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Ministry of Public Administration, Home Affairs,
Provincial Councils and Local Government
Independence Square
Colombo 07.

22.06.2022

Secretaries of Ministries
Chief Secretaries of Provinces
Heads of Departments

Granting leave with no pay to be spent in or out of the Island to Public Officers without causing any prejudice to the seniority and pension

It has been decided at the meeting of the Cabinet of Ministers held on 13.06.2022 to grant leave with no pay to be spent in/out of Sri Lanka to public officers under special provisions, deviating from the provisions existing in the Establishments Code regarding the granting of leave with no pay, until further notice.

02. Public officers are able to obtain leave with no pay to be spent out of Sri Lanka subjected to a total period of five (05) years at the maximum, so as to be able to make it applicable to the seniority and pension of the officer for the following objectives.

a) To leave abroad

This leave is granted to an officer to develop his/her skills or to engage in an employment after going abroad, and it is not required to submit particulars to the effect that the officer is engaged in an employment during the early period abroad but to take action to obtain approval for leave with no-pay following proper procedures.

b) To engage in an employment in a foreign institution

For this purpose, the officer should take action to obtain approval for leave with no-pay to be spent out of Sri Lanka in the proper manner submitting the particulars of the employment, in which the officer expects to engage in a foreign country during the period of leave with no-pay and relevant other particulars to the authority for approving leave.

03. In addition, public officers below the age of 35 are able to obtain leave with no pay to be spent in or out of Sri Lanka subject to a maximum of one year to develop their IT skills, knowledge of English or any other language / languages, or to complete a vocational training programme at a recognized institution. For this purpose, the officer should take action to obtain approval for leave with no-pay to be spent in or out of Sri Lanka in the proper manner, submitting the relevant particulars to the authority for approving leave.

04. The following provisions shall be applicable to the officers who obtain leave as mentioned in 02 or 03 above.

- a) The period of leave with no-pay obtained by the officers in the above manner shall be considered a period of service for the purpose of calculating their seniority and pension until further notice.
- b) The officers who left the Island under the provisions of the Establishments Code before the introduction of these provisions and have not returned and are on approved leave period, the officers who are subjected to the period of obligatory service as a result of obtaining leave with or without pay, the officers who have completed the obligatory period of service and the officers under probation period who do not belong to the Executive Grade, are able to obtain leave as per 'a' above. Officers belonging to the Executive Grade should have been confirmed in their service to obtain leave as per (a) above.
- c) On reporting for duty at the end of the period of leave, the officers, who are subjected to the period of obligatory service for the purpose of granting leave as per 'b' above, are required to complete the period of obligatory service relevant to the first period of obligatory service, as already agreed, and further no obligatory period of service shall be prescribed for the period of leave with no pay in lieu of the leave obtained as per these new provisions.
- d) The period of probation can be extended up to a maximum of 03 years after reporting back for duty, as per the provisions of the Procedural Rules of the Public Services Commission, until the officers in probation period satisfy the requirements, which are to be satisfied within the period of probation.
- e) The officers, who are already on leave to be spent out of the Island as per the provisions of the Establishments Code, may make a request in order to extend the leave obtained with no pay for the objectives in 02 or 03 above from the authority for approving leave. The service period after the approval for such leave can be counted as a service period for the calculation of their seniority and pension. Further, leave can be granted under this provision for a maximum period of 05 years for officers, who are on no-pay leave and have been subjected to an obligatory period of service and have completed the obligatory period of service due to obtaining leave with no pay, including the said period of leave. The maximum period of leave that can be obtained by an officer under the provisions of 02 and 03 above shall be limited to 05 years.
- f) The officers, who obtain leave with no pay to be spent in Sri Lanka, should make a suitable arrangement for the monthly settlement of the installments and the interest of their property loans communicating with the relevant bank and the authority for approving leave should make an arrangement for the recovery of other loans either as a lump sum amount or installments. An officer who goes

abroad under the provisions of 02 or 03 above should settle all the loans he has obtained before his leave is approved. It will be considered to discuss with the Treasury the possibility of introducing an alternative methodology for this and to make the necessary provisions in the future.

- g) Action should be taken to remit in foreign currency the contribution to the Widows' /Widowers' and Orphans' Pension fund to the Director General of Pensions, which is applicable to the basic salary entitled to the day before the date of approval for leave, where the officer is out of the Island. Officers who obtain leave with no pay to be spent in Sri Lanka should pay the relevant contribution in Sri Lankan currency within that period.
- h) In case where an officer is already abroad on the approved period of leave with or without pay and expects further to obtain leave with no pay to be spent out of the Island under the conditions stipulated herewith, an opportunity can be granted to such officer for obtaining proper approval for the leave without returning to the country. For this purpose, the officer should submit a written request to the Secretary of the relevant Ministry.
- i) The promotion should be granted to an officer, who satisfies all other qualifications prescribed during the period of leave with no pay except the service period required for grade promotion, so as to be effective from the date of satisfying qualifications on reporting for duty at the end of the period of leave with no pay and it should be prescribed to complete the active period of service prescribed under Service Minutes/ Schemes of Recruitments for promotions granted based on the vacancies.
- j) An officer, against whom initial measures have been taken either by the disciplinary authority or head of the institution in relation to a disciplinary action, should not be granted leave without pay under these provisions.
- k) No compulsory period of service shall be prescribed for leave with no pay granted under these provisions. When the officers, who go abroad, apply for leave under No. 07 of Form General 126, they should clearly state under the provisions of which section of this Circular they are applying for leave. In addition, the officer should enter into an Agreement mentioned herein as Annex 01, with the authority for approving leave.
- l) The Heads of Departments/ Institutions should maintain a report consists of the particulars of the officers, to whom leave is granted under these provisions, and further the particulars of the relevant officers should be submitted monthly to their appointing authorities.
- m) The Secretary of the Ministry shall approve leave under these provisions. A Standing Committee chaired by an Additional Secretary of the Ministry and consisting of three other senior officers of the Ministry should be appointed to

