

Public Administration Circular No.239

Ministry of Public Administration  
Independence Square,  
Colombo 07.

20th February, 1984.

To: All Secretaries of Ministries  
and Heads of Departments.

Retirement Subject to Section 12 of the  
Minutes on Pensions

Further to Public Administration Circular No.218 of 12.04.1983.

02. (A) In the case of a public officer against whom disciplinary proceedings were pending or contemplated (i.e. where a charge sheet had not been served) at the time of retirement, from public service.

(i) where no prima-facie case is established the retirement subject to section 12 of the Pensions Minutes should be converted to a normal retirement.

(ii) where a prima-facie case has been established, the disciplinary authority should issue a charge sheet within six (6) months from the date of retirement, adding that it is in the officer's interest to give a full and complete explanation as he would have no opportunity of offering any further explanation. He should be required to submit such explanation, to reach the disciplinary authority within two (2) months of the date of the charge sheet.

(iii) if the disciplinary authority considers the officer's explanation satisfactory, action should be taken as in the case of a normal retirement.

(iv) if he considers the explanation unsatisfactory, no action should be taken to hold an Inquiry but, with the pension papers, a report should be sent to the Director of Pensions, setting out,

: 7 :

- (a) the charges or the matters on which the explanation was called for;
- (b) the explanation tendered, and
- (c) the views of the disciplinary authority on the explanation.

(v) The Director<sup>of</sup>/Pensions will report to me with the necessary papers for a decision on the withholding or reducing of any pension gratuity or other allowance payable to the public officer under the Minutes on Pensions.

(vi) where no explanation is tendered within the time given, the charges or the matters on which explanation was called for should be sent with the pension papers to the Director of Pensions for action as at (v) above.

(B) In the case of a public officer against whom an inquiry was pending at the time of his retirement from the public service and it has been concluded after such retirement (Section 12(2)):-

(i) the disciplinary authority should forward the findings of the inquiry to the officer and call for his explanation in respect of the findings.

(ii) the disciplinary authority should forward to the Director of Pensions, with the pension papers

(a) the charge sheet

(b) the findings of the inquiry

(c) the explanation, if any, tendered by the officer in respect of the findings

(d) his observations on whether the explanation tendered is satisfactory or not

(iii) if no explanation has been tendered, he should forward the charge sheet and the findings of the inquiry to the Director of Pensions with the pension papers.

(iv) the Director of Pensions will report to me with the necessary papers.

03.

If the disciplinary authority has found the explanation tendered by the officer in respect of the findings of the inquiry unsatisfactory or he has reported that no explanation has been tendered, I shall then make an order to withhold or reduce any pension gratuity or other allowance payable or awarded to such an officer under the Minutes on Pensions.

Sgd./D.B.I.P.S. Siriwardhana  
Secretary,  
Ministry of Public Administration.