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நிருவாகத்துக்கான பாராளுமன்ற ஆணையாளர் அலுவலகம் (ஓம்புட்ஸ்மன்)

OFFICE OF THE PARLIAMENTARY COMMISSIONER FOR ADMINISTRATION (OMBUDSMAN)



වාර්ෂික කාර්ය සාධන වාර්තාව  
வருடாந்த செயலாற்றுகை அறிக்கை  
**Annual Performance Report**  
**2022**

වැය ශීර්ෂ අංකය

செலவீன தலைப்பு இலக்கம்

022

Expenditure Head No

පළමු මහල, අංක-14, ආර්.ඒ.ද මෙල් මාවත, කොළඹ - 04

முதலாவது மாடி, இல -14, ஆர்.ஏ.டி மெல்<sup>9</sup>நீாவத்தை, கொழும்பு - 04

1<sup>st</sup> Floor, No-14, R.A.De Mel Mawatha, Colombo - 04



வார்டீக காரீச சாடன வாரீகால  
வருடாந்த செயலாற்றுகை அறிக்கை  
**Annual Performance Report**  
**2022**



பரீசாலன கபசூகூ பீலீவடி பாரீலீமீனீகூ கைமபாரீசீ (ஓம்பூவீசீமன்) காரீசாலச  
நிருவாகத்துக்கான பாராளமன்ற ஆணையாளர் அலுவலகம் (ஓம்புடீஸ்மன்)  
OFFICE OF THE PARLIAMENTARY COMMISSIONER FOR ADMINISTRATION (OMBUDSMAN)

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## **Chapter 01 - Institutional Profile/Executive Summary**

### **Office of the Parliamentary Commissioner for Administration**

#### **Annual Report for the year – 2022**

##### ***1.1 Introduction***

The Office of the Ombudsman is found in Article 156 of the Constitution of the Democratic Socialist Republic of Sri Lanka enacted in the year 1978. Consequently, Parliamentary Commissioner for Administration Act No.17 of 1981 was passed by the Parliament on 02.03.1981 defining powers, responsibilities and functions of the Office of Ombudsman in a detailed manner. Subsequently, the Parliamentary Commissioner for Administration Act No.17 of 1981 was amended by the Act Nos.16 of 1991 and 26 of 1994.

The Office of Ombudsman commenced its functions initially in 1981 at No.222, Galle Road, Colombo 04. Thereafter, the Office was shifted to No.594/3, Galle Road, Colombo 03 and was functioning there during the period 1989 – 2006. Again, it was moved to No.06, Elibank Road, Colombo 05 and was functioning there from 2006 to 2017. Currently, the Ombudsman's Office is situated at No.14, R.A. De Mel Mawatha, Colombo 04.

##### ***1.2.1 Vision***

With the view of eradicating administrative injustices caused by the officials of the State and other similar institutions, it is our vision to make every effort to ensure sound public service through vigilance and particularly by delivering just & fair decisions that are combined with impartiality and transparency.

### ***1.2.2 Mission***

Carrying out unbiased investigations into the complaints made in relation to violation of individual rights caused by erroneous administrative decisions taken by the officials of the State, Local Government Institutions, Statutory Boards, Corporations and Semi-Government Institutions; and thereafter to make appropriate orders, decisions, suggestions, and recommendations remedying those violations. Aforesaid violations include administrative miscarriages and various other injustices including violation of Fundamental Rights enshrined in the Constitution of the Republic of Sri Lanka.

### ***1.2.3. Objective***

Our main objective is to rectify the injustice caused to the persons by the erroneous administrative decisions taken by the officials of the State, Local Government, Statutory Boards, Corporations, and Semi-Governmental Institutions and assisting the state machinery to carry out the public administration of the State efficiently and effectively through that process and to work to implement them correctly and efficiently when making executive decisions

### ***1.3 Main Functions***

Article 156 of the Constitution of the Republic of Sri Lanka stipulates that the Parliament shall provide for the establishment of the Office of the Parliamentary Commissioner for Administration (Ombudsman). This position is tasked with the duty of investigating complaints or allegations of infringement of fundamental rights or other injustices caused or likely to be caused while performing duties by public officers and by officers in public corporations or by officers in Local Government Institutions or any other similar institutions; and, remedying them and/or making appropriate recommendations to overcome those violations.

