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நிருவாகத்துக்கான பாராளுமன்ற ஆணையாளர் அலுவலகம் (ஒம்புட்ஸ்மன்)

OFFICE OF THE PARLIAMENTARY COMMISSIONER FOR ADMINISTRATION (OMBUDSMAN)

වාර්ෂික කාර්ය සාධන වාර්තාව
வருடாந்த செயலாற்றுகை அறிக்கை
Annual Performance Report
2021

වැය ශීර්ෂ අංකය

செலவீன தலைப்பு இலக்கம் **022**

Expenditure Head No

පළමු මහල, අංක-14, ආර්.ඒ.ද මෙල් මාවත,කොළඹ - 04

முதலாவது மாடி, இல -14, ஆர்.ஏ.டி மெல் மாவத்தை,கொழும்பு – 04

1st Floor, No-14, R.A.De Mel Mawatha, Colombo - 04

වාර්ෂික කාර්ය සාධන වාර්තාව

வருடாந்த செயலாற்றுகை அறிக்கை

Annual Performance Report

2021

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நிருவாகத்துக்கான பாராளுமன்ற ஆணையாளர் அலுவலகம் (ஒம்புட்ஸ்மன்)

OFFICE OF THE PARLIAMENTARY COMMISSIONER FOR ADMINISTRATION (OMBUDSMAN)

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Chapter 01 - Institutional Profile/Executive Summary

Office of the Parliamentary Commissioner for Administration

Annual Report for the year – 2021

1.1Introduction

The Office of the Ombudsman 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.

1.2.1Vision

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 objective is to rectify the injustice caused to the persons by the erroneous administrative decisions taken by the officials of the State, Local Government, Statutory Boards, Corporations, and Semi-Governmental Institutions and assisting the state machinery to carry out the public administration of the State efficiently and effectively through that process and to work to implement them correctly and efficiently when making executive decisions

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

Parliamentary Commissioner for Administration
(OMBUDSMAN)

පරිපාලන කටයුතු පිළිබඳ පාර්ලිමේන්තු කොමසාරිස් (ඔම්බුඩ්ස්මන්) කාර්යාලය
நிருவாகத்துக்கான பாராளுமன்ற ஆணையாளர் அலுவலகம் (ஒம்புட்ஸ்மன்)
OFFICE OF THE PARLIAMENTARY COMMISSIONER FOR ADMINISTRATION
(OMBUDSMAN)

Complaints/Petitions

- ❖ By Register Post
- ❖ By Normal Post
- ❖ By Email
- ❖ By Hand delivery

Administrative Officer

- ➢ Opening the daily mail and placing the date stamp on complaints

Chief Management Service Officer

- ➢ Recording the particulars in the received complaints in the Complaint Register
- ➢ Directing the complaints to the respective officer according to the subject classification

Officer handling the subject

- ➢ Opening up of files by the officer concerned after receiving the complaints
- ➢ Soon after opening the file, subject clerk obtains advice & instructions orally from the Ombudsman and commence taking necessary action thereafter

Administrative Officer

PARLIAMENTARY COMMISSIONER FOR ADMINISTRATION (OMBUDSMAN)

- ➢ Obtaining instructions from the Ombudsman in respect of all the complaints received.
- ➢ Ombudsman carefully considers the matters contained in the complaints/petitions directed to the office of the Parliamentary Commissioner for Administration (Ombudsman) to ascertain whether it falls within its authority and power. If the matter does not fall within the scope of the Parliamentary Commissioner for Administration Act, it is being informed to the complainant, mentioning the reasons for such refusal.
- ➢ When sufficient information is not provided in the complaint, necessary information is called for, from the complainant under the guidance of the Ombudsman. (by sending the form OMB 01)
- ➢ Complaints which fall within the Parliamentary Commissioner for Administration Act are entered accordingly and send it to the respondent officers with a copy to the complainant requesting them to send a detail report.
- ➢ When there exists a possibility of granting the reliefs sought by the complainant upon calling for reports, steps are taken to grant such reliefs.
- ➢ In addition to the reports being called on the instruction of the Ombudsman, inquiries are being held before the Ombudsman in the presence of the parties and thereafter suitable recommendations are being made.

1.4 Office Staff

Approved cadre for this office is 32 in number. However, as shown in the structure below, only 21 officers were attached to this office as at the end of 2021.(Please refer the chart below) 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. However, officers of the staff performs our duties up to date without being delayed.

<u>OFFICE SRTUCTURE</u>

OMBUDSMAN

Translator (Tamil/English) – 01
(Class I)

Translator (Sinhala/English)
(Vacant)

Administrative Officer - 01
Administration/Finance

M.S.O. (Grade I) - 01
M.S.O. (Grade II) - 01
M.S.O. (Grade III) - 02
ICTS (Class 3 Grade III) - 01

Driver (Grade III) - 01
Driver (Vacant) - 01
KKS (Grade I) - 01
KKS (Grade III) - 03
KKS (Vacant) - 03
Sanitary Laborer (Casual) - 01

Administrative Officer - 01
Complaints (Vacant)

M.S.O. (Grade I) - 01
M.S.O. (Grade III) - 06
M.S.O. (Vacant) - 05

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 of 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/2/1/253 **Name: Mr. W.H. Edwin De Silva**

Divisional Secretary of Ella Division, by her letters dated 13.10.2017 and 06.04.2018, had informed the members of three families of the complainants namely, H.Edvin De Silva, H.Disna De Silva and H.Deepthi De Silva, to leave from the places which bears the addresses 87 and 87/1, Dova, Bandarawela situated in Ella Division where they were living permanently and to find temporary places for them to live, alleging that there could be adverse effects due to Uma-Oya project being implemented. They also were informed that they would be paid rentals for the temporary houses they were to occupy until they are informed of the safety of the houses where they were living. However they were not paid rentals for four years for the houses where the three families were occupying in Seethawaka, since 16.10.2017 despite the reminders sent by the complainants, informing of the hardships they faced with while performing their day to day work. Accordingly, complainants H. Edvin De Silva, H.Disna De Silva and H. Deepthi De Silva submitted a petition dated 05.03.2019 to this office requesting us to intervene and sought to have their issues sorted out.

