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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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## PART IV (A) — PROVINCIAL COUNCILS

### Provincial Councils Notifications

#### Western Province Provincial Council

#### **Order Pertaining to the Delegation of powers of the Western Provincial Public Service under the section 32(2a) of the Provincial Councils Act, No. 42 of 1987 as amended by the Provincial Councils (Amendment) Act No. 28 of 1990**

WHEREAS the Governor of the Western Province by his order published in the *Extra Ordinary Gazette* Notification No. 1859/32 dated 24.04.2014 delegated to the Western Provincial Public Service Commission, the power of appointment, transfer, dismissal from service and disciplinary control of officers of the Western Provincial Public Service ;

From and out of the powers so delegated, the powers to the extent provided for in each Schedule, from Schedules 01 to 07 hereto, are hereby delegated to the officers specifically mentioned in column 1 of each of the said Schedules, being powers pertaining to the appointment, transfer, dismissal and disciplinary control as are specified in corresponding column III of the Schedules, in respect of the categories of public officers as specified in column II of the Schedule thereto, in conformity with the provisions in clause 32 (2a) of the Provincial Councils Act No. 42 of 1987 as amended by the Provincial Councils Act, No. 28 of 1990. Provided however, in the event of any question arising in respect of any delegation or as to the implementation of the delegation hereof, made by the Western Provincial Public Service Commission, the decision of the said Commission shall be final and conclusive. The Commission hereby directs that in the course of implementing the powers hereby delegated, to the Provincial Chief Secretary or to any officer by the Western Provincial Public Service Commission, all the decisions taken by such officer shall be implemented subject to the provisions in clause 32 (2a) and 32 (2b) of the Provincial Councils Act No. 42 of 1987 as amended by the Provincial Councils (Amended) Act, No. 28 of 1990.

The said Commission specifically directs hereby that whoever officer to whom the afore-mentioned powers have been delegated, they, at all times of implementing the powers so delegated to them, shall act in accordance with the Procedural Rules of the Western Provincial Public Service made by the Governor of the Western Province acting in terms of clause 32 (3) of the Provincial Councils Act, No. 42 of 1987 and also in conformity with the Establishment Code any conditions rules, regulations and with other procedural rules decided upon from time to time by the Governor of the western province and the Western Provincial Public Service Commission.



In the Course of the implementation of the powers delegated, any party dissatisfied shall have the right to appeal to the Western Provincial Public Service Commission. Further the powers, in addition to those specified in Schedules 01 to 07 hereto, and delegated by Order of the Governor, Western Province, by *Extra-Ordinary Gazette* Notification No. 1859/32 dated 24.04.2014 of the Democratic Socialist Republic of Sri Lanka, it is hereby further directed, shall be implemented by the Western Provincial Public Service Commission.

In accordance with the decision of the Western Provincial Public Service Commission dated 01.12.2015, it is hereby specifically directed that the afore mentioned delegation of powers shall be implemented with effect from the 01st of January 2016 and that the previous delegation of powers is hereby revoked, without detriment to any measures taken under or considered to have been taken under any such delegated power.

K. SARATH GUNATHILAKE,  
Chairman,  
Provincial Public Service Commission  
Western Province.

Provincial Public Service Commission,  
Western Province,  
109, Main Street, Battaramulla,  
On this 23rd day of December 2015.

Schedule No. 01

<i>Column I Officer Whom Delegated</i>	<i>Column II Officers' Category</i>	<i>Column III Delegated Powers</i>
1. Chief Secretary	(I) Officers belong to All Island Services	(a) Appointments and Placements to the posts of Ministries, Departments and Institutes in Western Provincial Council.
	(II) Officers belong to All Island Services (except Educational Administrative Service)	(a) Disciplinary control (Subject to the orders of the Public Service Commission)
	(III) Where the Public Service Commission of the Western Province is the appointing authority :-  (i) Officers belong to SL salary group (except the posts of SL salary group limited to local government authorities)	(a) Transfers among Ministries, Departments and Institutions. (b) Dismissal and disciplinary control
	(IV) Where the Public Service Commission of the Western Province is the appointing authority :-  (i) Officers not belonging to SL salary group	(a) Transfers and disciplinary control among the Chief Secretariat and institutions affiliated to the Chief Secretariat (b) Transfers among Ministries, Departments and Institutions

Schedule No. 01 Continued .....

