

Ceylon Bank Employees Union (CBEU) v People's Bank

RTIC Appeal (In – person) 301/2018 (*Order adopted as part of a formal meeting of the Commission on 05.06.2018*)

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

Chairperson: Mahinda Gammampila
Commission Members: Kishali Pinto-Jayawardena
S.G. Punchihewa
Dr Selvy Thiruchandran
Justice Rohini Walgama
Director-General: Piyathissa Ranasinghe

Appellant: Ceylon Bank Employees Union (CBEU)
Notice Issued to: Ms. Samantha Senanayaka, Designated Officer, Assistant General Manager-Compliance, People's Bank

Appearance/ Represented by:

Appellant - Nalin Amarajeewa, Attorney-at-law on behalf of the Appellant
Indula Hewage, Attorney-at-Law on behalf of the Appellant
Channa Dissanayake, Senior Vice President, CBEU
A.M.M.S.M Ruwan, Senior Assistant Secretary, CBEU

Public Authority - D.M.P.S Dissanayake (illegible), Legal Officer, People's Bank
N.G.T. Kalpani, Assistant Manager Compliance Department, People's Bank

RTI Request filed on	22.12.2017
IO responded on	10.01.2018
First Appeal to DO filed on	23.01.2018
DO responded on	06.02.2018
Appeal to RTIC filed on	28.03.2018

Brief Factual Background:

The Appellant by request dated 22.12.2017 had requested the following,

- a. Certified copies and/or extracts and/or such other documentary materials which contain and include the basic monthly salary of Mr. N. Vasantha Kumar, Chief Executive Officer/General Manager of the People's Bank for the years 2014,2015,2016 and 2017
- b. Certified copies and/or extracts and/or such other documentary materials which contain and include information on all the allowances for each month of the year 2017 paid to Mr N. Vasantha Kumar, Chief Executive Officer/General Manager of the People's Bank,
- c. Certified copies and/or extracts and/or such other documentary materials which contain and include annual bonuses paid for the years 2014,2015,2016 and that is to be paid for 2017 to Mr N. Vasantha Kumar, Chief Executive Officer/General Manger of the People's Bank,
- d. A certified copy and/or extracts and/or such other documentary materials by which the People's Bank informed and sought the concurrence and approval of the Central Bank of Sri Lanka prior to the current basic monthly salary was first paid to Mr N. Vasantha Kumar, Chief Executive Officer/General Manger of the People's Bank,
- e. A certified copy and/or extracts and/or such other documentary materials by which the People's Bank informed and sought the concurrence and approval of the Secretary to the Treasury prior to the current basic monthly salary was first paid to Mr N. Vasantha Kumar, Chief Executive Officer/General Manger of the People's Bank,
- f. Certified copies and/or extracts and/or such other documentary materials by which the People's Bank informed and sought the concurrence and approval of the Central Bank of Sri Lanka, prior to the amount of each of the allowances for each month of the year 2017 was first started to be paid to Mr N. Vasantha Kumar, Chief Executive Officer/General Manger of the People's Bank,
- g. Certified copies and/or extracts and/or such other documentary materials by which the Central Bank of Sri Lanka granted concurrence and approval to the amount of each allowances for each month of the year 2017 when such allowances were first started to be paid to Mr. Mr N. Vasantha Kumar, Chief Executive Officer/General Manger of the People's Bank,
- h. A certified copy and/or extracts and/or such other documentary materials by which the People's Bank informed and sought the concurrence and approval of the Secretary to the Treasury prior to the amount of each allowances for each month of the year 2017 was first started to be paid to Mr. N. Vasantha Kumar, Chief Executive Officer/General Manger of the People's Bank,
- i. A certified copies and/or extracts and/or such other documentary materials by which the Secretary to the Treasury granted concurrence and approval to the People's Bank to pay