Upon calling for reports from the relevant authorities, inquiries were held in this office on 24.12.2020 and 06.04.2021 with the participation of the complainants and the officers concerned. Thereafter, recommendations were made, requesting Badulla District Secretary and Ella Divisional Secretary to reimburse the money that had been paid as rentals by the complainants and then to inform the parties accordingly.

Consequently, three cheques amounting to Rs. 1,875,000/- were paid to the complainants by the Divisional Secretary in Ella for the period between 20.10.2017 and 20.04.2021, in order to reimburse the moneys that had been paid by the complainants as rentals. In the circumstances, we were able to arrive at a solution to a severe problematic situation created due to erroneous administrative decisions.

No: OMB/P/2/4/5240 **Name: Mr. A.H.M. Amarasena**

Mr. A.H.M. Amarasena who had been functioning as the Deputy Principal at Putlam/ Anamaduwa Central Collage sent us a complaint stating that he was not given the post of Deputy Principal (Administration) though it was given to a priest despite the fact that the complainant is the only person who is holding a post of Deputy Principal.

Accordingly, a report was called from the Principal at the P/ Anamaduwa Central Collage. In his reply, the Principal has stated that the position next to the post of Principal is the post of Deputy Principal and there exist two posts of Deputy Principals namely, Deputy Principal (Administration) and Deputy Principal (Development) in the school and those two positions are with equal status. Accordingly, the Principal has informed that the complainant could be given the post of Deputy Principal (Development) in the future.

Thereafter, it was informed to the complainant and he expressed his willingness to the said suggestion. Subsequently, the complainant has informed us that he was given the post of Deputy Principal (Development).

No: OMB/P/2/5/4475/2021 Name: Mrs. W.A.H.N. Chinthana

In a petition dated 05.01.2021, Mrs. W.A.H.N. Chinthana who is working as a nurse in Horowpathana Divisional Hospital in the District of Anuradhapura has stated that the Public Service Commission has requested her to submit her employment agreement as a pre- requisite, in order to consider her application for a mutual transfer to go out from her working station. Her complaint is that she could not get her transfer for two years since the date of the request because the service agreement had been withheld by the Ministry.

Thereafter, reports were called from the Director General of Health Services. Consequently, we were informed that the agreement was returned to the Principal at the Anuradhapura Nursing School upon completion of the work pertaining to the agreement. Thereafter, the complainant has informed us stating that her request was adhered to, upon our intervention.

No: OMB/P/2/6/3455 Name: Mr. W.D.L.Dewapriya

Mr. W.D.L. Dewapriya residing at Samanala Road, Pambahinna, Belihuloya, in his complaint has informed that no action had been taken to grant his salary increments due to him for the years 2018, 2019, 2020 and 2021 even though the necessary letters had been sent to the Zonal Director of Education with the recommendation of the Principal. Therefore, he had lost the opportunity of obtaining the post of Principal grade (I) as well which was due with effect from 01.01.2020. Pursuant to making inquiries the Provincial Director of Balangoda Zonal Education office has sent us the report dated 06.04.2021. In that report it is stated that this administrative lacuna had been resolved and the work in relation to the salary increments were being attended to. However, the complainant by his letter dated 13.05.2021 has informed that he had not been given the increments even by then.

Inquiries were made again from the Director of Balangoda Provisional Education Office in respect of the matters mentioned in the said letter and thereafter we were informed that increments were to be paid along with the salary for the month of July 2021. Consequently, the petitioner, by his letter dated 21.11.2021 has informed that his salary increments and the promotion to the post of Principal grade (I) was given due to the intervention by this office.

No: OMB/P/2/7/325 **Name: Mrs. P. Sumanawathi**

The complainant Mrs. P. Sumanawathi's husband who had been working as a junior officer at the sub post office Bakmitiyawa had been abducted and assassinated on 02.09.1988. Mr. Dyarathne who is the husband of Sumanawathi had performed services having undergone difficulties for about 10 years. Thereafter, complainant had received pension from the Postal Department until 10.12.2014 on which date her husband would have reached 55 years.

Even though several requests had been made after the stoppage of the pension in the month of December 2014, no fruitful results were seen.

Consequent upon calling reports, the Department of Pensions has informed us stating that in terms of section 2 of the pension circular 13/2010, payment of pension were made to widows and orphans of deceased persons are governed under the circular No.03/2014 and accordingly it is necessary to make the particular request by a widow before 31.12.2014, if the relevant incident had taken place before 17th August 2010.

Accordingly, it was informed to us stating that no pension benefits could be granted to Mrs. P. Sumanawathi on behalf of B. Dayarathne since the request for the widows pension had been made only after 31.12.2014.

However, in that report, it was also stated by the Post Master General that he has no objection for the payment of Pension since the difference of the dates between the last date mention in the circular and the date of the death of Mr. Dayarathne is only a short period of 21 days and which period is not enough to become aware of the issuance of the circular by the relevant personnel.

