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PART I.—GENERAL

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GOVERNMENT NOTIFICATIONS.

**INSTRUCTIONS ISSUED BY THE PUBLIC  
SERVICE COMMISSION.**

THE instructions issued by the Public Service Commission dated 5th February, 1948, and appearing in *Government Gazette Extraordinary* No 9,829 of 5th February, 1948, are hereby cancelled save and except the instructions contained in Public Service Regulations 62 to 69 made in pursuance of powers vested in the Governor under section 87 of the Ceylon (Constitution) Order in Council, 1946, as amended by notification dated 5th February, 1948, appearing in *Government Gazette Extraordinary* No 9,829 of 5th February, 1948.

The following instructions issued by the Public Service Commission are published for the general information of the Public Service of Ceylon

By the direction of the Public Service Commission,

M. CHANDRASOMA,  
Secretary,

Public Service Commission

Office of the Public Service Commission,  
P O Box No 500.

Colombo 1, 6th January, 1949

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**INSTRUCTIONS ISSUED BY THE PUBLIC SERVICE COMMISSION  
REGULATING THE APPOINTMENT, TRANSFER, DISMISSAL  
AND DISCIPLINARY CONTROL OF PUBLIC OFFICERS**

1. The following Instructions, to be cited as the Public Service Commission Rules, are issued as administrative directions under which, *inter alia*, the delegations made by the Public Service Commission by Order under Section 61 of the Ceylon (Constitution and

Independence) Orders in Council 1946 and 1947 and published in *Ceylon Government Gazette Extraordinary* No 9,829 of February 5, 1948, and any delegations to be published hereafter, should be exercised. These Rules which are intended for the guidance of public officers are liable to amendment, generally or in particular cases, at the discretion of the Commission.

2. All correspondence between the Commission and Government Departments grouped under Ministries will be conducted with the Permanent Secretaries to the Ministries concerned except in routine matters. Communications relating to officers of the Civil Service or to posts graded in the Civil Service will pass through the Secretary to the Treasury and communications relating to officers of the other Combined Services (*viz*, the Accountants' Service, General Clerical Service, Assistant Clerks' Service, Stenographers' Transferable Service and Shroffs' Scheme) or to posts graded in these Services will pass through the Deputy Secretary to the Treasury. Heads of Departments not grouped under a Ministry will deal direct with the Commission except that communications relating to the Combined Services will be made to the Secretary to the Treasury or the Deputy Secretary to the Treasury as the case may be.

3. The officers enumerated in Appendix "A" will be regarded as Heads of Departments for the purposes of these Rules.

4. The Public Service Commission may require any public officer to attend and to give evidence before it touching any matter which it shall have under consideration and may require the production of any official documents relating to any such matter.

5. Heads of Departments and other authorities exercising powers in regard to appointments, disciplinary control, &c, delegated to them by the Public Service Commission under these Rules are forbidden to entertain oral or written representations from members of the public and other persons not immediately concerned in the matter under consideration.

### **Section I.—Appointments (including Promotions) and Transfers.**

6. The term "Appointment" for the purposes of these Rules means the conferment of any paid office in the Public Service—whether subject or not subject to subsequent confirmation—upon a person not already in the Public Service or upon a person in the Public Service, provided that in the latter case such office shall not belong to the same grade or class as that in which such person is serving at the time of the conferment. The conferment of permanent status upon a temporary officer recruited on agreement for a period or his employment for a further period will be regarded as an "appointment" for the purposes of these Rules.

*Note*—(i) The transfer of an officer of the Civil Service to act in a post graded in a higher class of the Service than his own is an appointment for the purposes of these Rules.

(ii) The transfer of an officer of the Civil Service to a post not graded in the Civil Service is an appointment for the purposes of these Rules, though no increase of salary is involved.

(iii) Where public officers do not belong to a Combined Service (Civil Service, Accountants' Service, General Clerical Service, Stenographers' Transferable Service, Assistant Clerks' Service and Shroffs' Scheme) their appointments will be to particular classes or grades.

in their respective Departments and transfers outside the Department or between different classes or grades in the same Department will be appointments for the purposes of these Rules, although no increase of salary may be involved

7. Recruitment to the Public Service will, whenever possible, be made according to the results of examinations prescribed under an approved scheme for examinational tests

8. Where vacancies in the Public Service are not necessarily filled by appointing officers already in the Public Service, or according to the results of examinations prescribed under any approved scheme for examinational tests, or through the medium of a Government Employment Exchange, the public, by advertisement or otherwise, should be informed of the existence of such vacancies in time to enable suitable candidates to make their applications

9. In considering the claims of officers for promotion, merit and ability will be taken into account as well as seniority and official qualifications. Where the officer recommended is not the senior eligible officer, reasons must be given in respect of each officer over whom it is proposed that the selected officer should pass.