- the amount of each of the allowances for each month of the year 2017 when such allowances were first started to be paid to Mr. N. Vasantha Kumar, Chief Executive Officer/General Manger of the People's Bank,
- j. Certified copies and/or extracts and/or such other documentary materials by which the People's Bank sought concurrence and approval from the Central Bank of Sri Lanka to pay bonuses paid for the years 2014,2015,2016 and that is to be paid for 2017 to Mr. N. Vasantha Kumar, Chief Executive Officer/General Manger of the People's Bank,
 - k. Certified copies and/or extracts and/or such other documentary materials by which the People's Bank sought concurrence and approval from the Central Bank of Sri Lanka to pay bonuses paid for the years 2014,2015,2016 and that is to be paid for 2017 to Mr. N. Vasantha Kumar, Chief Executive Officer/General Manger of the People's Bank,
 - l. A certified copy of the Board decision of the People's Bank to pay such sum of moneys as the bonus for the year 2017 to Mr. N. Vasantha Kumar, Chief Executive Officer/General Manger of the People's Bank,
 - m. A certified copy of the current contract of employment under which Mr. N. Vasantha Kumar, Chief Executive Officer/General Manger of the People's Bank holds his office,
 - n. Certified copies of the original contract of employment Mr. N. Vasantha Kumar, Chief Executive Officer/General Manger of the People's Bank executed at the time he joined the People's Bank and also the subsequent extensions to the said contract of employment,
 - o. A certified copy and/or extracts and/or such other documentary materials by which the People's Bank sought concurrence and approval from the Central Bank of Sri Lanka to grant extensions form time to time to the said Mr. N. Vasantha Kumar, Chief Executive Officer/General Manger of the People's Bank,
 - p. A certified copy and/or extracts and/or such other documentary materials by which the Central Bank of Sri Lanka granted concurrence and approval to the People's Bank to grant extensions form time to time to the said Mr. N. Vasantha Kumar, Chief Executive Officer/General Manger of the People's Bank,
 - q. A certified copy and/or extracts and/or such other documentary materials by which the People's Bank compared and considered the current monthly salary and allowances of the General Manager of the Bank of Ceylon in order to arrive at the decision to fix the current salary and allowances of Mr. N. Vasantha Kumar, Chief Executive Officer/General Manger of the People's Bank,
 - r. A certified copy and/or extracts and/or such other documentary materials by which the People's Bank compared and considered the current monthly salary and allowances of the General Manager of the Bank of Ceylon in order to arrive at the decision to fix the current salary and allowances of Mr. N. Vasantha Kumar, Chief Executive Officer/General Manger of the People's Bank and
 - s. A certified copy and/or extracts and/or such other documentary materials by which the People's Bank compared and considered the computation of the annual bonus of the General Manager of the Bank of Ceylon in order to arrive at the decision to pay the bonus

to Mr. N. Vasantha Kumar, Chief Executive Officer/General Manger of the People's Bank for the years 2014, 2015, 2016 and 2017

By response dated 10.01.2018, the Information Officer (IO) has informed the Appellant that the Public Authority (PA) had sought legal opinion on providing the Appellant- Union with the information sought, and thus a reply will be sent to the Appellant-Union once the legal opinion is received by the PA. Dissatisfied with this response, the Appellant lodged an appeal with the DO on 23.01.2018 to which the DO responded on 06.02.2018 reiterating the response of the IO. Thereafter the Appellant preferred an appeal to the Commission on 28.04.2018.

Matters Arising During the Hearing

Upon being queried by the Commission the Appellant-Union explained the background to the information request. The Appellant-Union submitted that it requested the information pertaining to the salary, allowances and bonuses paid to the General Manger, and documents with regard to the concurrence the PA had obtained from the Treasury and the Central Bank of Sri Lanka with regard to the payments of the same. The Appellant-Union submitted that the General Manager is being paid an exorbitant amount in salary, bonuses and otherwise.

The Appellant-Union further submitted that it requested information pertaining to the General Manager's contract of employment and extensions made to the said contract of employment as well.

Order

The matter is re-fixed for hearing on 17.07.2018 for an in depth consideration of the information requested.

The Appeal is adjourned.

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RTIC Appeal (In – person) 301/2018 (*Order adopted as part of a formal meeting of the Commission on 17.07.2018*)

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

Chairperson: Mahinda Gammampila
Commission Members: Kishali Pinto-Jayawardena
S.G. Punchihewa

Director-General: Dr Selvy Thiruchandran
Justice Rohini Walgama
Piyathissa Ranasinghe

Appellant: Ceylon Bank Employees Union (CBEU)
Notice Issued to: Ms. Samantha Senanayaka, Designated Officer, Assistant General Manager-Compliance, People's Bank

Appearance/ Represented by:

Appellant - Nalin Amarajeewa, Attorney-at-law on behalf of the Appellant
Indula Hewage, Attorney-at-Law on behalf of the Appellant
Channa Dissanayake, Senior Vice President, CBEU
A.M.M.S.M Ruwan, Senior Assistant Secretary, CBEU

Public Authority -W.M.D.S. Nisansala, Assistant Law Officer, People's Bank
W.T.I. Ambepitiya, Legal Officer, People's Bank
N.G.T. Kalpani, Assistant Manager Compliance Department, People's Bank

Matters Arising During the Hearing

At the time of the hearing the Appellant-Union submitted that the Board of Directors of the Public Authority (PA) had appointed a committee, on 08.06.2018 to ascertain whether the information requested can be released to the Appellant and that the release or denial of the information requested was being considered at the time of the hearing

As such, the Appellant-Union requested that the Appeal hearing be adjourned until the said Board appointed Committee informs the Appellant-Union of its decision.

Order

The Public Authority is directed to produce a comprehensive response as to the status of the said inquiry or the decision of the Board appointed Committee on the next date of hearing.

The matter is re-fixed for hearing on 04.09.2018 for consideration of the decision of the Board appointed Committee and to ascertain further steps in relation to the release of the requested information.

The Appeal is adjourned.