Having taken into consideration all the relevant facts and also the fact that Sumanawathi had been living in an uncongenial area in Ampara, recommendation was made to the Secretary of the Ministry of Public Administration to grant widows and pension rights, to the widow Sumanawathi of the deceased Dayarathne, having exercised the powers vested in him under section 42 of the Widows and Orphans Ordinance since he is the final authority in this regard.

Accordingly, the Ministry of Public Administration granted permission under section 42 of the Widows and Orphans Ordinance No.1 of 1898, directing the Director General of Pensions to pay Widower's Pension with effect from 10.12.2014 to P. Sumanawathi who is the wife of the deceased B. Dayarathne.

Consequent upon the aforesaid permission, Mrs. P. Sumanawathi was informed to obtain Widower's Pension with arrears due to her, by making an application to the Postal Department.

No: OMB/P/2/9/927/2020 **Name: Mr. K.H. Ranjith Thilakarathne**

The complainant Mr. K.H. Ranjith Thilakarathne had made an application to obtain an instant loan for a sum of Rs.120,000/- from the Education Service Employees Co-operative society coming under the Department of Co-operative Development. However a cheque for the value of Rs.56,000.00 had been issued considering the 40% limitation. He has refused to accept the said cheque because it is not the amount that he has requested. He has requested us seeking to have the moneys which were deducted from his salary returned to him since Rs. 56,000/- and the interest accrued to it had been deducted from his salary.

Reports were called for from the Department of Co-operative Development in this connection. It was informed that Mr. Thilakarathne would have to make a request to have the money returned since the cheque has not being realized by then. Thereafter, Rs. 56,000.00 and the interest that was levied had been returned due to the intervention of this office, to Mr. Thilakarathne upon a making a request by him. It was also reported to us that he could obtain the said money at any time after producing a voucher.

Accordingly Mr. Thilakarathne was able to obtain the money deducted from his salary upon our intervention.

No:OMB/P/2/9/984/2020 Name: Mrs. G.A. Indranilatha

Mrs. A.G. Indranilatha who functions as Assistant Director (Finance) in the Sri Lanka Institute of Standards made a complaint on 24.11.2020. In that complaint, she has informed that while functioning in the said post, she also acting as the Senior Assistant Director (Finance). She requested us to obtain the transport and fuel allowances entitled for the acting post since she has not been paid those allowances.

At the outset, we inquired from the Sri Lanka Institute of Standards on this issue. The said Institute has informed us that Mrs. Indranilatha has made a request to have the transport and fuel allowances which are entitled to the post of Acting Senior Assistant Director (Finance) HM-1-1, in terms of the circular PED 01/2015. However, it was also mentioned in that report that her request could be granted only according to Section 119 found in the Extra Ordinary Gazette No. 1589/30 dated 20.02.2020. Furthermore, it was informed that the officers of the Sri Lanka Institute of Standards do not come within the interpretation given to the words “Government Officer” in terms of the circular PED 01/2015. Accordingly, an issue has arisen when making the relevant allowances to the officers of Sri Lanka Institute of Standards, it being a Statutory Body. We were informed that no reply has been received on the issue even though the Institute has inquired from the Secretary to the Treasury by letter dated 02.09.2020.

Upon inquiries been made by us from the Secretary to the Treasury, Director General of the Department of Public Enterprises has sent us the report dated 26.02.2021. In that report it was reported that the said Department has no objection for the payment of transport and fuel allowances to Mrs. Indranilatha who is acting as the Senior Assistant Director (Finance) in terms of the circular PED 01/2015 provided she is holding a post above or equivalent to HM 1-1 approved by the Management Services Department.

Thereafter, Mrs. Indranilatha was paid the transport and the Fuel allowance every month by the Sri Lanka Institute of Standards after informing them of the outcome. Accordingly, her request was granted due to the intervention of this office. Mrs. Indranilatha has sent us a letter dated 20.12.2021 extending her gratitude.

Those letters by which the complainants have extended their gratitude are being annexed at the end of the report since such inclusion would make it a complete report of submitting the Annual Report.

2 Statistical Analysis

2.1 Statistical Analysis

There were 1259 complaints received directly from the members of public, in addition to the 15 complaints referred to us by the Parliamentary Petitions Committee during the year 2021. Also, there were 828 complaints that were brought forward from the year 2020. Accordingly, altogether there were 2102 complaints that were dealt with, during the year under review.