Accordingly, the Parliamentary Commissioner for Administration Act No.17 of 1981 was enacted establishing the Office of Ombudsman where powers, duties and functions of the Ombudsman are described and defined. The aforesaid Act was amended subsequently by the Act No.26 of 1994 enabling the Ombudsman to receive and entertain complaints of infringements of fundamental rights or other injustices directly from the members of the public.

The Ombudsman is required to investigate and inquire into the alleged infringement of fundamental rights or injustices caused or unfairness meted-out and then to determine whether the decision, act or omission of the public officer concerned is contrary to law, unjust, oppressive, discriminatory or had been made in the improper exercise of the discretion of the officer concerned. Where the Ombudsman is satisfied, after due investigation that a person's fundamental rights have been violated by a public officer or has suffered an injustice at the hands of such officer, he should make a determination and necessary recommendations accordingly. The Ombudsman, by way of relief to the person affected, may recommend that the act of the public officer concerned be reconsidered, rectified, cancelled or varied and direct the Head of the Institution to which the said public officer belongs, to notify within a specified time, the steps which he proposes to take, to give effect to the recommendation.

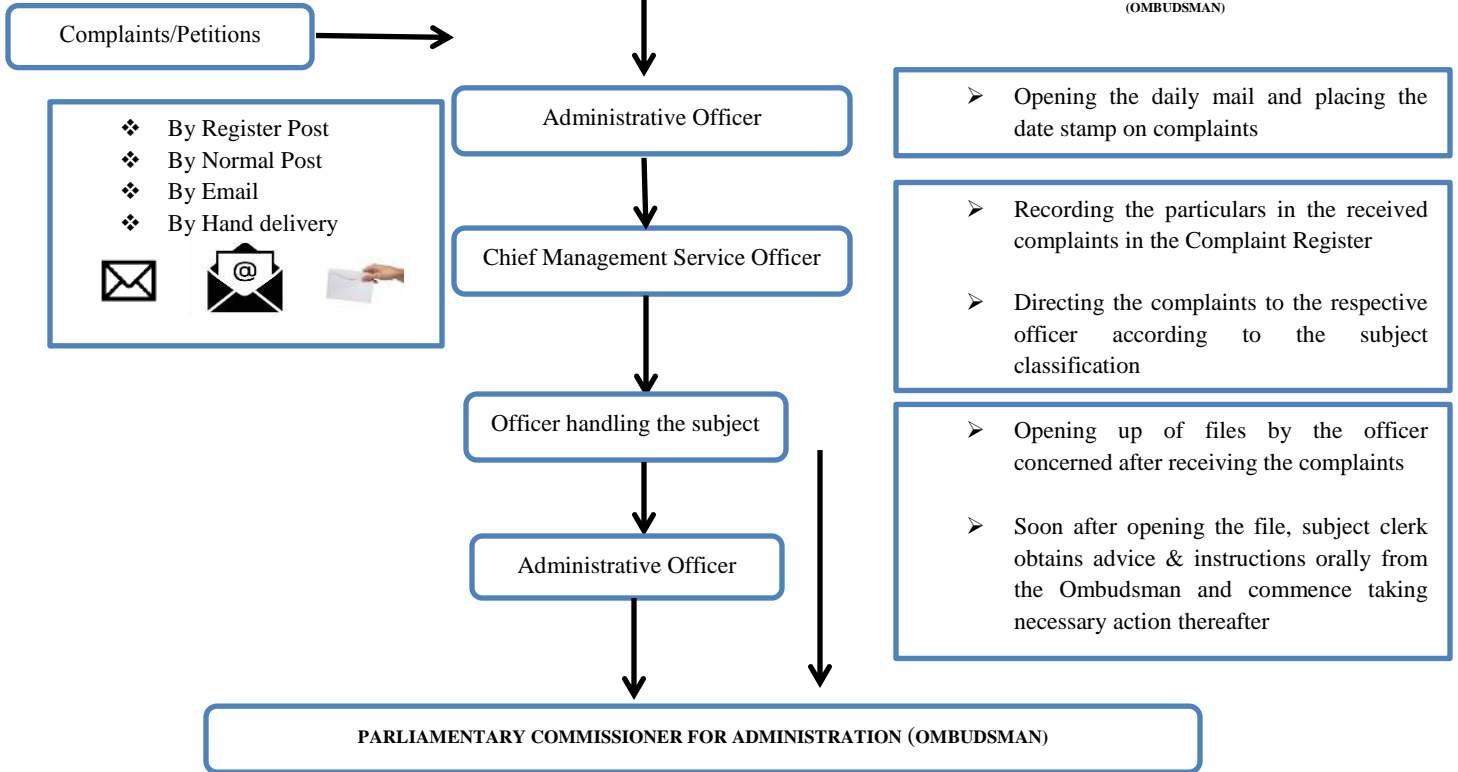
Finally, it should be mentioned that it is clear that a noble duty is cast upon the Ombudsman to ensure protection of fundamental rights of the people referred to in the Constitution and also to protect them from any other injustices caused by the acts performed by the officers of the government and other similar institutions. At the same time, it must be noted that whilst protecting these rights of the people, it is also the duty of the Ombudsman to ensure that the administration policy of the Government is properly implemented, having due regard to the matters contained in Articles of the Constitution and to the provisions of the other legislative enactments and regulations made thereunder and of course to the rules contained in various circulars and directions issued by the government authorities.