<i>Column I Office Whom Delegated</i>	<i>Column II Officers' Category</i>	<i>Column III Delegated Powers</i>
	(V) Officers belong to salary groups MT-1, MN-1 and PL	<p>(a) Appointments to the posts, establishment matters and transfers, dismissals and disciplinary control of the officers belonging to the Chief Secretariat in the Western Province and to the institutions affiliated to the Chief Secretariat</p> <p>(b) Transfers among Ministries and Departments except local government authorities.</p> <p>(c) Taking action in relation to inter-provincial attachments/ release of minor employees.</p>

*Note* :- "Subject to the orders of the Public Service Commission" means, functioning in complinace with orders which have already been made and likely to be made in the future by the Public Service Commission.

Schedule No. 02

<i>Column I Office Whom Delegated</i>	<i>Column II Officer's Category</i>	<i>Column III Delegated Powers</i>
1. Secretary to the Governor	(I) Officers Where the Public Service Commission of the Western Province is the appointing authority	(a) Dismissal and disciplinary control of officers of the respective office.
2. Secretary to the Provincial Public Service Commission	(II) Officers belonging to salary groups MT-1, MN-1 and PL	(a) Appointment to the posts of the respective office and establishment activities
3. Secretary to the Provincial Council		(b) Dismissal and disciplinary control

Schedule No. 03

<i>Column I Officer Whom Delegated</i>	<i>Column II Officers' Category</i>	<i>Column III Delegated Powers</i>
1. Secretaries to all Ministries	(I) Officers Where the Public Service Commission of the Western Province is the appointing authority.	<p>(a) Transfer of officers of the respective Ministry and its Departments, between the Ministry and its Departments.</p> <p>(b) Dismissal and disciplinary control of the officers belong to the Ministry and the Departments under the Ministry. (except SL salary group)</p>

## Schedule No. 03 Continued .....

<i>Column I Officer Whom Delegated</i>	<i>Column II Officers' Category</i>	<i>Column III Delegated Powers</i>
		<i>Note :</i> Except dismissal and disciplinary control of the officers of the recruitment grade in health services, coming under the purview of the Departments of Ayurveda and of the Health Services.
	(II) Officers belong to salary groups : MT-1 and MN-1	(a) Appointments to the posts, transfers and establishment matters of the respective Ministry and its Departments.  (b) Dismissal and disciplinary control
	(III) Officers belong to PL salary group	(a) Appointments and transfers to the posts of the respective Ministry and the Departments.  (b) Establishment matters, dismissal and disciplinary control (except the Departments of Health and of Ayurveda)

*Note:-*

In addition to above powers the following schedules also applicable :

Schedule No. 04 - the subject of Education

Schedule No. 05 - the subject of Local Government

Schedule No. 07 - the subject of Health

## Schedule No. 04

<i>Column I Officer Whom Delegated</i>	<i>Column II Officers' Category</i>	<i>Column III Delegated Powers</i>
1. The Secretary to the Provincial Ministry of Education  (In addition to the powers in the above Scheudle No. 03)	(I) Sri Lanka Educational Administrative Service  (II) Sri Lanka Principals' Service	(a) Dismissal and disciplinary control (Subject to the orders of the Public Service Commission)  (a) Appointments and Placements to the posts  (b) Dismissal and disciplinary control
2. The Provincial Director of Education	(I) Western Provincial Government Teachers' Service  (II) Officers belong to MN-1 and PL salary group	(a) Transfers among zones  (b) Dismissal and disciplinary control

Schedule No. 04 *Continued* .....

