

**Annual Report**  
**From 01.01.2014 to 31.12.2014**  
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# **THE ADMINISTRATIVE APPEALS TRIBUNAL**

## **ANNUAL REPORT**

**From 01.01.2014 to 31.12.2014**

### **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 17<sup>th</sup> 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 appellant	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 31.12.2013	423
Received appeals in the year of 2014	291
Total	<u>714</u>
Number of appeals disposed of in the year of 2014	129
The cases re-called in 2014	09
Number of pending appeals as at 31.12.2014	<u><u>594</u></u>

### **13. FINAL DECISIONS TAKEN ON APPEALS IN 2014**

i.	Number of dismissed appeals	83
ii.	Number of laid by appeals without decision	05
iii.	Number of appeals granted relief	35
iv.	Number of withdrawn appeals	06
v.	Number of appeals not possible to dispose	--
vi.	Number of appeals disposed in the year of 2014	129

### **14. MISCELLANEOUS PETITIONS**

Number of 146 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**

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 such as PSC's officers, appellants as well as the Attorneys appearing for appellants considering their reasonable applications. Eventhough, non availability of the Chairman (01.01.2014-20.05.2014) the appeals were taken up for hearing before the other two Members but could not be disposed wholly since the Act says that the decision of the Tribunal shalla be under the hands of the Chairman. (Section 8(1)) Due to these unavoidable reasons, the Tribunal finds it difficult to reach the expected targets in 2014. 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.

<b>Nature of Expenditure</b>	<b>Total Estimated Annual Allocation</b>	<b>The net allocation after all adjustments</b>	<b>Actual Expenditure as at 31.12.2011</b>
Personal emoluments	10,100,000	7,700,000	7,461,557
Other recurrent	11,225,000	8,925,000	7,160,902
Plant machinery and equipment	1,125,000	975,000	474,062
Other capital assets	75,000	75,000	--
<b>Total</b>	<b>22,525,000</b>	<b>17,675,000</b>	<b>15,096,521</b>

II. The prescribed limit of actual estimate, in case of advance account "B" – year 2014.

	<b>Expenditure maximum</b>	<b>Credits-Minimum</b>	<b>Balance of Debit minimum</b>
Estimated allocation	1,000,000	270,000	2,000,000
Actual Value	607,585	674,858	1,457,485

## 17. OFFICE STAFF

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

## 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 2014**

Pending appeals as at 31.12.2013	423
Number of appeals instituted in January 2014	29
Total	452
Number of appeals disposed of in January 2014	01
Number of pending appeals as at 31.01.2014	<u>451</u>

**February 2014**

Pending appeals as at 01.02.2014	451
Number of appeals instituted in February 2014	14
Total	465
Number of appeals disposed of in February 2014	02
Number of pending appeals as at 29.02.2014	<u>463</u>

**March 2014**

Pending appeals as at 01.03.2014	463
Number of appeals instituted in March 2014	22
Total	485
Number of appeals disposed of in March 2014	04
Number of pending appeals as at 31.03.2014	<u>481</u>

**April 2014**

Pending appeals as at 01.04.2014	481
Number of appeals instituted in April 2014	37
Total	518
Number of appeals disposed of in April 2014	--
Number of pending appeals as at 30.04.2014	<u>518</u>

**May 2014**

Pending appeals as at 01.05.2014	518
Number of appeals instituted in May 2014	33
Number of appeals re-called by way of motion	02
Total	553
Number of appeals disposed of in May 2014	06
Number of pending appeals as at 31.05.2014	<u><u>547</u></u>

**June 2014**

Pending appeals as at 01.06.2014	547
Number of appeals instituted in June 2014	29
Number of appeals re-called by way of motion	03
Total	579
Number of appeals disposed of in June 2014	24
Number of pending appeals as at 30.06.2014	<u><u>555</u></u>

**July 2014**

Pending appeals as at 01.07.2014	555
Number of appeals instituted in July 2014	14
Total	569
Number of appeals disposed of in July 2014	42
Number of pending appeals as at 31.07.2014	<u><u>527</u></u>

**August 2014**

Pending appeals as at 01.08.2014	527
Number of appeals instituted in August 2014	17
Total	544
Number of appeals disposed of in August 2014	08
Number of pending appeals as at 31.08.2014	<u><u>536</u></u>

## September 2014

Pending appeals as at 01.09.2014	536
Number of appeals instituted in September 2014	28
Number of appeals re-called by way of motion	02
Total	566
Number of appeals disposed of in September 2014	12
Number of pending appeals as at 30.09.2014	<u><u>554</u></u>

## October 2014

Pending appeals as at 01.10.2014	554
Number of appeals instituted in October 2014	24
Number of appeals re-called by way of motion	02
Total	580
Number of appeals disposed of in October 2014	<u>8</u>
Number of pending appeals as at 31.10.2014	<u><u>572</u></u>

## November 2014

Pending appeals as at 01.11.2014	572
Number of appeals instituted in November 2014	19
Total	591
Number of appeals disposed of in November 2014	12
Number of pending appeals as at 30.11.2014	<u><u>579</u></u>

## December 2014

Pending appeals as at 01.12.2014	579
Number of appeals instituted in December 2014	25
Total	604
Number of appeals disposed of in December 2014	10
Number of pending appeals as at 31.12.2014	<u><u>594</u></u>



## Statistics on received appeals - 2014

### Institutions

	*PSC
January	29
February	14
March	22
April	37
May	33
June	29
July	14
August	17
September	28
October	24
November	19
December	25
	<hr/>
Total Number of Institutions from January to December 2014	<b>291</b> <hr/> <hr/>

## Statistics on disposed appeals - 2014

### Disposals

	*PSC
January	01
February	02
March	04
April	-
May	06
June	24
July	42
August	08
September	12
October	08
November	12
December	10
	<hr/>
Total Number of disposals from January to December 2013	<b>129</b> <hr/>

**Summary – in respect of all appeals**

Pending appeals as at 01.01.2014	423
Number of appeals received in 2014	<u>291</u>
Total	714
Number of appeals disposed of in 2014	129
Number of re-called appeals in 2014	<u>09</u>
Number of pending appeals as at 31.12.2014	<b><u><u>594</u></u></b>