

Public Administration Circular : 14/2022(II)

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

15.09.2022

Secretaries to Ministries
Chief Secretaries of Provinces
Heads of Departments

Granting Leave with No Pay to the Public Officers to be Spent within the Country so as not to Cause any Prejudice to the Seniority and Pension

A decision has been taken at the meeting of the Cabinet of Ministers held on 05.09.2022 to grant leave with no pay to the public officers to be spent within the country under special provisions until further notice deviating from the provisions existing at present in the Establishments Code regarding the performance of services outside the substantive employment or post and to grant leave with no pay.

02. Leave with no pay to be spent within the country can be obtained so as to be made applicable to the seniority and pension subject to a maximum of five years within the officer's period of service.

03. Before taking action with regard to requests for leave to be spent within the country, the committee established in accordance with Public Administration Circular 14/2022 dated 22.06.2022 should conduct a study regarding the Ministry's staff as follows.

- 3.1 Assessing the human resources required to ensure continuous service delivery by the ministry
- 3.2 Identifying the service categories and posts for which replacements or substitutions cannot be made and for which scientific and technological knowledge is an essential condition.
- 3.3 After such identification, identifying the service categories and posts for which leave with no pay to be spent within the country can be granted so that service delivery is not disrupted through restructuring.

04. The public officers belonging to the service categories and posts identified as mentioned in 3.3 above can obtain leave as per the following provisions on the recommendation of the above committee.

- 4.1 Leave with no pay to be spent within the country can be granted to the public officers up to a maximum period of five years to engage in an activity in the country, which is productive in economic terms, or to serve in institutions outside the public service so as not to cause any prejudice to the seniority and pension.
- 4.2 This leave can be granted only to the officers, who are not belonging to the Staff Grade Service categories, even within the period of probation.

The period of probation of the officers, who are in such period, can be extended up to a maximum period of three years after reporting back to the service at the end of their leave with no pay as per the provisions of the procedural rules of the Public Service Commission until they satisfy the requirement to be satisfied within the period of probation. However, leave with no pay to be spent within the country cannot be granted to the Staff Grade Officers during the period of probation as per the provisions of this circular.

- 4.3 In case where the Staff Grade Officers have been confirmed in the service on completion of the prescribed period of probation and further they have satisfied other conditions mentioned herein and belong to a post identified by the committee mentioned in para 03 above as a post to which leave with no pay can be granted, this leave can be granted also to such officers up to a maximum period of five years.
- 4.4 The officers, who have obtained leave with no pay and are subjected to a period of obligatory service, can also obtain leave with no pay as per the provisions of this circular. For the purpose of obtaining such leave, it is not necessary to complete the period of obligatory service relevant to the previous period of leave with no pay.

However, the officers who are subjected to a period of obligatory service due to obtaining full-pay study leave and the officers, who have undergone a certain training with government's expense and are subjected to a period of service as per the agreement signed relevant to the training, can obtain leave to be spent within the country in terms of this circular on completion of a half or more from the period of obligatory service/ period of service prescribed by the agreement.

The period of obligatory service/ period of service prescribed by the agreement, which is applicable to the previous leave with no pay / leave with full pay / to the training followed with the government's expense, should be completed after reporting for duty at the end of the period of leave obtained under this circular.

Further, leave can be granted under these provisions up to a maximum period of five years to the officers who are at present on leave with no pay, officers who are subjected to an obligatory period of service due to obtaining leave with

no pay and those who have completed the obligatory period of service, with the inclusion of such period of leave. The maximum period of leave that an officer can obtain under section 4.1 above is limited to five years.

- 4.5 The Secretary, after calling recommendations of the committee of the Ministry, can grant permission to the relevant public officers to resign from the public service within this period of no pay leave if they have satisfied qualifications prescribed for such resignation and further it implies that such resignation will not cause any adverse effect to the whole public service.
- 4.6 This leave with no pay should be obtained mainly with the objective of engaging in more productive and important economic process but it can be considered to grant such leave even where specific information in this regard is also not provided.
- 4.7 An officer who has already obtained leave on secondment basis can also obtain this leave with no pay inclusive of that period up to a maximum period of five years.
- 4.8 Action should be taken by the officer to remit the contribution of the Widows' / Widowers' and Orphans' Pension to the account prescribed by the Director General of Pensions which is applicable to the basic salary entitled to the date before the date of approval for leave, in cases where the officer obtains leave with no pay to be spent within the country.

These remittances should be made at least once in three months. The officer should keep safely the particulars pertaining to those remittances in order to confirm that the contributions to the Widows'/ Widowers' and Orphans' Pension Fund have been duly remitted, and once the officer reports back to service on completion of the leave with no pay spent within the country, they should be immediately handed over to the head of the institution along with a copy to the Director General of Pensions in order to file these particulars properly in the personal file of the officer.

