

THE ADMINISTRATIVE APPEALS TRIBUNAL

ANNUAL REPORT

From 01.01.2013 to 31.12.2013

1. INTRODUCTION

The Administrative Appeals Tribunal was established under the Administrative Appeals Tribunal Act No. 4 of 2002, in pursuance of Article 59(1) and 59(3) amended by 17th amendment to the Constitution.

2. VISION

To be an accessible and expert organization that delivers administrative justice.

3. MISSION

To undertake high quality and independent review of an order or a decision made by the Public Service Commission in the exercise of its powers under Chapter IX of the Constitution in respect of a Public Officer or a Police Officer and deliver administrative justice.

4. APPOINTMENTS OF THE ADMINISTRATIVE APPEALS TRIBUNAL

Acting in terms of the Section 9(1) of said act, the Judicial Service Commission appoints three members to it, including its Chairman.

5. THE POWERS & FUNCTIONS

The Tribunal shall have the power to hear and determine any appeal preferred to it by the aggrieved Public or Police Officer against the order made by the Public Service Commission.

6. PROCEDURE FOR PREFERRING AN APPEAL

The procedure to prefer an appeal is laid down in Section 4(1) and 4(2) of the Administrative Appeals Tribunal Act No. 4 of 2002.

7. STEPS TAKEN AFTER THE RECEIPT OF APPEAL

Upon receipt of an appeal under Section 4, the Tribunal shall take steps as stipulated in Section 5(1) and 5(2) and proceedings will be taken place as laid down in Section 6 (a), (b), (c) and (d).

8. TIME PERIOD

The Tribunal shall hear and dispose of any appeal preferred to it within a period of two months. (Section 7 of the said Act)

9. DECISION OF THE TRIBUNAL

A decision made by the Tribunal shall be final and conclusive and shall not be called in question in any suit or proceedings in a court of law, under sections 8(1) and 8(2) of said act.

10. WORK PLAN

After receipt of an appeal steps are taken in the following manner.

i.	Registering, sending notices, fixing dates for calling	3 weeks
ii.	To call for of the PSC observations on an appeal	4 weeks
iii.	To receive counter observations of the appelland	4 weeks
iv.	Hearing	8 weeks
v.	For written submissions	8 weeks
vi.	Final disposal within	4 weeks
	Maximum time period taken to hear and decide an appeal	<u>31 weeks</u>

11. CONTENTS OF THE APPEALS PREFERRED TO :

Appeals on the following areas have been received as yet.

- i. Promotions
- ii. Vacation of Posts / Re-instatement of Posts
- iii. Disciplinary orders
- iv. Transfers
- v. Retirements and related matters
- vi. Seniority related matters

12. STATISTICS ON APPEALS PREFERRED TO :

Pending appeals as at 31.12.2012	191
Received appeals in the year of 2013	322
Total	<u>513</u>
Number of appeals disposed of in the year of 2013	90
Number of pending appeals as at 31.12.2013	<u><u>423</u></u>

(See annexation further observation)

13. FINAL DECISIONS TAKEN ON APPEALS IN 2013

i.	Number of disposals	58
ii.	Number of laid by appeals without decision	15
iii.	Number of appeals granted relief	05
iv.	Withdrawn appeals	06
v.	Number of appeals not possible to dispose	06
	Number of appeals disposed in the year of 2013	<u>90</u>

14. MISCELLANEOUS PETITIONS

A considerable number of petitions outside the purview of the provisions of the AAT Act are received by the AAT. Since AAT has no jurisdiction to hear such peittions, steps are taken to reply them explaining the reasons for not accepting those miscellaneous petitions.

15. PROBLEMS FACED IN PRONOUNCING DECISIONS/ORDERS

There seems to be an increase in the number of appeals preferred to the AAT in the year 2013. However, when comparing to 2012 there was a decrease in the number of appeals disposed of in 2013. This was due to the non-availability of the Chairman (1st July, 2013 to 31st December 2013). Though the appeals were taken up for hearing before the other two members, there existed the problem of deciding the appeals, since the Act says that the decision of the Tribunal shall be under the hand of the Chairman (Section 8(1)).

The Section 7 of the said Act says that an appeal should be disposed of within two months. But it is impossible to do so practically, because the appeals are called in open court and the Tribunal is compelled to grant dates to the parties when they request so, (PSC's officers, appellants as well as the Attorneys appearing for appellants). Due to these unavoidable reasons, the Tribunal finds it difficult to reach the expected targets. However, every possible step has been taken to dispose the appeals within a minimum period.

16. FINANCIAL PROVISION

The information in terms of para 2.4.2 of the Public Finance Circular No. 402.

I.