Table 1: Statistical Analysis – Year 2021

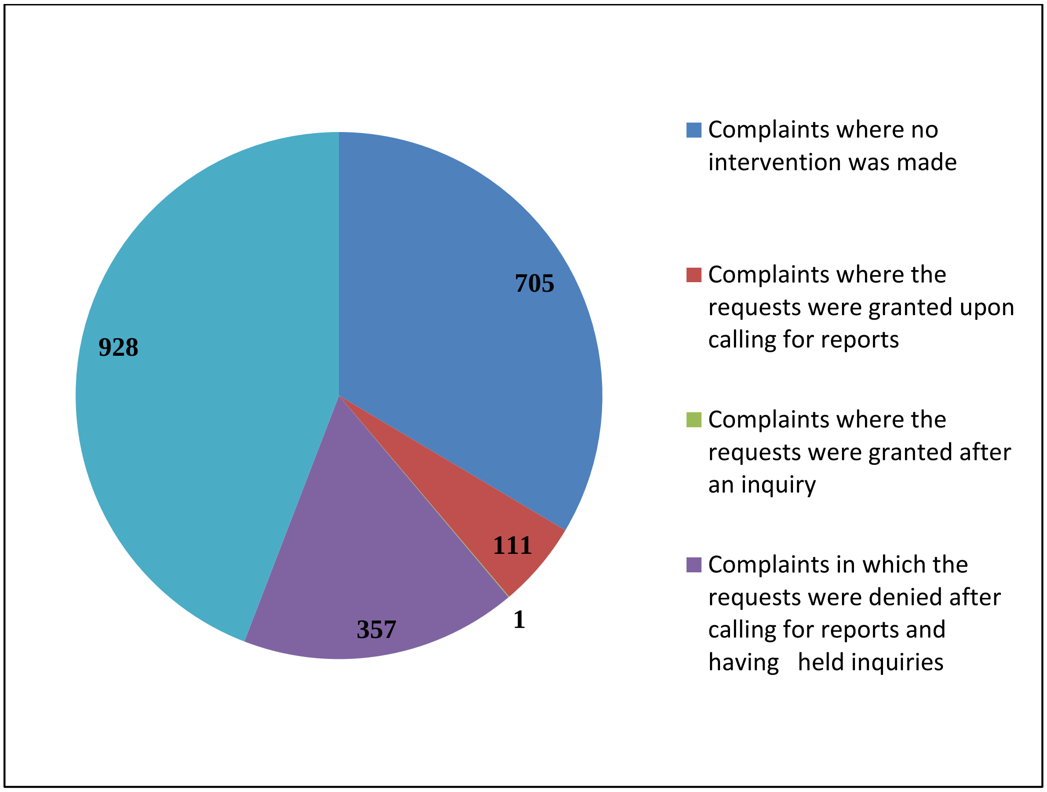
	Pending	Closed	Total
Balance Complaints from the year 2020			828
(1) Total number of complaints received during the period 01.01.2021 to 31.12.2021			
(I) Directly from complainants	1259		
(II) Referred by the Parliamentary Public Petitions Committee	15		
(2) Total number of complaints received during the year 2021			1274
Total number of complaints that were dealt with during the year 2021:-			**2102**

		Pending	Closed	Total
Total number of complaints investigated during the year 2021:- **(1) Number of files terminated at preliminary stages :-**				
i.	Outside the jurisdiction of the Ombudsman		694	
ii.	Complaints in which no specific reliefs were sought		12	(705)
(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	299		
ii.	Complaints in which further reports were called for upon considering the matters mentioned in the reports received – Not concluded	625		
iii.	Complaints where the requests were granted after receiving the reports		111	
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		284	
vi.	Proceedings in the files were terminated due to the lack of interest by the complainant		72	(467)
(3) Complaints where the inquiries were held with the participation of the parties when a decision could not be arrived by calling for reports (Inquiries had been suspended temporarily due to Covid – 19 Pandemic) :-				
i.	Number of inquiries held having summoned the complainants and the respondents having looked at the reports received – Not concluded	4		
ii.	Complaints in which the requests were denied after having held inquiries		1	
iii.	Complaints in which the recommendations were made at the conclusion of the inquiries – Not concluded			
iv.	Number of complaints in which reliefs were granted having implemented the recommendations made		1	
v.	Number of complaints in which the recommendations were disregarded			(2)
	(1)+(2)+(3) Total			**(1174)**
Balance number of complaints to be dealt with as at 31.12.2021				**928**

2.2 The manner in which the complaints were dealt with

The totality of the complaints that were to be dealt with for the year 2021 were amounting to 2102 and out of which 928 complaints were carried forward to the following year. Accordingly, 1175 complaints were disposed of during the year 2021. (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 2021



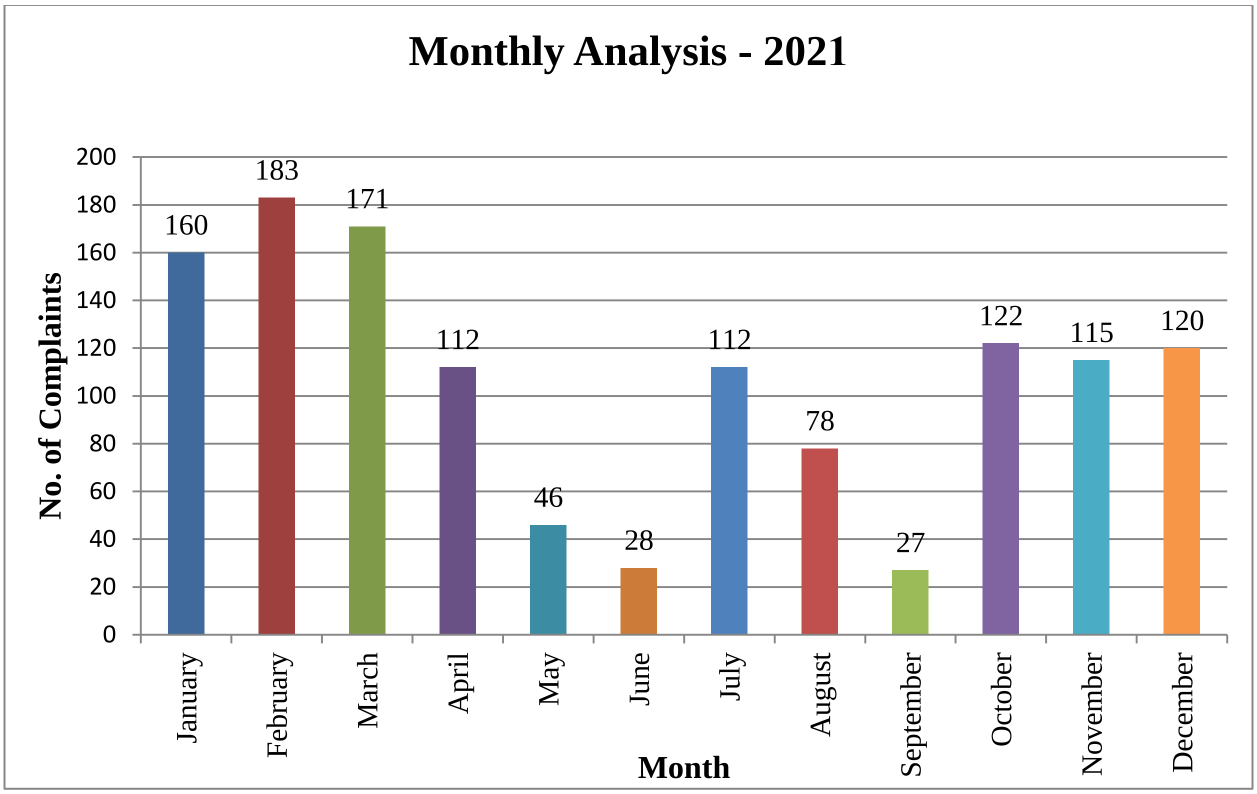
Manner in which the complaints were dealt with	Number of Complaints
Complaints where no intervention was made	705
Complaints where the requests were granted upon calling for reports	111
Complaints where the requests were granted after an inquiry	1
Complaints in which the requests were denied after calling for reports and having held inquiries	357
Balance number of complaints to be dealt with in the following year	928
Total number of complaints that were dealt with during the year 2021	**2102**

