

A.G.S.R Rajapaksha vs. University of Peradeniya

RTIC Appeal (Documentary Proceeding) 661/2018- Order adopted as part of a formal meeting of the Commission on 15.07.2019.

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.MahindaGammampila

Commission Members: S.G. Punchihewa
Dr. SelvyThiruchandran
Justice RohiniWalgama

Appellant: A.G.S.R .Rajapaksha

Notice Issued to: Designated Officer, University of Peradeniya

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| RTI Request filed on | 14.03.2018 |
| IO responded on | No response |
| First Appeal to DO filed on | 20.04.2018 |
| DO responded on | No response |
| Appeal to RTIC filed on | 03.07.2018 |

Brief Factual Background:

The Appellant by letter dated 14.03.2018 had requested the following information.

The Date on which the 382 session was held

2. Has the approval from the University Grants Commission obtained to transfer the appellant to the position of Clerk?
3. Provide 2 copies of the answer sheets of 1 st and 2 nd written examination held on 04/09/2008 and 07/05/2009 to make the appellant a permeant employee?
4. Did Mr. Chandradith make the paper for written examination held on 2008.09.04 to make me permanent?
5. Who made the paper in my written examination held on 04/09/2008 and 07/05/2009 and corrected it? provide 2 copies of all the documents relating to

the appointment of examination panel for 1st and 2nd written examinations.

Provide names and positions of all the members of the examination panel.

6. Has a committee comprising of 3 members conducted an investigation to assess the appellant's service as a Technical officer?

7. If so, provide certified copies of the documents relating to obtaining approval from faculty committee to appoint the members thereof.

8. Were the members of the faculty committee at the interview (held on 2009/01/26/ and 2009/08/26) aware of conditions of service

9. Provide certified copies of the documents relating to obtaining approval to appoint members of the faculty committee to the interviews held on 009/01/26/ and 2009/08/26

10. Does the department of Geology own an instrument called "Resistivity Sounding"? what is the scientific name of that instrument? What are the other names? Have the students of the department conducted practical investigations using the instrument? Provide the names and the positions of officers who participated to such practical investigations?

11. Provide a copy of the attendance register of students who participated to the practical conducted using the Terra Meter?

12. Have any training programs organized from 15/03/2015 to 03/08/2010 for staff of the Geology Department? Why wasn't the appellant invited to such programs and provide a copy of the attendance register of staff who participated to such training programs?

13. Is it true that the Earth Quake Monitoring system was off working from 15/03/2005 to 03/08/2010? If it is not true prove the date gathered during that time from the system?

14. Provide a copy of all the documents recommended by head of the department authorizing the technical officers to go abroad from 2005/03/15 – 2010-08-03? How much was incurred by the university for them?

15. Has Mr. L.R.K. Perera obtained paid leave for his studies? How much has paid to him? How much has the university spent for him? Provide a copy of all the documents relating to hi going abroad and returning to Sri Lanka

16. Has the university acted to recover the expenses incurred to it by Mr. L.R.K.Perera? How much is the amount?

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17. Provide copies of the complaints received by Mr. L.R.K.Perera against the appellant.
18. Provide a copy of the annual reports made according to the Establishment Code relevant to the appellant's probationary period
19. In which council session was it decided to extend my probationary period?
provide documents that was submitted to extend the appellant's probationary period. Provide 2 copies of the decision of the council. Provide certified copies of following documents.
 - a. 3 Reports assessing the probationary period during the 3 years
 - b. The recommendation of the main executive officer if it is needed to extend the probationary period
20. Certified copy of the letter of Registrar of the university sent as per the request by letter No. UGC/HR/3/UPD by head of HR of UGC.
21. Provide a copy of the Audit Report CL/KD/FU/PU/09/60 dated 01/07/2010
22. Provide a certified copy of the letter written by staff of the Geology department requesting to remove the appellant.
23. Provide a certified copy of the annual investigation held to identify the assets.
the Head of the Department has acted to take the appellant's signature fraudulently stating that Terra Meter is with the appellant.
24. Provide a copy of the audit report No. CL/KD/J/PU/10/34 dated 25.03.2011
25. Provide a copy of the letter to UGC by the university which ends the appellant's service as a technical officer
26. What is preventing the vice chancellor from informing the police as per the Establishment Code of an illegal act?
27. Provide a copy of the appellant's personal file

Matters Arising During the Hearing:

The Appellant has not received any response to his information request to the Information Officer and his Appeal to the Designated Officer.

By the letter dated 09/01/2019 Right to Information Commission have informed the Public Authority that the Appeal will be taken under the documentary proceedings and further the Public Authority was

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informed to send statements of objections in writing to the Commission 07 days prior to 06.02.2019 copying to the Appellant. The same was informed to the Appellant from the letter dated 06.02.2019.

It was revealed during the Commission hearings held on 15/07/2019 that the Public Authority has sent a letter dated 30.05.2019 addressing the Chairman of the Right to Information Commission stating that the information has been provided to the Appellant.

Order:

The Public Authority has informed the Commission that the information has been provided to the Appellant. As the information has been provided to the Appellant, the appeal is concluded.

“Subject to the provisions of section 5 of this Act, every citizen shall have a right of access to information which is in the possession, custody or control of a public authority.”

The Appeal is therefore Concluded.

Order is hereby 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).
