

T.Udheyakumar v Administrative Appeals Tribunal

RTIC Appeal (In-Person Hearing)/ [779]/ [2018]- Minute adopted as part of the formal meeting of the Commission on [12.03.2019]

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

Appellant: T.Udheyakumar

Notice issued to: Designated officer, Administrative Appeals Tribunal

Appearance/ Represented by:
Appellant – T.Udheyakumar
PA - Absent

RTI Request filed on	18.08.2018
IO responded on	No response
First Appeal to DO filed on	05.09.2018
DO responded on	No response
Appeal to RTIC filed on	03.10.2018

Brief Factual Background:

The Appellant had by request dated 18.08.2018 requested the following,

- 1. Are the promotions (Grade 1 & Special Grade) granted within the purview of Provincial?, meanwhile the same promotions are being granted within the purview of line Ministry;*
- 2. Whether there are violations of the merit and seniority order of Post Basic College of Nursing? Inform the decision or opinion of the Public Authority in this regard (those all officers got through P.B.C.N); The Parliamentary Commissioner for Administration has accepted the aforementioned occurrence is injustice. The Public Service Commission accepted the situation mentioned above is in current practice.*

As the IO failed to respond within the time period stipulated under the Act the Appellant on 05.09.2018 lodged and appeal with the DO. As the DO too failed to respond with the time period stipulated under the Act the Appellant preferred an appeal to the Commission on 03.10.2018

However, by letter dated 10.09.2018, the Secretray, Administrative Appeals Tribunal, informed the following,

“.....It appears that you are making appeals to this Tribunal continuously under various headings on same purpose even though you have been made aware a per the direction made by the Hon. Chairman that the matter cannot be entertained without having a Public Service Commission decision....”

Matters Arising During the Course of the Hearing:

The matter is re-fixed for hearing on 09.07.2019 for an in depth consideration of the information requested.

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RTIC Appeal (In-Person Hearing)/ [779]/ [2018]- Order adopted as part of the formal meeting of the Commission on [09.07.2019].

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

Appellant: T.Udheyakumar

Notice issued to: Designated officer, Administrative Appeals Tribunal

Appearance/ Represented by:

Appellant – Absent
PA - Absent

Matters Arising During the Course of the Hearing:

The Public authority by letter dated 08.07.2019 informed that it will not be able to attend the in-person hearing since there will be special workshop dated 09.07.2019 conducted by the Administrative Appeals Tribunal.

Order:

In the foregoing circumstances, the matter is re-fixed on 05.11.2019 as a documentary proceeding. The PA and Appellant may submit written submissions, if any, on or before the said date.

The Appeal is adjourned.

Next Date of Hearing: 05.11.2019

Order is 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).