2.3 Monthly Analysis

The total number of complaints lodged for the year 2021 was 1274. The highest number of complaints, 183 were reported for the month of February and the lowest number of 27 was received in the month of September. Relevant particulars are described in graph 2 below:

Graph: 2 Complaints made for each month for the year 2021

Monthly Analysis



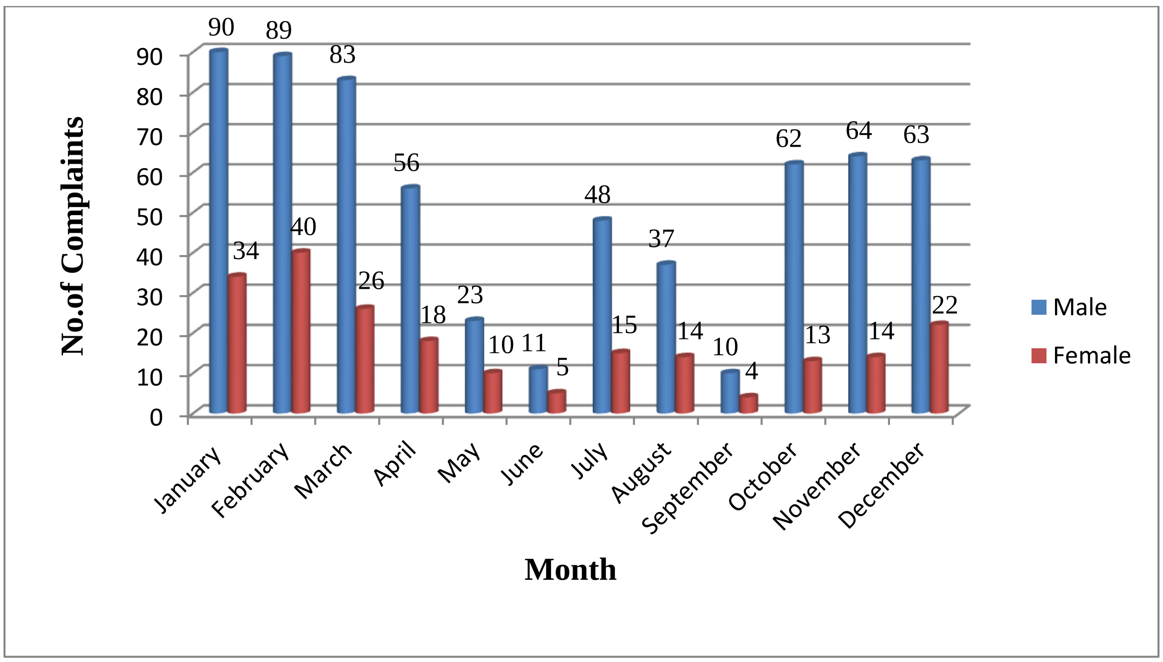
2.4 Analysis under the category of Male/Female

636 complaints were made by males while 215 were by females. Those are described in Table - 2 and in Graph - 3.

Table: 2 – Total number of complaints for 2021 on the basis of male and female

Month	Male	Female	Total
January	90	34	124
February	89	40	129
March	83	26	109
April	56	18	74
May	23	10	33
June	11	05	16
July	48	15	63
August	37	14	51
September	10	04	14
October	62	13	75
November	64	14	78
December	63	22	85
Total	**636**	**215**	**851**