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RTIC Appeal (In – person) 301/2018 (*Order adopted as part of a formal meeting of the Commission on 04.09.2018*)

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

Chairperson: Mahinda Gammampila
Commission Members: Kishali Pinto-Jayawardena
S.G. Punchihewa
Dr Selvy Thiruchandran
Justice Rohini Walgama
Director-General: Piyathissa Ranasinghe

Appellant: Ceylon Bank Employees Union (CBEU)
Notice Issued to: Ms. Samanthi Senanayaka, Designated Officer, Assistant General Manager-Compliance, People’s Bank

Appearance/ Represented by:

Appellant - Nalin Amarajeewa, Attorney-at-law on behalf of the Appellant
Indula Hewage, Attorney-at-Law on behalf of the Appellant
Public Authority -Sandamali Nisansala, Assistant Law Officer, People’s Bank

Matters Arising During the Hearing

Upon being queried on the response re the decision of the Board appointed Committee as directed by Order dated 17.07.2018, the PA submitted that it had not submitted the information requested to the Board and requested a further time enabling the PA to respond at the next date. The matter was re-fixed for hearing on 23.10.2018 for consideration of the decision of the Board appointed Committee and to ascertain further steps in relation to the release of the requested information.

The Appeal is adjourned.

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RTIC Appeal (In – person) 301/2018 (*Order adopted as part of a formal meeting of the Commission on 23.10.2018*)

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

Chairperson: Mahinda Gammampila
Commission Members: Kishali Pinto-Jayawardena
S.G. Punchihewa
Dr Selvy Thiruchandran
Justice Rohini Walgama
Director-General: Piyathissa Ranasinghe

Appellant: Ceylon Bank Employees Union (CBEU)
Notice Issued to: Ms. Samantha Senanayaka, Designated Officer, Assistant General Manager-Compliance, People's Bank

Appearance/ Represented by:

Appellant - Absent
Public Authority - Absent

Matters Arising During the Hearing

Whereas the matter was re-fixed for hearing on 23.10.2018, the PA by the letter dated 15.10.2018 requested a further date since counsel appearing on behalf of the PA were in a personal difficulty and were unable to appear before the Commission.

In the foregoing circumstances, the matter is re-fixed on 13.11.2018

The Appeal is adjourned.

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RTIC Appeal (In – person) 301/2018 (*Order adopted as part of a formal meeting of the Commission on 13.11.2018*)

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

Chairperson: Mahinda Gammampila
Commission Members: Kishali Pinto-Jayawardena
S.G. Punchihewa
Dr. Selvy Thiruchandran
Justice Rohini Walgama

Director-General: Piyathissa Ranasinghe

Appellant: Ceylon Bank Employees Union

Notice Issued to: Ms. Samantha Senanayaka, Designated Officer, Assistant General Manager-Compliance, People's Bank

Appearance/ Represented by:

Appellant - Indula Hewage, Attorney-at-Law on behalf of the Appellant
R.Senanayake, General Secretary
Public Authority - N.G.T. Kalpani, Assistant Manager
W.M.D.S. Nisansala, Assistant Law Officer

Matters Arising During the Hearing

The matter was re-fixed for hearing on 08.01.2019 on the request of the Public Authority for a further date to discuss the information requested with the Appellant Union.

The Appeal is adjourned.

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RTIC Appeal 301/2018- Record of Proceedings under Rule 28 and Motion for Withdrawal of an Appeal under Rule 30 of the Right to Information Rules of 2017 (Fees and Appeal Procedure) - adopted as part of a formal meeting of the Commission on 01.08.2019

Chairperson: Mahinda Gammampila
Commission Members: Kishali Pinto-Jayawardena
S.G. Punchihewa
Dr. Selvy Thiruchandran
Justice Rohini Walgama

Director-General: Piyathissa Ranasinghe

Appellant: Ceylon Bank Employees Union

Notice Issued to: Ms. Samantha Senanayaka, Designated Officer, Assistant General Manager-Compliance, People's Bank

Appearance/ Represented by:

Appellant - Nalin Amarajeewa, Attorney-at-law on behalf of the Appellant
Indula Hewage, Attorney-at-Law on behalf of the Appellant
R.Senanayake, General Secretary

Public Authority - Not present

Matters Arising During the Hearing:

The Appellant by letter dated 08.01.2019 submitted the intention to withdraw the appeal to the Commission as the management of People's Bank (Public Authority) has been conducting regular discussions with its administrative and operational staff between the Appellant since February 2018 and is in the process of providing the necessary information.

Rule 30 (1) of the Right to Information Commission Rules of 2017 (Gazette No 2004/66 published on 03.02.2017) states that

The Appellant, while an Appeal is pending, may at any time withdraw the Appeal by forwarding to the Commission a memorandum in writing with reasons stated signed by himself / herself a copy of which is served on the other party(ies), and the Commission shall forthwith inform every other party of the withdrawal.

Rule 30 (3) of the Right to Information Commission Rules of 2017 states that

If the Commission is satisfied with the reasons stated for withdrawal in sub-rules (1) and (2) above, it shall allow the withdrawal of the Appeal.

The Commission, under and in terms of Rule 30 (3) of the Right to Information Commission Rules of 2017 (Gazette No 2004/66 published on 03.02.2017), being satisfied of the reasons provided, permits the withdrawal of the Appeal.

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Mahinda Gammampila – Chairman

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Kishali Pinto – Jayawardena – Commission Member

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S.G. Punchihewa – Commission Member

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Selvy Thiruchandran – Commission Member

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Rohini Walgama- Commission Member
