

At the Right to Information Commission of Sri Lanka

P.K. PERERA .VS MINISTRY OF HOME AFFAIRS

RTIC Appeal (in person) 23/2018 (order adopted as part of the formal meeting of the of the Commission on 17.09.2018).

Order under Section 32 (1) of the Right to Information Act No. 12 of 2016. and recorded of the Proceedings under Rule 28 of the Right to Information Rules of 2017 (Fees and Appeal Procedure).

Chairperson: Mr. Mahinda Gammampila

Commission Members: Mr. G.S. Punchihewa

Dr. Selvy Thiruchandran

Justice Rohini Walgama

Present- Director General: Mr. Piyatissa Ranasinghe

Appellant: P.K. Perera

Notice issued to: Secretary, Ministry of Home Affairs

Appearance/Represented by:

Appellant: Present

Public Authority: A.B.W. Kumarasinghe- S.A.S. (Admin) Ministry of Home Affairs

RTI Request filed on: 31.07.2017

IO responded on: No response

First Appeal to DO filed on: 10.09.2018

DO responded on: 03.10.2017

Appeal to RTIC filed on: 30 10 2017

Brief Factual Background:

The Appellant was a building contractor who undertook to do certain repairs in the District Secretariat office at Nuwara Eliya in 2015. The Appellant alleges that he was not paid properly for the work done, and a sum of Rs 250,000/ is due to him by the District Secretary of Nuwara Eliya. It also alleged by the Appellant that two technical officers had taken a bribe from him.

The Appellant has made complaints in 2015 and 2016 against the District Secretary Nuwara Eliya, regarding the above conduct but no action has been taken by the Public Authority. Nevertheless IO of the Ministry of Home Affairs has replied the Appellant by his letter dated 01.11.2017 that the file relevant to the alleged act is under scrutiny by Courts and same is not in the custody of the PA.

Further by annexure ii the IO has given answers to Appellant's request 1 to 3 accordingly. In that,

The PA has stated that the District Secretary Nuwara Eliya has answered or given an explanation regarding allegation against her ,and the Auditor General has accepted and not entered in to the Auditor General's report for 2016.

Besides the PA has admitted the fact that the violation of circulars (date or No is not mentioned) is an offence.

But has mentioned that no action has been taken as the Auditor General has accepted the explanation of the Divisional Secretary.

Being dissatisfied with the response of the PA the Appellant made the instant appeal to the Commission.

The Commission fixed the hearing of the Appeal for 17.09.2018.

At the hearing both parties were present.

The PA replied the information requested by the Appellant as stated below.

In response to the issue No. 1 it is said that there has been a proper investigation in to the said allegation against the District Secretary Nuware Eliya, but yet not concluded.

It is stated that regarding letters and fax messages sent by the Appellant were undated, as such it was ordered that the same to be forwarded to the Commission.

Regarding the transfers of the technical officers was based on annual transfers, or on an application made by officers, and as and when the necessity arises. The answer to the 5th issue will be covered by the answer given to issue No.1.

The hearing of the Appeal was adjourned for 29.10.2018.

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Mahinda Gammampila- Chairman

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S.G. Punchihewa

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Dr. Selvy Thiruchandran

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Justice Rohini Walgama