## Various Stages of the Procedure Followed After Receiving Complaints



Parliamentary Commissioner for Administration  
(OMBUDSMAN)

පරිපාලන කටයුතු පිළිබඳ පාර්ලිමේන්තු කොමසාරිස් (මමුඩ්ස්මන්) කාර්යාලය  
நிருவாகத்துக்கான பாராளுமன்ற ஆணையாளர் அலுவலகம் (ஓம்புட்ஸ்மன்)  
OFFICE OF THE PARLIAMENTARY COMMISSIONER FOR ADMINISTRATION  
(OMBUDSMAN)

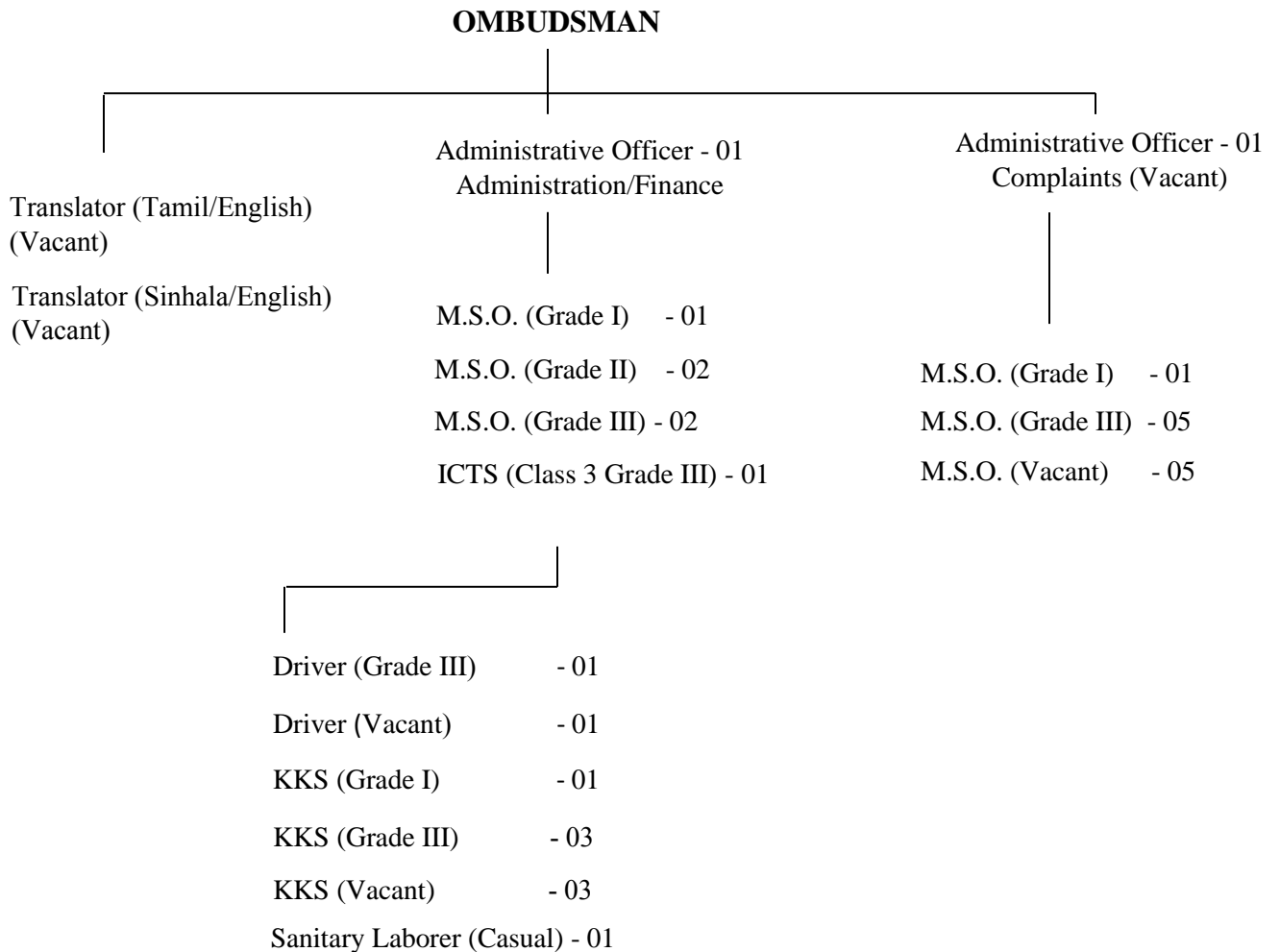


- Obtaining instructions from the Ombudsman in respect of all the complaints received.
- Ombudsman carefully considers the matters contained in the complaints/petitions directed to the office of the Parliamentary Commissioner for Administration (Ombudsman) to ascertain whether it falls within its authority and power. If the matter does not fall within the scope of the Parliamentary Commissioner for Administration Act, it is being informed to the complainant, mentioning the reasons for such refusal.
- When sufficient information is not provided in the complaint, necessary information is called for, from the complainant under the guidance of the Ombudsman. (by sending the form OMB 01)
- Complaints which fall within the Parliamentary Commissioner for Administration Act are entered accordingly and send it to the respondent officers with a copy to the complainant requesting them to send a detail report.
- When there exists a possibility of granting the reliefs sought by the complainant upon calling for reports, steps are taken to grant such reliefs.
- In addition to the reports being called on the instruction of the Ombudsman, inquiries are being held before the Ombudsman in the presence of the parties and thereafter suitable recommendations are being made.

## 1.4 Office Staff

Approved cadre for this office is 32 in number. However, as shown in the structure below, only 20 officers were attached to this office as at the end of 2022.(Please refer the chart below) It is to be noted that delay might be occurred in the progress of work due to the said prevailing shortage of the staff of this office. However, officers of the staff performs our duties up to date without being delayed.

### OFFICE SRTUCTURE



### ***1.5 Procedure Adopted Upon Receiving Complaints***

Each and every complaint/petition received by this office is entered in a separate register and then a specific number is allocated for that complaint. Thereafter, the complaints are classified according to the subjects such as; Pensions, Widows & Orphans' Pension Payments, Salary Anomalies, Salary Increments, Promotions, Lands, Unauthorized Constructions, Termination of Services, Reinstatement in office, Service Absorption, Admission to Universities/Schools, Misuse of Powers etc. These are the particular subjects allocated to and dealt with by the Office of Ombudsman and they belong to the category of "Management Service Officers" in the Government Service. Upon registering a complaint, it is referred to the respective Management Service Officer (Subject Clerk) and thereafter it is their duty to open up a file for each and every complaint. This selection of topic is being carried out by the Chief Management Service Officer at the office.