*Note.*—The general principle to be followed in selecting officers for promotion is that in junior grades and where the work involved is of a routine character, more weight should be attached to seniority than in senior grades where greater responsibility and initiative are involved. For the higher posts, merit should carry more weight than seniority.

10. The procedure for making salaried acting appointments and seconded appointments shall, so far as circumstances permit, be the same as that prescribed below for making appointments. When recommending a salaried acting appointment it should be stated whether or not the officer recommended for acting appointment is in every way fully qualified to perform all the duties of the office in which he is to act (*Vide* Financial Regulation 1101 (ii) )

11. (i.) When it is necessary to appoint an officer to act in a post which is not in the same grade or class as that in which such officer is serving, the Head of Department will make his recommendation to the Permanent Secretary for such acting appointment as long as possible before the date on which the appointment is to take effect

(ii) When acting appointments are to be made consequent on officers going on leave out of the Island or retiring from the service, recommendations for acting appointments should be made at least three months in advance.

12. Where the terms of an appointment provide an initial salary or allowance for a probationary period, with a higher salary on confirmation, the initial salary for the purposes of these Rules is the salary to be awarded on confirmation

13. Where a Government pensioner is re-employed by Government the salary drawn by him will, for the purposes of these Rules, be considered to be the total emoluments, including pension but excluding allowances, drawn by him during re-employment.

14. The procedure relating to appointments should be observed when it is desired to select an officer for a special course of training which will enhance his qualifications for promotion or which is designed to fit him for a higher post

*Note.*—In these cases the procedure prescribed in Rule 19 will be followed where the initial salary of the officer on selection will exceed Rs 3,780 per annum

15. Whenever it is necessary to make an appointment (including a promotion) in the Public Service the procedure hereinafter prescribed shall be observed, except in the case of appointments of the Governor-General, his personal staff and the staff of his office and appointments for which special procedure has been prescribed by the Ceylon (Constitution and Independence) Orders in Council, 1946 and 1947

16. Where serious inconvenience is likely to be caused by the delay involved in carrying out the procedure prescribed in the following Rules for making appointments, the Permanent Secretary to the Ministry concerned or other appropriate authority should report the matter to the Chairman, Public Service Commission, who may make an acting appointment without regard to that procedure

**PROCEDURE APPLICABLE TO APPOINTMENTS  
(INCLUDING PROMOTIONS) TO BE MADE  
BY THE PUBLIC SERVICE COMMISSION.**

17. Appointments (including promotions) in the Public Service in which the initial pensionable or non-pensionable salary of the officer to be appointed will exceed Rs 3,780 per annum at the date of appointment will be made by the Public Service Commission

18. (1) As soon as it is known that a vacancy will occur in the post of a Head of Department the latter should, before he relinquishes his duties, report the matter to the Permanent Secretary to the Ministry. If for any reason the Head of the Department is unable to report the impending vacancy, the officer acting for such Head or the next senior officer in the Department will make the required report. The report should be made in duplicate.

(ii) Upon receipt of the report referred to in sub-section (1), the Permanent Secretary will address the Secretary to the Public Service Commission and make his recommendation as to how the vacancy should be filled

19. (i.) The Head of Department is responsible for reporting immediately the creation of a new post or an impending vacancy in any other post in his department to which rule 17 is applicable. The report will be made in duplicate to the Permanent Secretary to the Ministry and should include a recommendation as to the method to be employed in filling the vacancy

(ii) Upon receipt of the report and recommendation referred to above the Permanent Secretary will address the Secretary to the Public Service Commission and make his recommendation to the Commission

(iii.) If it is not desired to fill the vacancy, the Permanent Secretary will so inform the Public Service Commission giving reasons for the adoption of this course

(iv) If the Permanent Secretary recommends or the Public Service Commission requires that the post should be advertised the Permanent Secretary will submit a draft advertisement to the Commission for its approval

*Note* — Treasury approval to all advertisements should be obtained before submission to the Commission.

