

W. A. J. Ariyaratne v National Salaries and Cadre Commission

RTIC Appeal 1633/19 - 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 11.02.2020.

Chairperson: Mr. Mahinda Gammampila
Commission Member: Ms. Kishali Pinto – Jayawardena
Commission Member: Mr. S.G. Punchihewa
Commission Member: Dr. Selvy Thiruchandran

Appellant: W. A. J. Ariyaratne
Notice issued to: Designated Officer of National Salaries and Cadre Commission

RTI Request filed on	16.05.2019
IO responded on	24.05.2019
First Appeal to DO filed on	29.05.2019
DO responded on	04.06.2019, 06.06.2019
Appeal to RTIC filed on	20.06.2019

Brief Factual Background:

The Appellant had made an information request dated 16.05.2019 to the Information Officer of National Salaries and Cadre Commission applying for the following information,

1. The observations and recommendations made by National Salaries and Cadre Commission to the Ministry of Education in response to the letter of request dated 29.10.2018 of the Secretary of the Ministry of Education

As the IO by letter dated 24.05.2019, refused to provide requested information in terms of section 5 (c) (iv) of the Right to Information Act, No.12 of 2016. Therefore, the Appellant thereafter filed an appeal with the Designated Officer (DO) on 29.05.2019. As the DO too refused to provide the requested information under the same grounds that were provided by the IO, as mentioned in his letter dated 06.06.2019, the Appellant preferred an appeal to this Commission on 20.06.2019.

Matters Arising During the Course of the Hearing:

The Appellant by letter dated 21.01.2020 informed the Commission, that he was withdrawing the appeal as he had received the requested 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.