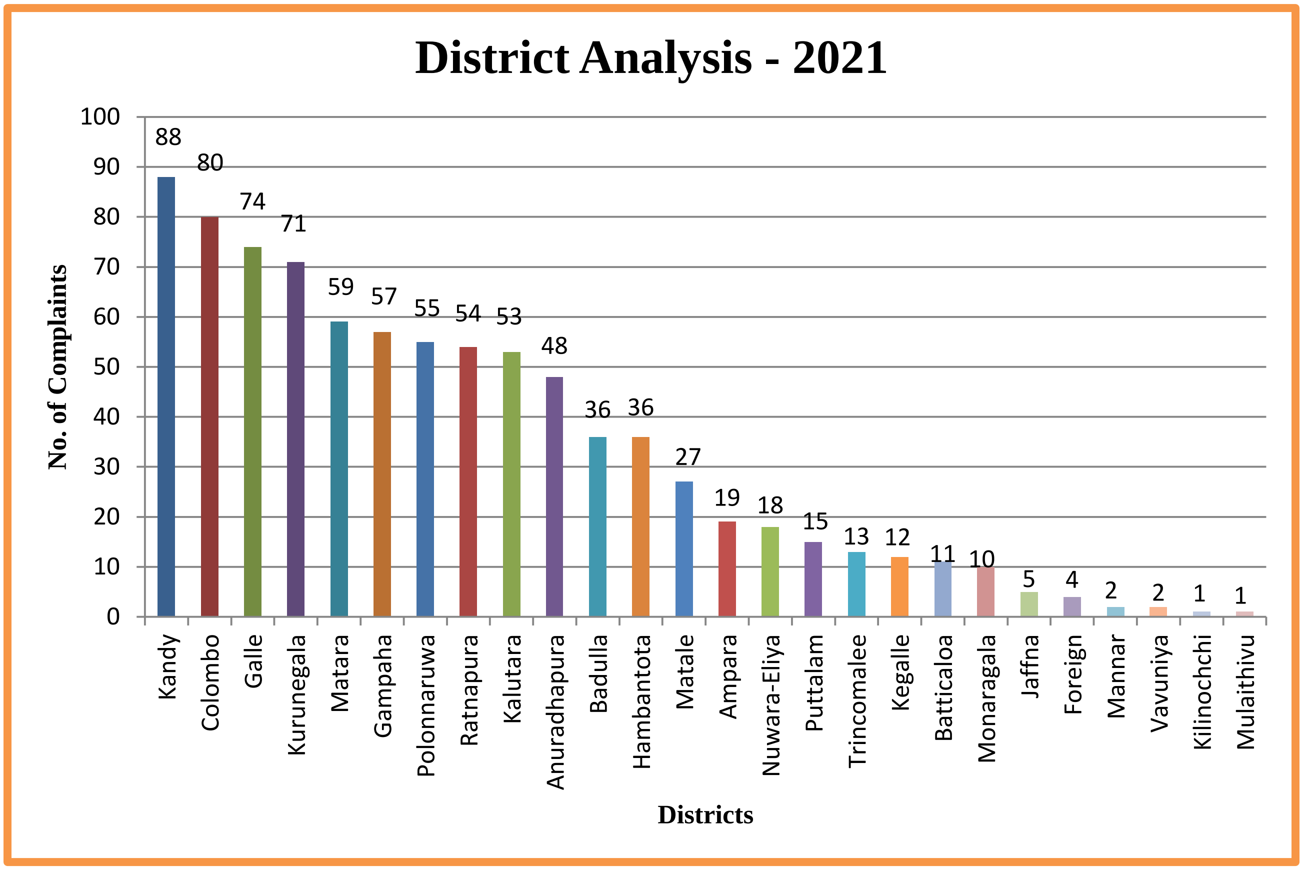
Graph 3: - Total number of complaints for 2021 on the basis of male and female



2.5 Analysis on the basis of Districts

The highest numbers of complaints for the year 2021 were received from the District of Kandy and it was amounting to 88. Next highest was from Colombo District and it was 80 and the number of complaints from Galle District was 74. Number 01, the lowest number of complaints were received from Kilinochchi and Mulathivu Districts**.** Refer to Graph 4 below.

Graph: 4 –Total number of complaints received for the year 2021 according to the Districts that they reside permanently



2.6 Analysis based on the Respective Subjects

In the year 2021, there were a considerable number of complaints in respect of the matters such as; issuance of land permits and grants of state land, pensions issues, problems on employment, reinstatements, promotions, salary anomalies, salary increments, claims for arrears due, in the action of officers concerned, payments of employees 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 2021**
1	Land permits, Grants of State Lands	167
2	Pension, W&O	117
3	Service Absorption, Recruitment, Appointments, Confirmation, Antedating	98
4	Delay, Incompetence, Negligence, Abuse of power.	61
5	Unauthorized Constructions / Nuisances	55
6	Salary Anomalies, Increments, Arrears, Allowances	52
7	Promotions, Seniority	47
8	University / School Admissions, Examination results	45
9	Termination of Employment, Reinstatement, Extension	44
10	Roadways	26
11	EPF / ETF / Gratuity	23
12	Licenses, Building Permits	23
13	Miscellaneous	23
14	Loans, Recovery, Rescheduling	21
15	Transfers from place of work	19
16	Compensation, Poor relief, Samurdhi	13
17	Electricity, Water, Telephone Connections, Disconnections.	11
18	Harassment at Work Place	6
	Total	**851**

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. Please Refer Table 4 below:

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

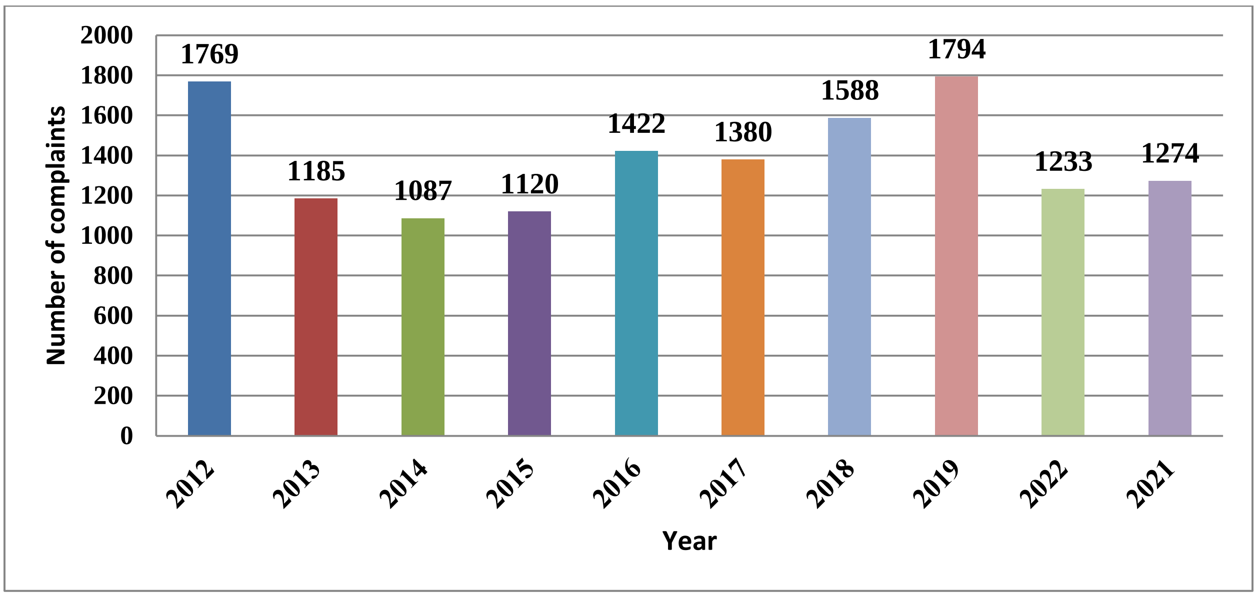
	Ministry, Department, Authority etc.	**Number of Complaints in the year 2021**
1	Home Affairs; District Secretariats, Divisional Secretariats	193
2	Education & Higher Education	126
3	Provincial Councils & Local Government Institutions	103
4	Pensions	89
5	Corporations/Authorities/Boards(CPC,CEB,SLAA,RDA,SLBC,SLRC)	41
6	Health and Indigenous Medicine	37
7	Irrigation &Mahaweli Authority	34
8	Defense & Internal Security	21
9	Public Services Commission (Central and Provincial)	21
10	Agriculture	20
11	Different Institutions	20
12	Transport (SLCTB, CGR, CMV)	14
13	State Banks	13
14	Public Administration	12
15	Urban Development Authority	12
16	Posts and Telecommunication	10
17	Lands & Land Reforms Commission	9
18	Department of Agraian Development	9
19	Universities	8
20	Social Services / Samurdhi	7
21	Finance	5
22	National Water Supply & Drainage Board	5
23	Cooperative Development	4
24	Forests	4
25	National Youth Services Council	4
26	Justice	4
27	Geological Survey and Mines Bureau	4

28	Department of Motor Traffic	4
29	Department of Examinations	4
30	Department of Labour	4
31	Excise Department Of Sri Lanka	3
32	Central Cultural Fund	3
33	Ministry of Skills Development Vocational Training	2
34	Department of Technical Education and Training	2
	Total	**851**

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 the year 2021 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. The next highest number was 1769 in the year 2012 and it was 1588 in 2018. The lowest number had been received in 2014.Making complaints have also been reduced in this year due to Covid 19 pandemic Refer to 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

Annex: I

Chapter 03 - Overall Financial Performance for the Year ended 31st December 2021
3.1 Statement of Financial Performance

ACA -F

Statement of Financial Performance
for the period ended 31st December 2021

Rs.

Budget 2021		Note	Actual 2021	Actual 2020	
-	**Revenue Receipts**		-	-	
-	Income Tax	1	-	-	ACA-1
-	Taxes on Domestic Goods & Services	2	-	-	ACA-1
-	Taxes on International Trade	3	-	-	ACA-1
-	Non Tax Revenue & Others	4	-	-	
-	**Total Revenue Receipts (A)**		-	-	
-	**Non-Revenue Receipts**		-	-	
-	Treasury Imprests		26,323,000	26,913,000	ACA-3
-	Deposits		6,150	8,105	ACA-4
-	Advance Accounts		2,652,254	1,028,222	ACA-5/5(a)
-	Other Main Ledger Receipts		-	-	
-	**Total Non-Revenue Receipts (B)**		**28,981,404**	27,949,327	
-	**Total Revenue Receipts & Non Revenue Receipts C = (A)+(B)**		**28,981,404**	27,949,327	
	Remittance to the Treasury (D)		355,437	271,365	
	Net Revenue Receipts & Non-Revenue Receipts E= (C)-(D)		28,625,967	27,677,962	
	Less: Expenditure				
-	**Recurrent Expenditure**		-	-	

15,260,000	Wages, Salaries & Other Employment Benefits	**5**	12,263,817	13,509,174	
14,780,000	Other Goods & Services	**6**	14,088,511	12,374,722	**ACA2(ii)**
580,000	Subsidies, Grants and Transfers	**7**	298,077	433,562	
-	Interest Payments	**8**	-	-	
-	Other Recurrent Expenditure	**9**	-	-	
30,620,000	**Total Recurrent Expenditure (D)**		**26,650,405**	26,317,458	
	Capital Expenditure				
	Rehabilitation & Improvement of Capital Assets	**10**	-	-	
300,000	Acquisition of Capital Assets	**11**	75,519	186,578	
-	Capital Transfers	**12**	-	-	**ACA-2(ii)**
-	Acquisition of Financial Assets	**13**	-	-	
250,000	Capacity Building	**14**	-	-	
-	Other Capital Expenditure	**15**	-	-	
550,000	**Total Capital Expenditure (G)**		**75,519**	186,578	
	Deposit Payments		6,150	8,105	**ACA-4**
	Other Main Ledger Payments		-	-	
	Total Main Ledger Expenditure (H)		1,940,261	1,678,408	
	Total Expenditure I= (F+G+H)		28,666,185	28,182,444	
31,170,000	**Balance as at 31st December J = (E-I)**		(40,218)	(504,482)	
	Balance as per the Imprest Reconciliation Statement		**(40,218)**	**(504,482)**	**ACA 7**
	Imprest Balance as at 31st December		**-**	**-**	**ACA 3**
			(40,218)	**(504,482)**	