(v.) The Commission will decide whether a selection board should be constituted to select candidates and also the composition of the board. If the Commission does not itself act as the selection board, the board will forward its report, which should include the names

of the three best candidates in order of merit, to the Permanent Secretary for transmission to the Commission with his observations (if any)

(vi) Before accepting the recommendation of the board the Commission may, if it thinks fit, summon any of the candidates for interview

20. In any case where it is known that a vacancy will occur in any post other than that of Head of Department by reason of the fact that the officer holding the post is to be appointed to the post of Head of the Department, the recommendation made by the Head of Department to the Permanent Secretary to the Ministry as to the filling of the vacancy should be accompanied by the recommendation of the prospective Head of the Department

21. Recommendations for the filling of non-judicial posts on the staff of the Supreme Court will be made to the Public Service Commission by the Permanent Secretary to the Ministry of Justice, where the initial salary of the officer to be appointed will exceed Rs 3,780 per annum

22. (i) Where vacancies are filled according to the results of examinations in conformity with any approved scheme of recruitment of officers, Permanent Secretaries to Ministries and Heads of Departments will not be required to make any recommendations as to the persons to be appointed to fill such vacancies. On receipt of notification of vacancies in such cases the Public Service Commission will arrange for the holding of the necessary examinations in accordance with the schemes of recruitment

(ii) Appointments to the various Classes in the Civil Service will be made as provided in the Civil Service Minute

*Note.*—All schemes of recruitment or amendments thereto should be submitted to the Public Service Commission for approval

### **PROCEDURE APPLICABLE WHERE THE POWER OF APPOINTMENT HAS BEEN DELEGATED TO THE HEAD OF DEPARTMENT.**

23. Heads of Departments are authorized to make appointments (whether permanent or temporary) to all pensionable or non-pensionable posts if the initial salary of the officer to be appointed will not exceed Rs 3,780 per annum subject to the provisions of such sanctioned schemes or other general regulations, including regulations regarding competitive examinations, as may be applicable thereto

*Note* —(1) The Deputy Secretary to the Treasury will function as a Head of Department under this Rule in respect of the Combined Services

*Note* —(2) Appointments to the Staff of the Supreme Court not expressly placed in charge of any other officer or body will be made by the Permanent Secretary to the Ministry of Justice under this Rule

24. If the vacancy has been advertised, the Head of Department whenever possible, will appoint a Selection Board to interview the candidates

*Note* —In cases of promotion, a Selection Board to interview candidates will not ordinarily be necessary

**TRANSFERS.**

**25.** Transfer of an officer involving increase of salary or involving promotion to a higher grade or class than that in which he is serving at the time of the transfer should be dealt with according to the procedure regarding appointments prescribed in these Rules. (See also the Note to Rule 6)

**Section II.—Discipline.**

**26.** All acts of misconduct or lapses by public officers should be dealt with under the Rules following as soon as possible after the time of their occurrence. Any case not covered by the Rules following should be reported to the Public Service Commission which will issue directions with regard to its disposal.

**27.** An officer against whom a disciplinary inquiry is to be held is entitled to free copies of any documentary evidence relied on for the purposes of the inquiry or to be allowed access to it. He may be given a copy of the evidence (including documents tendered as evidence) after the inquiry is closed, on payment of such charges as may be prescribed by the Treasury.

*Note*—Copies of office orders, minutes, reports, or reasons for findings will not be issued.

**28.** All appeals to the Public Service Commission against an order made in disciplinary proceedings against an officer by a Head of Department or other authority under the Rules following must be made in writing within six months of the date of the order. Only one appeal will be allowed. Provided that a second appeal within one year from the date of the order complained of may be admitted if the Commission is satisfied that there appear on the face of the appeal new and material facts which might have affected the decision, together with adequate reasons for non-disclosure of such facts at an earlier date.

**INTERDICTION.**

(To be read with the Regulations regarding Interdiction in the Manual of Procedure)

**29** (i.) If in any case the Public Service Commission considers that the interests of the Public Service require that an officer should cease forthwith to exercise the powers and functions of his office it may interdict the officer from the exercise of these powers and functions, provided that proceedings for his dismissal are being taken or are about to be taken, or that criminal proceedings have been taken or are being instituted against him.

(ii.) A Permanent Secretary to a Ministry may interdict from duty any officer serving in the Ministry whose salary does not exceed £600 or Rs 9,000 per annum if in his opinion the interests of the Public Service so require, provided that proceedings for the dismissal of the officer are being taken or are about to be taken or that criminal proceedings have been taken or are being instituted against him. In cases of grave urgency a Permanent Secretary to a Ministry may also interdict at his discretion under the foregoing circumstances an officer whose salary exceeds £600 or Rs 9,000 per annum pending the approval of the Public Service Commission.

(iii.) A Head of Department may interdict from duty any officer employed in the Department whose salary does not exceed £432 or Rs 6,480 per annum where in the opinion of the Head of Depart-

ment the interests of the Public Service so require, provided that proceedings for the dismissal of the officer are being taken or are about to be taken or that criminal proceedings have been taken or are being instituted against him

(iv) An officer who is under interdiction may not leave the Island during the interval before he is reinstated or dismissed without the permission of the authority who interdicted him.