- 4.9 A suitable arrangement should be made by the officers, who obtain leave with no pay to be spent within the country, for the monthly settlement of the installments and the interest of their property loans communicating with the bank, which issued the loan and in the meantime the authority for approving leave should make an arrangement with the concurrence of the relevant institutions for the recovery of other loans including the loans obtained from Advance "B" account either as a lump sum amount or installments/ for the payment of the same to the relevant institutions.

- 4.10 The promotion should be granted to an officer, who satisfies all other qualifications prescribed during the period of leave with no pay to be spent within the country 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.
- 4.11 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 with no pay under these provisions.
- 4.12 No obligatory period of service will be prescribed for the leave with no pay granted under these provisions. It is sufficient for the officers, who apply for leave with no pay to be spent within country under these provisions, to make a written request to the respective Head of Institution.
- 4.13 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.

Action should be taken to refer a copy of the monthly reports, which are sent to the appointing authority, to the Additional Secretary (Human Resource Development) of the Ministry of Public Administration, Home Affairs, Provincial Councils and Local Government. In the meantime, the Secretary of the Ministry should submit particulars of the approval for leave as per this circular, which are relevant to the officers holding posts of which the appointing authority is the Secretary or the Head of a Department under the Secretary.

When leave to be spent within the country is approved to the officers, who are directed to the posts in provincial public service after recruiting for the training by the Ministry, it is expected that action would be taken by the relevant authorities to provide monthly such particulars also to the relevant Ministries to take further action in this regard. In addition to the above, it is expected to submit the particulars of all the officers, for whom leave is approved as per this circular including the above particulars, also to the Additional Secretary (Human Resource Development) of the Ministry of Public Administration, Home Affairs, Provincial Councils and Local Government.

- 4.14 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.

The authority for granting approval for leave under these provisions as per the recommendations of the Ministerial Committee is the Secretary of the Ministry and it is not necessary to call recommendations from the relevant appointing authority for granting approval for leave.

The action to be taken for the implementation of the instructions of this circular in the provincial public service will be introduced by the Chief Secretaries of the Provincial Councils on the instructions and approval of Hon. Governors

- 4.15 It is not essential to nominate officers to act in the posts held by officers who make requests for this leave, when the recommendation of the committee has been made and further the head of the institution should take appropriate action in order to ensure the maintenance of relevant functions properly and efficiently with the application of an internal methodology identified by the institute itself, in case where it is compulsory.
 - 4.16 If the officers who are on leave with no pay under this circular, are recorded as persons not eligible to be in the public service due to the personal conduct in such period of leave, disciplinary action will be taken following the specific cause of action treating as those officers were in active service during the relevant period.
 - 4.17 The Ministry of Finance will issue instructions to make these provisions applicable to the officers serving in public enterprises operating on government funds.
 - 4.18 The seniority of an officer, who obtains leave with no pay as per these provisions, should be calculated on reporting back to the public service and this period of service should be made applicable for the calculation of the pension at the time of sending such officer on retirement properly after reporting for duty. The period of leave with no pay of the officers who do not remit the contributions of Widows'/ Widowers' and Orphans' pension to the Director General of Pensions under 4.8 above, will not be considered for the calculation of seniority and pension.
05.
 - 5.1 The Secretary of the ministry should take action to issue the final decision within one month from the date on which a certain officer submits application for leave with no pay to be spent within the country as per the provisions of this circular.
 - 5.2 In case where an officer is not satisfied with the decision issued on leave, such officer should submit an appeal strictly to the Secretary of the Ministry through the head of the respective department within two weeks from the rejection of the application. The relevant head of the department should with immediate

effect submit the views, observations and recommendations in this regard whenever an appeal is made. On receipt of such appeal, the Secretary may issue the final decision within two weeks having taken into consideration the relevant recommendations, exigency of service and the matters included in the appeal. That decision should be regarded as the final decision.

06. The Director General of Pensions will issue further instructions regarding the contributions to the Widows'/ Widowers' and Orphans' Pension fund.

07. The leave with no pay, which can be obtained under the provisions of section 15 and 16, Chapter XII of the Establishments Code, Public Administration Circular 14/2022 dated 22.06.2022, Public Administration Circular 14/2022(I) dated 06.09.2022 and this circular, is restricted up to a maximum period of five years within the officer's period of service.

08. The provisions of this circular shall be effective from 05.09.2022.

Sgd/ M.M.P.K.Mayadunne

Secretary

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