Nature of Expenditure	Total Estimated Annual Allocation	The net allocation after all adjustments	Actual Expenditure as at 31.12.2011
Personal emoluments	8,350,000	8,350,000	7,001,775
Other recurrent	8,725,000	8,725,000	6,569,317
Plant machinery and equipment	875,000	875,000	866,660
Other capital assets	40,000	40,000	7,500
Total	1,799,000	1,799,000	14,445,252

II. The prescribed limit of actual estimate, in case of advance account “B” – year 2013.

	Expenditure maximum	Credits-Minimum	Balance of Debit minimum
Estimated allocation	1,000,000	200,000	3,400,000
Actual Value	708,565	403,043	1,524,758

17. OFFICE STAFF

<u>Category</u>	<u>Approved Cadre</u>	<u>Actual Cadre</u>	<u>Vacant Cadre</u>
(i) Senior Level	02	02	-
(ii) Tertiary Level	-	-	-
(iii) Secondary Level	12	09	03
(iv) Primary Level	04	04	--
Total	18	15	03

18. OFFICE OF THE TRIBUNAL

The office of the Administrative Appeals Tribunal (AAT) is situated at No. 39/1, Horton Place, Colombo 7 at present. Its telephone numbers are 011-2674467 and 011-2699486.

Monthly Report on Appeals

January 2013

Pending appeals as at 31.12.2012	191
Number of appeals instituted in January 2013	31
Total	222
Number of appeals disposed of in January 2013	21
Number of pending appeals as at 31.01.2013	<u>201</u>
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February 2013

Pending appeals as at 01.02.2013	201
Number of appeals instituted in February 2013	22
Total	223
Number of appeals disposed of in February 2013	03
Number of pending appeals as at 29.02.2013	<u>220</u>
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March 2013

Pending appeals as at 01.03.2013	220
Number of appeals instituted in March 2013	22
Total	242
Number of appeals disposed of in March 2013	15
Number of pending appeals as at 31.03.2013	<u>227</u>
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April 2013

Pending appeals as at 01.04.2013	227
Number of appeals instituted in April 2013	27
Total	254
Number of appeals disposed of in April 2013	03
Number of pending appeals as at 30.04.2013	<u>251</u>
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May 2013

Pending appeals as at 01.05.2013	251
Number of appeals instituted in May 2013	12
Total	263
Number of appeals disposed of in May 2013	23
Number of pending appeals as at 31.05.2013	<u><u>240</u></u>

June 2013

Pending appeals as at 01.06.2013	240
Number of appeals instituted in June 2013	16
Total	256
Number of appeals disposed of in June 2013	12
Number of pending appeals as at 30.06.2013	<u><u>244</u></u>

July 2013

Pending appeals as at 01.07.2013	244
Number of appeals instituted in July 2013	31
Total	275
Number of appeals disposed of in July 2013	05
Number of pending appeals as at 31.07.2013	<u><u>270</u></u>

August 2013

Pending appeals as at 01.08.2013	270
Number of appeals instituted in August 2013	50
Total	320
Number of appeals disposed of in August 2013	02
Number of pending appeals as at 31.08.2013	<u><u>318</u></u>

September 2013

Pending appeals as at 01.09.2013	318
Number of appeals instituted in September 2013	36
Total	354
Number of appeals disposed of in September 2013	1
Number of pending appeals as at 30.09.2013	<u>353</u>

October 2013

Pending appeals as at 01.10.2013	353
Number of appeals instituted in October 2013	28
Total	381
Number of appeals disposed of in October 2013	4
Number of pending appeals as at 31.10.2013	<u>377</u>

November 2013

Pending appeals as at 01.11.2013	377
Number of appeals instituted in November 2013	25
Total	402
Number of appeals disposed of in November 2013	--
Number of pending appeals as at 30.11.2013	<u>402</u>

December 2013

Pending appeals as at 01.12.2013	402
Number of appeals instituted in December 2013	22
Total	424
Number of appeals disposed of in December 2013	01
Number of pending appeals as at 31.12.2013	<u>423</u>

Statistics on received appeals - 2013

Institutions	*PSC
January	31
February	22
March	22
April	27
May	12
June	16
July	31
August	50
September	36
October	28
November	25
December	22
Total Number of Institutions from January to December 2013	322

Statistics on disposed appeals - 2013

Disposals	*PSC
January	21
February (2 Laid by)	03
March (3 Laid by)	15
April	03
May (4 Laid by)	23
June	12
July	05
August	02
September	01
October	04
November	--
December	01
Total Number of disposals from January to December 2013	90

The summary of the received appeals

Pending appeals as at 01.01.2013	191
Number of appeals instituted in 2013	<u>322</u>
Total	513
Number of appeals disposed of in 2013	90
Number of pending appeals as at 31.12.2013	<u><u>423</u></u>