(v) If the proceedings result in an officer receiving punishment less than dismissal, the order for punishment should include an order stating whether or not the whole or a part of the emoluments withheld from the officer on interdiction should be paid to the officer in respect of the period of interdiction.

*Note.*—When an officer is found guilty of the charges in respect of which he is interdicted and is dismissed, it is appropriate that he should receive no further emoluments in respect of the period of interdiction but if the proceedings disclose that he is guilty of only minor defaults or of misconduct not necessitating his dismissal, the loss of emoluments, as prescribed by the Regulations in the Manual of Procedure, for the period of interdiction may entail too heavy a punishment, in which case order may be made for the whole or a greater proportion of his emoluments to be paid. In deciding on the order to be made consideration will be given to the length of the period of interdiction necessitated by the proceedings, especially when any unusual delay is not directly attributable to any act of the officer charged

### **PUNISHMENTS.**

30. Any one or more of the following punishments may be imposed on an officer, viz, dismissal, compulsory retirement for inefficiency; reduction in rank or loss of seniority, reduction of salary; suspension, stoppage, reduction or deferment of increment, severe reprimand; fine, and reprimand, censure or other departmentally recognized minor punishment

31. In any case in which it is intended to call upon an officer to make good any loss which the public revenue sustains by reason of his neglect or default, the Public Service Commission should be so informed, if disciplinary proceedings under the Rules following have been instituted against the officer, unless the power of punishment has been delegated by the Commission to the Head of Department. (*Vide* Financial Regulation 103 (iv))

32. Fines inflicted on subordinate officers should be imposed with a due regard to the proportion they bear to the salaries of the offenders. The total of fines imposed on an officer during any one month should not exceed the amount of his pay for any one week

### **DISCIPLINARY PROCEDURE.**

**Officers of the Civil Service and all other officers whose pensionable emoluments exceed £600 or Rs. 9,000 per annum.**

33. Whenever a Permanent Secretary to a Ministry considers it necessary to frame a charge for misconduct or inefficiency against an officer of the Civil Service serving in the Ministry or against any other officer so serving whose pensionable emoluments exceed £600 or Rs. 9,000 per annum, he will, after holding such preliminary inquiry (if any) as he considers necessary, forward to the officer a statement

of the charge or charges framed against him together with a brief statement of the allegations on which each charge is based in so far as these are not clear from the charges themselves. The Permanent Secretary will also call upon the officer to state in writing before a day to be named (which must allow a reasonable interval for the purpose) any grounds upon which he relies to exculpate himself.

*Note.*—(1) In the case of a probationer the salary for the purposes of the Rules governing disciplinary procedure is the minimum salary he would receive on appointment to the next higher grade.

*Note.*—(2) It should not ordinarily be necessary to consult the Attorney-General with regard to the terms of the charges but in cases of doubt or difficulty the Permanent Secretary may do so.

34. If the officer replies to the charges and the Permanent Secretary is not satisfied that the officer has exculpated himself in his reply, or if the officer fails to reply to the charges, the Permanent Secretary will forward the case to the Secretary, Public Service Commission. Provided that the Permanent Secretary may first consult the Attorney-General if he thinks fit. Thereafter the Public Service Commission will appoint a Tribunal of such persons as it shall specify to inquire into the matter, unless the Commission is satisfied that the officer has exculpated himself in his reply, or unless the method of procedure or punishment is otherwise provided by law or in these Rules.

*Note.*—The procedure prescribed in Rule 2 will be observed where the officer belongs to a Combined Service.

35. The procedure at the inquiry will be as follows:—

- (i) The Tribunal will inform the officer that on a specified day the charge or charges against him will be investigated and that he will be allowed, and if the Tribunal so determines, be required to appear before it to defend himself.
- (ii) The Tribunal may in its discretion permit the Government or the officer to be represented by an officer in the Public Service or, in exceptional cases, by a lawyer, and may at any time thereafter withdraw such permission, subject to such adjournment as in the circumstances may be necessary. Provided that where the Tribunal permits the Government to be represented it shall not refuse the officer permission to be similarly represented.
- (iii) If witnesses are examined by the Tribunal, the officer shall be permitted to question them on his own behalf, and no documentary evidence shall be used against him unless he has previously been supplied with a copy or permitted access thereto.
- (iv) If on receipt of notice of the sitting of the Tribunal (Clause (i) *supra*) the officer intimates that he desires witnesses to be summoned to give evidence in his defence, the Tribunal will summon such witnesses to appear on a day to be specified. Provided that if the Tribunal considers the number of such witnesses excessive or unnecessary it may refuse to summon or examine any one or more of such witnesses for the defence or may require the prior deposit of the expenses of such witnesses. Provided further that the Tribunal may in its discretion summon witnesses at a later stage in the inquiry.