Once a file is opened in respect of a particular complaint, the subject clerk makes a minute in the file summarizing the contents of the complaint. Thereafter, he/she, having discussed the nature of the complaint with the Administrative Officer, both of them meet the Ombudsman and seek his advice and guidance as to the steps that are to be taken in connection with the complaint.

It is a very important meeting and, at that point, the Ombudsman carefully considers the contents of the complaint along with other documents annexed thereto. The first and foremost issue that would be looked into is to ascertain whether the complaint/allegation, falls within the jurisdiction of the Ombudsman. In determining this issue, Ombudsman carefully addresses his mind to the matters contained in Sections 10, 11 and 17 of the Parliamentary Commissioner for Administration Act (hereinafter referred to as the Act). If the complaint does not fall within the ambit of the Act, the complainant is informed forthwith giving reasons for the inability to proceed with the matter.

When the Ombudsman decides to proceed with the application, he makes appropriate orders as to the steps that are to be taken in connection with each and every complaint. If the Ombudsman feels that it is necessary to obtain more information, such as the relief sought, and against whom the complaint is made, then such information is requested from the applicant. Thereafter, every effort is made to conclude the case in accordance with the provisions of the Act and very often it will depend on the nature of the complaint.

Having decided to proceed with the matter, generally, observations are called from the officers holding higher positions than the officials against whom the allegation is made. Many instances are found where the authorities have decided to grant relief soon after they receive the said letters by which the observations are being called. There are instances where this office had to send several reminders to get the observations on the issue. In a fair number of cases, the Ombudsman was able to see a meaningful outcome after exchanging several letters. In the event that the Ombudsman is unable to achieve an acceptable decision adopting such a process, the relevant parties are summoned to this office for a formal inquiry.

This inquiry is held observing the rules of natural justice giving every party an opportunity to present their respective cases in the presence of each other. Whenever a violation of a fundamental right or an injustice has been caused to the complainant, the Ombudsman makes every effort to ensure granting relief to the victim. If he fails to achieve an acceptable solution by such a cause of action, further inquiries are made to rectify the errors made. If the Ombudsman is unsuccessful in all such endeavours, he makes a determination on the issue and informs the same to the respondent-party to ensure that it is implemented within a given period of time. If no action is taken within the time so specified, the Ombudsman shall forward a copy of his report to His Excellency the President and to the Parliament for appropriate action. At this stage, it must be noted that the Office of Ombudsman always maintains strict confidence when following the procedure referred to hereinbefore.

Having mentioned the manner in which the applications are being processed and the actions taken thereafter, I will now refer to a few matters covering different areas where this office was able to grant reliefs to the applicants who sought the intervention of the Ombudsman. I believe it will be of somewhat assistance to understand properly the nature and the type of the applications made to this office during the year under review.

**No: OMB/2/2/1/492/2021**

**Name: Mr. K.G.P. Chathuranga Gamage**

As per a Complaint dated 29.11.2021 Mr. K.G.P. Chathuranga Gamage, residing at No.261/1, Sinhapura, Wijebahupura in the Tamankaduwa Divisional Secretariat in the Polonnaruwa District, has stated that although he was given an access road to enter his paddy field by the relevant Government authority, he faced opposition from persons who were making use of this Government land for their own purposes, preventing him having an access road to his field.

Accordingly, Reports were requested from Tamankaduwa Divisional Secretary. In the Secretary's Report in response dated 06.01.2022, the Divisional Secretary has stated that the Complainant has accepted that the Survey was conducted in a wrong manner and hence was not accurate.

On conducting an inspection carried out by the relevant Officials, in the presence of the Complainant, Ariyaratne did not oppose to the granting of the access roadway to the Mr. K.G.P.Chathuranga Gamage to enter his field through the existing canal reserve.

In a letter dated 08.02.2022, Mr. K.G.P.Chathuranga Gamage thanked the Office of the Ombudsman for the intervention and settlement of the Complaint.

