



ADMINISTRATIVE APPEALS TRIBUNAL

Annual Report

From 01.01.2015 to 31.12.2015

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THE ADMINISTRATIVE APPEALS TRIBUNAL

ANNUAL REPORT

From 01.01.2015 to 31.12.2015

1. INTRODUCTION

The Administrative Appeals Tribunal was established under the Administrative Appeals Tribunal Act No. 4 of 2002, in pursuance of Article 59(1) amended by 17th amendment to the Constitution.

2. VISION

To be an accessible and expert organization that delivers administrative justice.

3. MISSION

To undertake high quality and independent review of an order or a decision made by the Public Service Commission and Police Commission in the exercise of its powers under Chapter IX of the Constitution in respect of a Public Officer or a Police Officer and deliver administrative justice.

4. APPOINTMENTS OF THE ADMINISTRATIVE APPEALS TRIBUNAL

Acting in terms of the Section (2) of said act, the Judicial Service Commission appoints three members to it, including its Chairman.

5. THE POWERS & FUNCTIONS

The Tribunal shall have the power to hear and determine any appeal preferred to it by the aggrieved Public or Police Officer against the order made by the Public Service Commission.

6. PROCEDURE FOR PREFERRING AN APPEAL

The procedure to prefer an appeal is laid down in Section 4(1) and 4(2) of the Administrative Appeals Tribunal Act No. 4 of 2002.

7. STEPS TAKEN AFTER THE RECEIPT OF APPEAL

Upon receipt of an appeal under Section 4, the Tribunal shall take steps as stipulated in Section 5(1) and 5(2) and proceedings will be taken place as laid down in Section 6 (a), (b), (c) and (d).

8. TIME PERIOD

The Tribunal shall hear and dispose of any appeal preferred to it within a period of two months. (Section 7 of the said Act)

9. DECISION OF THE TRIBUNAL

A decision made by the Tribunal shall be final and conclusive and shall not be called in question in any suit or proceedings in a court of law, under sections 8(1) and 8(2) of said act.

10. WORK PLAN

After receipt of an appeal steps are taken in the following manner.

| | | |
|------|--|-----------------|
| i. | Registering, sending notices, fixing dates for calling | 3 weeks |
| ii. | To call for of the PSC observations on an appeal | 4 weeks |
| iii. | To receive counter observations of the appellant | 4 weeks |
| iv. | Hearing | 8 weeks |
| v. | For written submissions | 8 weeks |
| vi. | Final disposal within | 4 weeks |
| | Maximum time period taken to hear and decide an appeal | <u>31 weeks</u> |

11. CONTENTS OF THE APPEALS PREFERRED TO :

Appeals on the following areas have been received as yet.

- i. Promotions
- ii. Vacation of Posts / Re-instatement of Posts
- iii. Disciplinary orders
- iv. Transfers
- v. Retirements and related matters
- vi. Seniority related matters

12. STATISTICS ON APPEALS PREFERRED TO : 2015

| | |
|---|-------------------|
| Pending appeals as at 31.12.2014 | 594 |
| Received appeals in the year of 2015 | 244 |
| Total | <u>838</u> |
| Number of appeals disposed of in the year of 2015 | 166 |
| Number of pending appeals as at 31.12.2015 | <u><u>672</u></u> |

13. FINAL DECISIONS TAKEN ON APPEALS IN 2015

| | | |
|------|--|------------|
| i. | Number of dismissed appeals | 117 |
| ii. | Number of laid by appeals without decision | 06 |
| iii. | Number of appeals granted relief | 35 |
| iv. | Number of withdrawn appeals | 08 |
| v. | Number of appeals disposed in the year of 2015 | <u>166</u> |

14. PROBLEMS FACED IN PRONOUNCING DECISIONS/ORDERS

The Section 7 of the said Act says that an appeal should be disposed of within two months. But it is impossible to do so practically, because the appeals are called in open court and the Tribunal is compelled to grant dates to the parties such as PSC's officers, appellants as well as the Attorneys appearing for appellants considering their reasonable applications.

15. FINANCIAL PROVISION

The information in terms of para 2.4.2 of the Public Finance Circular No. 402.

I.

| Nature of Expenditure | Total Estimated Annual Allocation | The net allocation after all adjustments | Actual Expenditure as at 31.12.2015 |
|-------------------------------|--|---|--|
| Personal emoluments | 8,100,000 | 9,500,000 | 9,482,147 |
| Other recurrent | 9,500,000 | 13,630,000 | 13,435,145 |
| Plant machinery and equipment | 1,125,000 | 1,125,000 | 557,786 |
| Other capital assets | 75,000 | 75,000 | -- |
| Total | 18,800,000 | 24,330,000 | 23,475,078 |

II. The prescribed limit of actual estimate, in case of advance account "B" – year 2015.

| | Expenditure maximum | Credits-Minimum | Balance of Debit minimum |
|----------------------|----------------------------|------------------------|---------------------------------|
| Estimated allocation | 1,170,000 | 355,000 | 2,800,000 |
| Actual Value | 645,954 | 732,764 | 1,370,675 |

16. OFFICE STAFF

| <u>Category</u> | <u>Approved Cadre</u> | <u>Actual Cadre</u> | <u>Vacant Cadre</u> |
|----------------------|-----------------------|---------------------|---------------------|
| (i) Senior Level | 02 | 02 | - |
| (ii) Tertiary Level | - | - | - |
| (iii)Secondary Level | 12 | 12 | - |
| (iv)Primary Level | <u>04</u> | <u>04</u> | <u>--</u> |
| Total | <u>18</u> | <u>18</u> | <u>--</u> |

17. OFFICE OF THE TRIBUNAL

The office of the Administrative Appeals Tribunal (AAT) is situated at No. 35,Silva Lane, Rajagiriya at present. Its telephone numbers are 011-2877685.