*Note.*—Official witnesses should be summoned through the Heads of their Departments and are entitled to reimbursement of travelling expenses at the usual rates. The Tribunal has no power to compel the attendance of non-official witnesses but in practice they are often willing to attend.



- (v) Evidence need not be given on oath but all evidence will be reduced to writing, read over to the witness and signed by a Member of the Tribunal. The officer may himself give evidence if he wishes to do so
- (vi.) The Tribunal may at any time during the course of the inquiry amend the charges against the officer
- (vii) The Tribunal may be adjourned from time to time, if necessary
- (viii) The Tribunal having inquired into the matter will forward its report thereon including its findings on the charges to the Secretary to the Public Service Commission accompanied by the record of the proceedings relating to the inquiry
- (ix) If the Public Service Commission is of opinion that the report should be amplified in any respect or that further inquiry is desirable, it may refer the matter back to the Tribunal for further inquiry or report. Normally, the Commission will not itself hear witnesses
- (x) The Commission will confirm or alter as may be necessary the findings of the Tribunal and decide what punishment, if any, shall be inflicted on the officer. Action shall thereupon be taken as ordered by the Commission. The Commission's finding on each charge preferred against the officer shall be communicated to him (but not the reasons for the findings)

36. Notwithstanding the above provisions, if the Permanent Secretary to a Ministry considers that an officer serving in the Ministry should be removed on grounds of general inefficiency which cannot properly be dealt with by specific charges under the foregoing Rules, he shall procure from the Heads of Departments in which the officer has served statements as to the officer's efficiency or inefficiency and shall allow the officer an opportunity of considering such statements and showing cause why he should not be compulsorily retired or otherwise dealt with for general inefficiency. If the Permanent Secretary, after considering the officer's statement, is of opinion that the procedure for framing charges is inapplicable to the case but that the officer should be compulsorily retired or otherwise dealt with for general inefficiency, he shall recommend to the Public Service Commission accordingly. The Public Service Commission will decide what action, if any, should be taken against the officer. If it is decided that the officer's removal is necessary in the interests of the Public Service the question of pension will be dealt with by the appropriate authority under the laws or regulations of the Island.

37. (i.) If a Permanent Secretary to a Ministry informs the Public Service Commission that there are grounds for believing that an officer serving in the Ministry has discharged his duties inefficiently or has committed an act of misconduct and the Commission is of opinion that the inefficiency or misconduct alleged is not sufficiently serious to warrant proceedings under Rules 33 to 35 or Rule 36 it may cause an investigation to be made into the matter in such manner as it thinks proper, provided that the officer shall be entitled to know the whole case against him and shall have an adequate opportunity throughout of making his defence.

(ii) If as a result of such investigation and after considering any thing the officer may desire to urge on his own behalf the Public Service Commission is of opinion that misconduct or inefficiency is proved, it may order that such punishment be inflicted upon the officer by way of reduction in rank or such lesser penalty as may seem to it proper.

**38.** If an officer is convicted on a criminal charge in a Court of Justice, the Head of the Department will bring the matter to the notice of the Permanent Secretary to the Ministry who will report the matter to the Public Service Commission. The Court record should be forwarded if available. The Commission will consider the proceedings of the Court on such charge and if it is of opinion that the officer should be dismissed or subjected to some lesser penalty on account of the offence for which he has been convicted, order that such punishment be inflicted without following the procedure prescribed in Rules 33 to 36.

*Note*—*Vide* Rules 55 to 58 in this connection

**39.** No punishment of a more serious nature than a reprimand shall be inflicted on an officer whose pensionable emoluments exceed £600 or Rs. 9,000 per annum or on an officer of the Civil Service without the orders of the Public Service Commission. The approval of the Permanent Secretary to the Ministry, or of the Secretary to the Treasury in the case of officers of the Civil Service, is required before any reprimand can be recorded against any such officer

*Note*.—Where the officer belongs to a department not grouped under any Ministry the Head of the Department shall initiate disciplinary action under Rules 33 to 38 above; he may also approve reprimands—*vide* Rule 39

**Public officers, other than officers of the Civil Service, whose pensionable emoluments exceed Rs. 2,520 per annum but do not exceed £600 or Rs. 9,000 per annum.**

