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Date } .11.2022

Circular No: 24 / 2022

Additional Secretary (Administration),
Additional Secretary (Non-academic and Combined Services),
Additional Secretary (Education Services),
Additional Secretary (Teacher Establishments),
Secretaries to all Provincial Ministries of Education,
Chief Commissioner (Teachers Education),
Director of National Schools of the Ministry of Education

Interdiction, Sending on Compulsory Leave and Reinstatement in the Service

A great number of officers holding varied posts in the Public Service are serving in the Ministry of Education and in the institutions thereunder such as National Schools, Colleges of Education, and Teacher Centres. As they perform duties in various purviews, this Ministry and the institutional structure under the Ministry remain more widespread.

02. In this context, the organizational and administrative activities of each officer are relevantly executed by the divisions in charge of the establishments affairs. Therein, as the interdictions are made by each respective division of the institutions under the Section 31 of the Chapter XLVIII of the Establishments Code, it was mostly observed; throughout the past period, that the following complications are occurred in respect of disciplinary proceedings against such officers.

- i. Prospective disciplinary proceedings in respect of the interdicted officers can be missed.
- ii. As a result, an injustice is caused to the officer who was subjected to interdiction.
- iii. As the Section of the Establishments Code which provides the basis for interdiction is not correctly cited, the prospective disciplinary proceedings become ineffective.

03. In respect of conducting investigations and to dealing with disciplinary matters regarding the officers in all services working in the Ministry of Education, a separate unit has been set up and in progress. With the view to avoiding the aforesaid situation, the activities related to Interdiction, (Subject to the covering approval of the relevant disciplinary authority wherein the Secretary to the Ministry of Education is not the disciplinary authority) Sending on Compulsory Leaves and Reinstatement in the Service regarding the officers belonging to all the relevant posts / services working in the Ministry of Education and in National Schools, Colleges of Education, and Teacher Centres functioning will hereafter be carried out by the Disciplinary Branch of the Ministry of Education.

04. Accordingly, just in case the actions are required to be taken to interdict a certain officer, you are kindly informed to state clearly the reasons for such an action and submit the originals of the relevant documents / with certified copies immediately to the Additional Secretary (Administration) with the recommendations from the Additional Secretary in charge of the section / Provincial Director of Education /Zonal Director of Education.

05. The original letter / certified copy you receive from the Zonal Officers or Police Officers should be forwarded to the Additional Secretary (Administration) in order to send a relevant officer on compulsory leave pertaining to the period during which the said officer is in remand.

06. As soon as you are informed that a certain officer has been arrested by the Police Department or any other statutory authority, the Head of the Institution should immediately inform the Secretary to the Ministry of Education via the Fax No: 0112785491 / 0112784846.

Also, the relevant authorities should take actions to send all the following details about the offense / misconduct committed by the relevant officer to the Additional Secretary (Administration) at the earliest stage enabling to take actions in accordance with the above paragraph 04 and 05.

- i. Date of arrest
- ii. Date of release on bail
- iii. Duration of being remanded
- iv. Nature of offense
- v. Court to which the officer was presented, Case Number and Date
- vi. Section of the Law
- vii. Whether a case is filed/ not filed thus far
- viii. Whether the relevant officer is currently reporting for duty
- ix. If not, the date the officer reported for duty at last
- x. Whether another case / a legal proceeding is in progress in respect of this officer
- xi. Observations of the Head of Institution regarding the attendance, works and behaviour of the officer

The actions should be taken to send the originals / certified copies of the relevant documents to substantiate the above particulars.

07. Upon the issuance of the letter of interdiction, it is mandatory that the authority in charge of personal files includes the relevant copy of the said letter in the officer's personal file. Subsequent to the said filing, the Additional Secretary (Administration) should be informed to confirm the said incident. A form / instructions on this matter will be sent to you along with the letter of interdiction.

08. When an interdicted officer is reinstated in the service, naming the workstation to which he should be placed and giving recommendations in this regard should be done by the Additional Secretary / Head in charge of the institution / administrative affairs in the post / service to which the officer belongs subject to the conditions stipulated in the disciplinary order, and the Disciplinary Section should be notified immediately. The relevant Additional Secretary / Head of Division should take immediate actions to give immediate responses once an inquiry on this matter is made from the Disciplinary Branch. Upon receipt of the relevant information, the actions will be taken by the Disciplinary Branch to issue a letter of service reinstatement.

09. If any clarification is required regarding the particulars stated in this Circular, it is obtainable by calling the Additional Secretary (Administration).

M.N. Ranasinghe

Secretary

Ministry of Education

Telephone : 0112784811

Fax : 0112785162

E-mail : secretary.education@moe.gov.lk

Copies:

1. Auditor General, National Audit Office
2. Secretary, Ministry of Public Administration, Home Affairs, Provincial Councils and Local Government
3. Secretary, Public Service Commission
4. Secretary, Education Service Committee of the Public Service Commission
5. All Additional Secretaries, Directors General and Chief Finance Officer of the Ministry of Education,

} For Kind
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