especially for vulnerable groups of the society to initiate the complaint process with minimal expenses if not for zero expenses. Further, it is advantageous over the traditional court system. Similarly, it is significant to note that this institution does not allow lawyers or an agent to appear on behalf of a complainant.

I also must mention that when inquiring into allegations, this institution affords ample opportunities to both parties to present their cases upon studying the matters pertaining to the complaint in depth.

Having stated that I need to comment on the attitude taken by the responsible officials towards achieving the goals intended by the enactment of the Ombudsman Act. Looking at the files maintained by this office, I have observed that there have been instances of some public officials making decisions according to their own whims and fancies, ignoring laws, regulations and rules or giving them their own interpretations. Officials executing their duties in that manner forget that they tend to violate fundamental rights and human rights of the people depriving them of their legitimate expectations in addition to the pain of mind they suffer.

I have also seen that some officials are not inclined or unable to settle issue conciliatorily. Furthermore, it had been noticed that some officials apparently are not competent enough or are unable to deal with issues especially when it comes to the issues in relation to disputes among parties. This practice of not settling issues cordially stems from the attitude of treating a complainant as an adversary and also because of their unwillingness to accept official fallibility.

Although the problems and difficulties faced with, in the process of problem-resolving, have been highlighted in this report to some extent, I must, at the same time, state that there had been considerable degree of co-operation extended by all officials enabling me to discharge my duties more effectively.

In conclusion, I must state that with the help of the staff in this office, the Office of Ombudsman has managed to dispose of a fair number of complaints received despite the difficulties that they are faced with. The approved cadre of the office has not been completed. Neither an Accountant nor a Book-Keeper is appointed to this office. Reluctance of officers to serve in this office is a noticeable factor particularly when the allowances paid to the staff of the institutions which discharge the same functions, are not being paid to the members of staff in this office.

Finally, I must state that I would be failing in my duty, if I do not appreciate the hard work performed by the members of the staff in this office. I take this opportunity to extend my profound gratitude to the members of the staff in this office who have worked tirelessly against all barriers, to achieve the targets we were aiming at.

Justice K.T. Chitrasiri
Parliamentary Commissioner for Administration
(Ombudsman)