**40.** (i.) If it is represented to a Head of Department that an officer, not being an officer of the Civil Service, whose pensionable emoluments exceed Rs. 2,520 per annum but do not exceed £600 or Rs. 9,000 per annum, has committed an act of neglect or misconduct and the Head of Department is of opinion that the neglect or misconduct alleged is not serious enough to warrant more than a reprimand or a fine not exceeding one week's pay, or the suspension, stoppage, reduction or deferment of increment for a period not exceeding one year, he or an officer holding powers of inquiry delegated by the Public Service Commission, if such officer is so directed by the Head of the Department, may investigate the matter in such manner as he may think proper, provided that the officer shall know the case against him and shall have an adequate opportunity of making his defence. Punishments to be inflicted by the Head of Department in these cases will not require the approval of the Permanent Secretary or of the Public Service Commission.

(ii) In any case in which action under sub-section (i) above is contemplated the Permanent Secretary to the Ministry may direct that a formal inquiry under Rule 41 shall be held

**41.** (i.) Where the Head of Department considers that the officer if found guilty of the offence, should be punished with any punishment other than those referred to in Rule 40 (i), he will frame charges in writing against the officer after directing such preliminary inquiry, if any, as he may find necessary. The charges will be communicated to the officer in order that he may have a full opportunity of exculpating himself. The Head of Department or an officer holding powers of inquiry delegated by the Public Service Commission, if such officer is so directed by the Head of the Department, will then hold an inquiry at which the officer shall be permitted to be present and shall be allowed to cross-examine the witnesses, if any. The accused officer shall also be allowed access to all documentary evidence used against him and shall be allowed to adduce witnesses in his defence.

(ii.) The Attorney-General may be consulted if necessary, as to the charges to be preferred

(iii.) The Head of Department may in his discretion permit the officer to be represented at the inquiry by an officer in the Public Service and may at any time thereafter withdraw such permission, subject to such adjournment as in the circumstances may be necessary

42. If, as a result of an inquiry held by the Head of Department or other officer holding delegated powers of inquiry, the Head of Department considers it necessary to inflict on the officer any punishment other than one of the punishments referred to in Rule 40 (i.), he shall forward to the Permanent Secretary to the Ministry a statement of the charges and evidence and of his finding on each charge together with his recommendations. The Permanent Secretary shall forward the charges and evidence to the Public Service Commission and will make his own recommendation. The Commission, after considering the proceedings and recommendation, will decide what punishment, if any, is to be inflicted on the officer. The finding on each charge preferred against the officer shall be communicated to him (but not the reasons for the findings)

43. Whenever the Head of a Department considers it necessary to proceed against an officer for general inefficiency he shall allow the officer an opportunity of showing cause why he should not be compulsorily retired or otherwise dealt with for general inefficiency. The Head of Department, after considering the officer's statement, may make an order against him not exceeding deferment of increment for one year. If the Head of Department considers that any order is called for exceeding deferment of increment for one year he shall report the case to the Permanent Secretary to the Ministry, who after procuring from the Heads of any other Departments in which the officer may have served statements as to his general standard of efficiency, shall forward such statements and other documents relating to the case to the Public Service Commission, with his recommendation on the matter. The Commission, after considering the recommendation and the relevant documents, will decide what order should be made. If the officer is compulsorily retired the question of pension will be dealt with by the appropriate authority under the laws and regulations of the Island

44. If an officer is convicted on a criminal charge in a Court of Justice the Head of the Department shall bring the matter to the notice of the Permanent Secretary who will inform the Public Service Commission. The Court record should be forwarded if available. The Commission will consider the proceedings of the Court on such charge and decide whether the officer should be dismissed or subjected to some lesser penalty on account of the offence for which he has been convicted, without any of the proceedings prescribed in Rules 40 to 42 being taken

*Note—Vide Rules 55 to 58 in this connection*

**Public Officers whose pensionable emoluments do not exceed  
Rs. 2,520 per annum.**

45. A Head of Department is authorized to dismiss, or otherwise punish for neglect or misconduct, any officer in his Department whose pensionable emoluments do not exceed Rs 2,520 per annum. Disciplinary proceedings against an officer will follow the procedure indicated in Rule 40 or Rule 41 (1) as the case may be. The Head of Department will come to a finding on each charge and will communicate his findings to the officer (but not the reasons for his findings)

46. Officers below the rank of Head of Department (but holding powers of summary punishment delegated by the Public Service Commission) are authorized to punish summarily such minor acts of misconduct, default or neglect as do not in their opinion warrant more than a reprimand or a fine not exceeding one week's pay. Provided that the accused officer shall know the charge against him and shall be given an opportunity of replying to it.