<i>Column I Office Whom Delegated</i>	<i>Column II Officers' Category</i>	<i>Column III Delegated Powers</i>
3. The Zonal Director of Education	(I) Western Provincial Government Teachers' Service	(a) All establishment matters including grade to grade promotions and retirement (except appointments to grade 3-I and grade 2-II) (b) Transfers within the zone
	(II) Officers belong to PL salary Group	(a) Transfers within the zone

Note :- "Subject to the orders of the Public Service Commission" means, functioning in complinace with orders which have already been made and likely to be made in the future by the Public Service Commission.

Schedule No. 05

<i>Column I Officer Whom Delegated</i>	<i>Column II Officers' Category</i>	<i>Column III Delegated Powers</i>
1. The Secretary to the Ministry of Local Government  (In addition to the powers in the above Scheudle No. 03)	(I) The officers belonging to the SL salary group in the local Govt. authorities where the public service Commission of the Western Province is the appointing authority.	(a) Dismissal and disciplinary control
	(II) Supra grade officers in the Provincial Public Management Assistant Service of Western Province	(a) Appointments to the posts of Secretary in Pradeshiya Sabhas. (b) Appointments and transfers to the Posts of administrative officer in local government authorities. (c) Dismissal and disciplinary control
	(III) The officers belong to the MN-7 salary group in the local government authorities where the Public Service Commission of the Western Province is the appointing authority	(a) Dismissal and disciplinary control
2. The Commissioner of Local Government  (Expect the power delegated to chief Secretary and to the Local Government Secretary)	(I) The officers where the Public Service Commission of the Western Province is the appointing authority	(a) Transfer of officers belong to local government authorities, among the department and local government authorities
	(II) The officers where the Public Service Commission of the Western Province is the appointing authority (except SL and MN-7 salary groups)	(a) Dismissal and disciplinary control
	(III) Officers belong to PL salary group	(a) Dismissal and disciplinary control
	(IV) Holders of post where the administrative authority of the local government authorities is the appointing authority.	(a) Make provisions for recruitment to the local government authorities on consensus of the relevant heads of local government authorities and the current holders of office, where special provisions for such recruitment have been provided for

Schedule No. 06

<i>Column I Officer Whom Delegated</i>	<i>Column II Officer's Category</i>	<i>Column III Delegated Powers</i>
1. Municipal Commissioners 2. Secretaries to the Urban Councils 3. Secretaries to the Pradeshiya Sabhas	(I) officers belong to salary groups MT-3, RS-1, RS-2, MN-1 and PL	On the consent and agreement of the Executive Head of local government authorities:-  (a) Appointment to the posts in the respective institution, transfers within the area of authority, and establishment matters.  (c) Dismissal and disciplinary control.

Schedule No. 07

<i>Column I Office Whom Delegated</i>	<i>Column II Officers' Category</i>	<i>Column III Delegated Powers</i>
1. Secretary to the Provincial Ministry of Health  (In addition to the powers in Schedule No. 03)	(I) Where the Public Service Commission of the Western Province is the appointing authority:-  (i) The officers belonging to MP Salary group	(a) Transfers within the province  (b) Dismissal and disciplinary control.
2. Director of Provincial Health Service  3. The Commissioner of Provincial Ayurveda	(I) The officers where the Public Service Commission of the Western Province is the appointing authority. (Except the MP Salary group)	(a) Transfers within the Department  (b) Dismissal and disciplinary control of the officers in the recruitment grade belonging to the Department of Ayurveda/Health Service.
	(II) Officers belonging to PL salary group	(a) Transfers and establishment matters among the district and within the department.  (b) Dismissal and disciplinary control.
4. The Regional Director of Health Service	(I) Officers belonging to PL salary group	(a) Transfers within the district.