assist the Secretary in this regard and its recommendation should be sought. In the case of an officer of a department belonging to a Ministry, the Head of the relevant Department shall act as an alternative member of this Committee. Leave should be approved only after the confirmation by the leave approving authority that granting of leave to public officers under this system does not impede the proper and efficient functioning of the relevant public institutions. Each Ministry/ Department should take action to formulate their own formal procedures regarding the granting of leave with no pay to officers in the above manner.

- n) Instructions shall be issued by the Ministry of Finance with regard to making these provisions applicable to the officers serving in the Public Enterprises functioning with funds of the state.
- o) Every officer who goes abroad as per the provisions of this circular is required to formally remit money in the following manner through the Sri Lankan banking system to a Non-Resident Foreign Currency Account (NRFC) opened in his or her own name.
 - (i) Officers of the Primary Service Category - Monthly USD 100
 - (ii) Officers of the Secondary Service Category - Monthly USD 200
 - (iii) Officers of the Tertiary Service Category - Monthly USD 300
 - (iv) Officers of the Executive Service Category - Monthly USD 500

When the officer is employed abroad, the above amount or 25% of the salary earned from the employment can be remitted. A concessionary period of two months from the date of departure shall be given for the remittance and remittances must be made from the third month onwards.

- p) The seniority of an officer, who obtained leave with no pay as per these provisions, should be calculated after reporting for duty, and further, this service period should be made applicable for the calculation of pension at the time of retirement in the proper manner after reporting for duty. The period of leave with no pay of the officers ,who do not remit money to the country properly as mentioned under “o” above or violate one or more of the conditions of the agreement referred to in “k” above, shall not be calculated for the purpose of determining their seniority and pension.

05. The provisions of this circular shall be effective from 22.06.2022.

Sgd/ M.M.P.K. Mayadunne
Secretary
Ministry of Public Administration, Home Affairs,
Provincial Councils and Local Government

Agreement

Granting leave with no-pay to be spent out of Sri Lanka/ within the country without causing any prejudice to the seniority or pension

This Agreement is made on.....of..... in year.....between the Secretary.....(Name) of(Name of the Ministry) of the Democratic Socialist Republic of Sri Lanka herein sometimes referred to as “first party” and the person hereinafter referred to as Secretary of(Name of the Ministry) of the one part and the following person/ officer herein referred to as “second party”.

Whereas leave with no pay to be spent out of Sri Lanka/ within the country is hereby approved by the aforementioned first party for(full name of the officer) residing at(permanent address of the officer), who holds the post ofat the(Ministry/Department) referred to as second party without causing any prejudice to the seniority and pension of the public officers subjected to the following conditions and obligations.

The said conditions and obligations are as follows;

- 01) The officer should make sure to follow the proper procedure when obtaining leave with no-pay to be spent out of Sri Lanka/ within the country.
- 02) The leave to be spent out of Sri Lanka/within the country obtained by the officer shall be from (.....) to (.....) and the maximum period of such leave shall be (01/05)* years. (If the no pay leave is in accordance with para 03 of Public Administration Circular 14/2022, the period shall be limited for a maximum period of 01 year and if it is in accordance with para 05 of the said Circular, the maximum period shall be 05 years)
*delete the word inappropriate
- 03) The said period of leave to be spent out of Sri Lanka obtained by the officer is from (.....) to (.....) and the said period of leave should be limited to a maximum of (05/01) years.
- 04) The officer should make sure to follow the provisions of Public Administration Circular No:dated, which includes the above mentioned provisions, as required when getting the leave to be spent out of Sri Lanka/ within the country approved.
- 05) Failure to fulfill the provisions of the above circular shall result in loss of entitlement to seniority and pension of the officer.

Breach of the above - mentioned conditions and obligations shall be an offence and the officer shall be subjected to any disciplinary and legal action taken by the relevant authorities.

In witness whereof(Name) Secretary of the Ministry of, the said first party and(full name of the officer), the second party have signed on this..... day of

- 1) First party (Signature)
..... (N.I.C. Number)
..... (Official Stamp)
- 2) Second party (Signature)
..... (N.I.C. Number)

Witnesses

- 1)(Signature)
.....(Name)(N.I.C. Number)
.....(Address)
- 2)(Signature)
.....(Name)(N.I.C. Number)
.....(Address)