47. Whenever the Head of a Department considers it necessary to proceed against an officer for general inefficiency which cannot properly be dealt with by specific charges he shall allow the officer an opportunity of showing cause why he should not be compulsorily retired or otherwise dealt with for general inefficiency. The Head of Department after considering the officer's statement, and, if necessary, the reports of the Heads of any other Departments in which the officer has served, may order that the officer shall be retired from the service for general inefficiency or may make any other order not exceeding retirement for inefficiency. In every such case of retirement the question of pension will be dealt with by the appropriate authority under the laws and regulations of the Island.

48. If an officer is convicted on a criminal charge in a Court of Justice, the Head of the Department shall bring the matter to the notice of the Permanent Secretary to the Ministry. The Court record should be forwarded if available. The Permanent Secretary will consider the proceedings of the Court on such charge and decide whether the officer should be dismissed or subjected to some lesser penalty on account of the offence for which he has been convicted, without any of the proceedings prescribed in Rule 45 being taken. If the Department is not grouped under a Ministry the Head of the Department will deal with these cases himself.

*Note — Vide Rules 55 to 58 in this connection*

49. Where proceedings for the dismissal or other punishment of an officer in the Combined Services whose pensionable emoluments do not exceed Rs 2,520 per annum are taken by the Head of the Department in which such officer is employed and where it is proposed to inflict on such officer punishment more severe than any of the punishments referred to in Rule 40, the Head of Department shall forward his recommendation and the relevant documents to the Permanent Secretary to the Ministry who will address the Deputy Secretary to the Treasury for the latter's decision.

#### **Public officers whose emoluments are non-pensionable.**

50. The procedure prescribed in Rules 40 to 44 shall be observed in disciplinary cases relating to non-pensionable officers whose emoluments exceed £600 or Rs 9,000 per annum, but no punishments of a more serious nature than a reprimand shall be inflicted in these cases without the approval of the Public Service Commission which will be sought by the Permanent Secretary. The approval of the Permanent Secretary is required when a reprimand is recorded against any such officer.

51. The procedure prescribed in Rules 40 to 44 shall be observed before punishments are inflicted on non-pensionable officers whose emoluments exceed Rs 3,000 per annum but do not exceed £600 or Rs 9,000 per annum.

52. (i) Heads of Departments are authorized to dismiss or otherwise punish officers whose emoluments are non-pensionable and do not exceed Rs 3,000 per annum, provided that no such officer shall

be punished until he has been made aware of the charges against him and has been given an opportunity of making his defence

(ii.) Officers below the rank of Head of Department but holding powers of summary punishment delegated by the Public Service Commission may punish minor acts of misconduct, default or neglect in the manner prescribed by Rule 46.

(iii.) If a non-pensionable officer whose emoluments do not exceed Rs 3,000 per annum is convicted on a criminal charge action should be taken as indicated in Rule 48 (*Vide* Rules 55 to 58 in this connection)

#### **Prosecution of public officers and procedure on conviction.**

53. When a disciplinary inquiry discloses that the criminal law might be set in motion by a criminal prosecution the Head of the Department, unless action on the part of the police has been or is about to be taken, must consult the Attorney-General as to whether a prosecution should be entered and if he does not advise prosecution, whether disciplinary action should be taken under the Public Service Commission Rules. In the latter case the charges framed against the officer must be sent to the Attorney-General for approval and scrutiny before the officer is required to answer them

54. If criminal proceedings are instituted against an officer, proceedings for his dismissal upon any grounds involved in the criminal charge shall not be taken pending the conclusion of the criminal proceedings

55. (i.) Where an officer is convicted in a Court of Justice on a criminal charge, the Court should report his conviction and the nature of the offence of which he was convicted to the Head of his Department. The Head of the Department concerned shall thereupon take action as provided in Rules 38, 44, 48 or 52 (iii.) as appropriate.

(ii) If an appeal is made to a higher Court against the conviction, the lower Court should so report to the Head of the Department, and the final decision in regard to disciplinary action will not be taken until the appeal has been decided

*Note* —Convictions for the purposes of these Rules include cases where a Court has dealt with the offender under Section 325 of the Criminal Procedure Code by warning and discharge or conditional discharge

56. If an officer is convicted on a criminal charge he shall not receive any emoluments from the date of conviction, even if an appeal is made to a higher Court against the conviction, pending consideration of his case by the proper authority appointed to deal with the same under these Rules. The Head of the Department concerned shall take steps to see that the payment of salary is stopped from the date on which the officer was convicted