3.3 Statement of Financial Position

ACA-P

Statement of Financial Position

As at 31st December- 2021

	Note	Actual 2021 Rs	2020 Rs
Non Financial Assets			
Property, Plant & Equipment	**ACA-6**	11,071,498	10,682,073
Financial Assets			
Advance Accounts	**ACA-5/5(a)**	3,436,555	4,604,698
Cash & Cash Equivalents	**ACA-3**	-	-
Total Assets		**14,508,053**	**15,286,771**
Net Assets / Equity			
Net Worth to Treasury		3,436,555	4,604,698
Property, Plant & Equipment Reserve		11,071,498	10,682,073
Rent and Work Advance Reserve	**ACA-5(b)**	3,512,618	2,241,050
Current Liabilities			
Deposits Accounts	**ACA-4**	-	-
Unsettled Imprest Balance	**ACA-3**	-	-
Total Liabilities		**14,508,053**	**15,286,771**

Detail Accounting Statements in above ACA format Nos. 1 to 6 presented in pages from 122 to124 and Notes to accounts presented in pages from 125 to 128 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	Chief Financial Officer/ Chief Accountant/ Director (Finance)/ Commissioner (Finance)
Name :	Name :	Name :
Designation :	Designation :	
Date :	Date :	Date :

K.T. Chitrasiri
Parliamentary Commissioner
for Administration (Ombudsman)
No. 14, First Floor, R.A.D Mel Mawatha
Colombo 04.

H.P.A. PATHIRANA
Administrative Officer
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-2021

	Actual 2021 Rs.	2020 Rs.
Cash Flows from Operating Activities		-
Total Tax Receipts	-	-
Fees, Fines, Penalties and Licenses	-	-
Profit	-	-
Non Revenue Receipts		
Revenue collected on behalf of Other Revenue Heads	675,002	729,482
Imprest received	26,323,000	26,913,000
Recoveries from Advance	2,002,440	803,223
Deposit Received	6,150	8,105
Total Cash generated from Operations (a)	**29,006,592**	**28,453,810**

Less - Cash disbursed for:		
Personal Emoluments & Operating Payments	26,352,328	25,883,896
Subsidies & Transfer Payments	298,077	433,562
Expenditure incurred on behalf of other Heads	-	-
Imprest Settlement to Treasury	355,437	271,365
Advance Payments	1,919,081	1,670,303
Deposit Payment	6,150	8,105
Total Cash disbursed for Operations (B)	**28,931,073**	**28,267,231**
NET CASH FLOW FROM OPERATING ACTIVITIES(C)=(A)-(B)	75,519	186,579
Cash Flows from Investing Activities		
Interest	-	-
Dividends	-	-
Divestiture Proceeds & Sale of Physical Assets	-	-
Recoveries from On Lending	-	-
Total Cash generated from Investing Activities (D)	**-**	**-**
Less - Cash disbursed for:		
Purchase or Construction of Physical Assets & Acquisition of Other Investment	75,519	186,579
Total Cash disbursed for Investing Activities (E)	**75,519**	**186,579**
NET CASH FLOW FROM INVESTING ACTIVITIES(F)=(D)-(E)	**(75,519)**	**(186,579)**
NET CASH FLOWS FROM OPERATING & INVESTMENT ACTIVITIES (G)=(C) + (F)	**-**	**-**
Cash Flows from Fianacing Activities		
Local Borrowings	-	-
Foreign Borrowings	-	-
Grants Received	-	-
Total Cash generated from Financing Activities (h)	**-**	**-**

Less - Cash disbursed for:		
Repayment of Local Borrowings	-	-
Repayment of Foreign Borrowings	-	-
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	**-**	**-**

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

Rs. ,000

Type of Allocation	Allocation		Actual Expenditure	Allocation Utilization as a % of Final Allocation
	Original	Final		
Recurrent	30,620	30,620	26,650	87%
Capital	550	550	76	13.8%

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

Rs. ,000

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

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 31.12.2021	Balance as per financial Position Report as at 31.12.2021	Yet to be Accounted	Reporting Progress as a %
9151	Buildings and Structures	-	-	-	-
9152	Machinery and Equipment	-	11,071	-	-
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 2021.

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	02	02
Secondary	17	12	05
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.

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 Corona virus 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	-	-
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 dated 11.05.2014 in using the Government Payroll Software Package	Not Complied	This office has no Accountant.	A request was made to have an Accountant to this 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	Complied	-	-
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 Applicable	-	-
8.5	The disposal of condemned articles had been carried out in terms of FR 772	Not Complied	The relevant action has been delayed due to the disposal of the goods has to be done by a technical officer.	-
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	Cash Book 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 2021	-
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	Complied	-	-
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.	Not Complied	A human resource plan had not been prepared for the year 2019.	Action would be taken to draft a human resource plan for the year 2020.
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	Not Complied	Sufficient allocations had not been made to afford a training opportunity of not less than 12 hours for staff members.	A request would be made to obtain allocations for the upcoming year.
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	Answer referred to in above 19.1 is applicable.	Answer referred to in above 19.1 is applicable.
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	Not 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	-	-

8. 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)
As at 30th March 2021