

K. Kanagaratnam v District Secretariat, Jaffna

RTIC Appeal (In-Person Hearing)/ 481 / 2018 - Order adopted subsequent to the hearing at a part of the formal meeting of the Commission on 04.12.2018

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: Mr. Mahinda Gammampila

Commission Member: Ms. Kishali Pinto-Jayawardena

Commission Member: Mr. S.G. Punchihewa

Commission Member: Dr. Selvy Thiruchandran

Commission Member: Justice Rohini Walgama

Director-General: Mr. Piyathissa Ranasinghe

Appellant : K. Kanagaratnam

Notice issued to : Designated Officer, District Secretariat, Jaffna

Appearance/ Represented by:

Appellant – Absent

PA - Mrs. Sugunarathy Theivendran,

Brief Factual Background:

The following information was requested by request dated 01.11.2017.

1. *Are there any regulations preventing salary increments to an administrative officer whose service has been confirmed according to the code of Sri Lankan administrative service?*
A. If yes, state such regulations.
2. *When a Ministry sends doubts to departments and institutions operating under it, and accepts the explanation sent in response by the head of the organization, will the Ministry stop writing letters or will it write a letter stating that the explanation provided was accepted?*
3. *On Mr. K. Karanagarthiram's administrative service being confirmed by the Public Service Commission in 2008, the then Government Agent of Jaffna had authorized the salary increments that was not paid before and part payments were also made. After such authorization, are there proper reasons for, district Secretariat of Jaffna not making the balance payments for the past 10 years?*
A. If yes, give details.
B. If no, when will the balance be paid?
4. *According to 01 above, if the ministry fails to write a letter, should continuous action be taken assuming that the Ministry accepted the explanation or should letters be*

written repeatedly to the Ministry requesting its confirmations as to whether the explanation was accepted?

5. *Does is not suit and cause delays sending letters asking for a reply and writing to inform that no response was made even to the letter asking for a reply?*
6. *Can a Government Agent or officers under him question the payment authorized by the preceding Government Agent? If yes, what is the regulation?*
7. *If the payment authorized by the Government agent is considered to be faulty, why was a part payment made?*
8. *What action has been taken regarding the letters dated 23.03.2016, 14.07.2016 written by Mr. K. Kanagarathinam on not being paid the due balance? Why have not any responses been made till to date?*
9. *Will the balance due Rupees 288,859.70 be paid at least now?*
 - A. *If yes, When?*
 - B. *If no, give reasons in detail*
10. *Are you aware of the loss of annual income of Rupees 43,320.00 that would have been otherwise received as interest for a senior citizen at the rate of 15% if the money was deposited in a bank account?*
 - A. *Will the district secretariat compensate this?*
 - B. *If no, who is responsible for this loss?*

The IO on 14.02.2018 responded stating that the administrative officer of the district secretariat has written to the additional government agent. Dissatisfied with the response of the IO the Appellant lodged an appeal with the DO on 20.03.2018. The DO responded on 03.04.2018 requesting appellant to come for a discussion on 02.05.2018 to discuss the appeal. Dissatisfied with the response of the DO the Appellant preferred an appeal to the Commission on 14.08.2018

Matters Arising During the Course of the Hearing:

The Appellant was absent.

The Public Authority submitted that the correct PA in this instance is the Public Service Commission and not the District Secretariat, Jaffna.

Order:

It appears from the facts of this appeal before us, that the incorrect Public Authority has been asked for the information by the Appellant thus rendering this Commission without jurisdiction to hear the Appeal.

The Appellant is advised to file the information request with the relevant Public Authority who is in 'possession, custody and control' of the information under and in terms of Section 3 of the RTI Act.

The Appeal is dismissed.

Order is directed to be conveyed to both parties in terms of Rule 27 (3) of the Commission's Rules on Fees and Appeal Procedures (Gazette No. 2004/66, 03.02.2017).