57. An officer acquitted of a criminal charge shall not be dismissed on any charge upon which he has been acquitted, but nothing in this Rule shall prevent his being dismissed or otherwise punished on any other charges arising out of his conduct in the matter, provided that they do not raise substantially the same issues as those on which he has been acquitted, and the usual procedure prescribed in the Rules relating to dismissals and other punishments may be adopted for the purpose

58. When an officer is summarily punished by a Court, *e.g.*, for contempt of Court under Section 440 of the Criminal Procedure Code,

he should be interdicted under Rule 29 and the Head of the Department should call upon him to show cause in writing within a limited time why he should not be dismissed or otherwise punished as a consequence of having been summarily convicted. Action should thereafter be taken similar to that prescribed under Rules 38, 44, 48 or 52 (iii)

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APPENDIX A.

The following is a list of Heads of Departments referred to in Public Service Commission Rule 3.—

Archæological Commissioner.  
Attorney General (in regard to matters relating to his staff)  
Auditor-General (in regard to matters relating to his staff)  
Chairman, Appeal Board (Land Settlement Ordinance).  
Chairman, Colombo Port Commission.  
Chief Commissioner, Loan Board  
Chief Engineer & Manager, Electrical Undertakings.  
Chief Valuer  
Commandant, Ceylon Defence Force.  
Commanding Officer, Ceylon Naval Volunteer Force.  
Commissioner, Agricultural Corps  
Commissioner of Commodity Purchase  
Commissioner of Compensation Claims  
Commissioner of Co-operative Development.  
Commissioner for Development of Agricultural Marketing.  
Commissioner of Elections (Local Bodies).  
Commissioner of Excise.  
Commissioner of Income Tax, Estate Duty and Stamps  
Commissioner of Lands.  
Commissioner of Local Government  
Commissioner of Motor Transport  
Commissioner, National Savings Movement  
Commissioner of Parliamentary Elections.  
Commissioner of Prison and Probation Services  
Commissioners of Requests (in regard to matters relating to their staff)  
Commissioner of Labour.  
Conservator of Forests.  
Controller of Exchange.  
Controller of Imports and Exports  
Deputy Secretary to the Treasury  
Director of Census and Statistics  
Director, Ceylon Technical College.  
Director of Museums  
Director, Quarantine Department  
Director of Agriculture.  
Director of Commerce  
Director of Civil Aviation  
Director of Education.  
Director of Fisheries  
Director of Industries.  
Director of Irrigation  
Director of Medical and Sanitary Services  
Director of Public Works  
Director of Land Development  
Director of Rural Development.  
Director of Social Services.  
District Judges (in regard to matters relating to their staff)  
Fiscals  
Food Commissioner (Control and Distribution)  
Food Commissioner (Supplies)  
General Manager of the Railway  
Government Agents.  
Government Analyst  
Government Archivist  
Government Mineralogist  
Government Printer  
Government Town Planner.  
Information Officer

Inspector-General of Police.  
 Legal Draftsman.  
 Magistrates (in regard to matters relating to their staff)  
 Permanent Secretaries to Ministries (in regard to matters relating to their staff and the staffs of their Ministers)  
 Postmaster-General and Director of Telecommunications  
 Presidents of Rural Courts (in regard to matters relating to their staff)  
 Principal Collector of Customs  
 Public Trustee.  
 Registrar, Co-operative Societies  
 Registrar-General.  
 Registrar of Companies  
 Rubber Commissioner.  
 Salt Commissioner  
 Secretary to the Cabinet.  
 Secretary and Accountant, Widows' & Orphans' Pension Office  
 Secretary, Board of Indigenous Medicine  
 Secretary to the Public Service Commission  
 Settlement Officer.  
 Superintendent of Stores  
 Surveyor-General.  
 Tea Commissioner

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**APPENDIX B.**

**Public Service Commission Rules.**

*Comparative Table showing corresponding Public Service Regulation*

New Rules.	Public Service Regulation	New Rules	Public Service Regulation.
New 1		New 31	
2	7	32	Admin. Regs. 152 and 153
3	8	33	35
4	5	34	36
New 5		35	36
6	9	36	37
New 7		37	38
8	10	38	39
9	11	39	40
10	12	40	42
11	13	41	43
12	15	42	45
13	15A	43	46
14	14	44	47
15	20	45	48
16	16	New 46	
17	21	47	49
18	22	48	50
19	24	49	51
20	24 (para.3)	50	52
21	23	51	53
22	25	52 (i)	54 (i)
23	27	New 52 (ii)	
New 24		52 (iii)	54 (ii)
25	28	53	55
26	33	54	57
27	32	55	58
New 28		56	59
29	34	57	60
New 30		58	61