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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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PART I: SECTION I—GENERAL

Government Notifications

L.D.—B 21/78 II

THE UNIVERSITIES ACT, No. 16 OF 1978

ORDINANCE made by the University Services Appeals Board under section 88 of the Universities Act, No. 16 of 1978, as amended by Act, No. 7 of 1985.

W. R. M. WICKRAMASINGHE,
Secretary,

University Services Appeals Board.

Colombo, 10th September, 1991.

ORDINANCE

1. This Ordinance may be cited as the University Services Appeals Board Ordinance, No. 1 of 1991 and shall come into operation upon publication in the Gazette.

2. (1) The University Services Appeals Board (hereinafter referred to as the "Appeals Board") shall meet as often, and at such times and at such places as the Appeals Board may decide.

(2) The Secretary shall summon all meetings of the Appeals Board with the concurrence of the Chairman of the Appeals Board.

(3) The Secretary shall enter the minutes of each meeting of the Appeals Board in a Minute Book maintained by him.

(4) The Secretary shall be responsible for the custody of the files of pending matters and of the files of disposed matters.

3. (1) Every application for investigation by the Appeals Board under section 86(a) of the Act, shall be by way of a petition setting out briefly, in numbered paragraphs, the particulars of the schemes of recruitment or the procedures for appointments or promotions alleged by the applicant to have been contravened and the manner of such contravention.

(2) Every such petition shall be type-written in Sinhala, Tamil or English, signed and dated by the applicant and shall be accompanied by copies of the documents relied on.

(3) Such petition and the copies of such documents, if any, shall be forwarded to the Secretary in quintuplicate within three months of the alleged contravention appealed against.

4. (1) Every appeal for consideration by the Appeals Board from employees of the University Grants Commission or any Higher Educational Institution under section 86(b) of the Act, shall be by way of a petition, setting out briefly, in numbered paragraphs the following particulars:—

(a) the person or persons against whose act, decision or order the appeal is made;

(b) the act, decision or order appealed against;

(c) the grounds of appeal; and

(d) the nature of the relief sought.

(2) Every such petition shall be type-written in Sinhala, Tamil or English, signed and dated by the appellant and shall be accompanied by copies of the documents relied on.

(3) Such petition and the copies of such documents, if any, shall be forwarded to the Secretary in quintuplicate within three months from the date of such act, decision or order.

5. (1) Every appeal for consideration by the Appeals Board from employees of the University Grants Commission who were employees of the old University or any Higher Educational Institution, under section 86(c) of the Act, shall be by way of a petition setting out briefly in numbered paragraphs the following particulars:—

(a) the period of employment of the petitioner under the old University;

(b) the amount of any gratuity, retiring allowance or compensation, if any, received by the petitioner under section 142 of the Act; and

(c) the amount of compensation claimed by the petitioner as due to him and the manner in which the compensation has been computed.

(2) Every such petition shall be type-written in Sinhala, Tamil or English, signed and dated by the petitioner and shall be accompanied by copies of the documents relied on.

(3) Such petition and the copies of such documents, if any, shall be forwarded to the Secretary in quintuplicate within three months from the date of the decision to pay such gratuity, retiring allowance or compensation.

6. The Appeals Board may, however, at its discretion, upon sufficient cause being shown by the applicant or the petitioner as the case may be, entertain an application referred to in paragraph 3 or a petition referred to in paragraphs 4 and 5, which has been forwarded to the Secretary after the expiration of the period of three months.

7. Upon the receipt of an application under paragraph 3 or a petition under paragraph 4 or 5, the Secretary shall register such application or petition, as the case may be, indicating the date of receipt thereof and assign a serial number thereto.

8. Any application referred to in paragraph 3 or any petition referred to in paragraph 4 or 5, which in the opinion of the Appeals Board is frivolous or vexatious in nature or which contains scandalous matter or is outside the jurisdiction of the Appeals Board may, after preliminary consideration be rejected by the Appeals Board. The Appeals Board shall communicate to the

applicant or the petitioner as the case may be, by registered post, the reasons for such rejection.

9. The University Grants Commission or any Higher Educational Institution, as the case may be, shall be made respondents in any proceedings in respect of an application under paragraph 3 or a petition under paragraph 4 or 5.

10. The Secretary shall, unless otherwise directed by the Appeals Board, forward to the respondent by registered post one copy of the petition, together with copies of any annexed documents.

11. The respondent shall, within three weeks from the date of receipt of the petition and any documents referred to in paragraph 10, forward to the Secretary, by registered post its answer in quadruplicate, together with copies of any documents it may wish to rely on.

12. The Appeals Board may grant the respondent an extension of three weeks to file answer with copies of any documents on application by the respondent for such extension.

13. The respondent shall forward by registered post one copy of the answer together with copies of any documents referred to paragraph 11, to the applicant or petitioner, as the case may be.

14. The answer shall be type-written in Sinhala, Tamil or English, and signed and dated by the respondent.

15. Upon the receipt of the answer, the Chairman of the Appeals Board shall set a date for the hearing of the application or petition, as the case may be, and the notice of such hearing shall be sent by registered post to the parties by the Secretary.

16. Each party shall, at the hearing of the application or petition, make available to the Appeals Board the originals of all the documents, copies of which have been forwarded to the Secretary under paragraphs 3, 4, 5 and 11.

17. (1) Each party to any proceeding before the Appeals Board may appear in person or by an Attorney-at-Law or with the permission of the Appeals Board by a representative, who may be a public servant or a former public servant or an employee

or former employee of a statutory Board or an employee or a former employee of a Higher Educational Institution or the University Grants Commission.

(2) Where a party appears by an Attorney-at-Law or a representative, he shall give notice thereof to the other party or parties at least two weeks prior to the date of hearing of such proceedings.

18. At the hearing into the application or petition, each party or his Attorney-at-Law or his representative shall be entitled to make submissions and tender documents, but the leading of oral evidence shall not be ordinarily permitted. However, the Appeals Board may in the interests of Justice permit oral evidence to be led, at such hearing.

19. (1) All matters submitted for determination by the Appeals Board under this Ordinance shall be decided by a majority decision of the Appeals Board.

(2) The final decision of the Appeals Board shall be communicated to the parties by registered post, and a copy thereof shall be forwarded to the Chairman of the Commission.

20. Nothing contained in this Ordinance shall prejudice the power of the Appeals Board to do such acts and give such directions not inconsistent with the provisions of any written law, as are necessary for the proper exercise of its powers and the performance and discharge of its duties and functions.

21. All correspondence with the Board shall be addressed to the Secretary of the Board whose present address is as follows:
University Grants Commission,
No. 20, Ward Place,
Colombo 07.

22 In this Ordinance—

“Act” means the Universities Act, No. 16 of 1978 as last amended by Act, No. 3 of 1989; and

“Secretary” means the Secretary of the University Services Appeals Board referred to in section 84 of the Act.