**No: OMB/P/2/1/478/2021**

**Name: Mr.W.S.D. De Silva**

In a complaint dated 21.10.2021, made by Mr. W. S. D. De Silva: address – No. 370, Manelwatta Road, Bollegala Gonawala, in the Biyagama Divisional Secretariat of Gampaha District, has stated that despite the letter sent by the General Manager of the Sri Lanka Land Reclamation and Development Board, referenced No. LM/8986 dated 07.03.2019 informing that all the conditions presented in relation to him have been satisfactorily completed; the approval of the dimensional design has been rejected regardless of those facts.

After studying the facts mentioned in the Complaint sent to this office on 21.10.2021 by the Applicant, Mr. W.S.D. De Silva, in the letter dated 03.11.2021, the Municipal Commissioner of Kaduwela Municipal Council was informed to submit a report in this regard. In response to that letter, the Municipal Commissioner has sent the report No. KBP173/15 dated 08.12.2021. The applicant once again submitted his views to us regarding the matters contained in the said report.

Paying attention to those facts, the Municipal Commissioner of Kaduwela Municipal Council was requested to send a Report on this matter once again. According to the said notice, the Actg. Municipal Secretary of the Kaduwela Municipal Council has submitted a Report No. KBP173/15 dated 05.06.2022 for the second time. Thus, due to the inability to reach a clear decision regarding these matters, it was decided to conduct an investigation with the participation of parties. Accordingly, the investigation was held on 17.06.2022 with the participation the applicant, the Engineer of the Kaduwela Municipal Council, Technical Officer and the District Officer.

It was revealed during the investigation, that the Complainant's request was made in accordance with the Law and the 2<sup>nd</sup> Condition out of the 06 Conditions imposed on Plan No. 2806A –

Read as

"If this land is subdivided or developed, subject to a commercial purpose, the Applicant must develop the complete the drainage system to be connected to the water source in the Plan according to the recommendation of the Sri Lanka Land Reclamation and Development Corporation"

The Municipal Commissioner of Kaduwela has informed that the recommendation issued by him to the Parliamentary Commissioner has been enforced by a letter dated 13.09.2022.

Accordingly, the Complainant has thanked our office and informed us by a letter dated 15.09.2022 that the removal of Condition No. 02 applied by the Planning Committee in 2019 for Surveyor Plan No. 2806A, was achieved with the intervention of our Office according to the complaint made in 2022.

**No. OMB/P/2/2/3695/2021**

**Name: Mr. W.D. Ranjith Wijemanna**

A license has been issued to Mr. W. D. Ranjith Wijemanna, who was residing permanently at the address of No. 16, Yaya 06, New Town, Medirigiriya in the Midirigiriya Divisional Secretariat of Polonnaruwa District, for the mud land at Kauduluwewa- No. 78, Phase II, Yaya 04. The license to the mud land has been handed over to the colonial officer along with the documents related to the appointment of his daughter for the subsequent inheritance of the license. But the colonial officer has declared that those documents were lost.

Furthermore, since the said colony official has retired and the relevant inheritance has not been named, W.D. Ranjith Wijemanna has requested on 03.03.2021 to intervene to confirm the right of Mr. Ranjith Wijemanna and carry out the necessary activities to transfer the inheritance to his daughter. Reports were called regarding the complaint, from Madirigiriya Divisional Secretary on 19.03.2021.

The Medirigiriya Divisional Secretary has informed that a copy of the certified license, which was the complainant's request, which was not fulfilled until then, has been issued and the inheritance has been named to his child for the said land and that arrangements are being made to prepare an Awarding Certificate for the said license.

Thereafter, in the letter addressed to our institution dated 27.12.2021 by the complainant, Mr. W.D. Ranjith Wijemanna, has informed that he would like to express his heartfelt thanks for the support given by the staff, including the Parliamentary Commissioner for Administrative Affairs, to solve this problem.

**No. OMB/P/2/4/5339**

**Name: Mr. M.K. Dharmasiri**

Mr. M.K. Dharmasiri made a complaint informing that he has applied to enter his daughter to Grade 1 at Ferguson High School, Ratnapura under the Education Minister's Staff Category in the Year 2022. In the related interview, the Applicant was informed that the required distance to the school was calculated incorrectly and that he was treated unfairly by not granting the required five (05) marks and thus his daughter was not accepted to the school.

In this regard, reports were called by the Principal of R/Fergusson School. After our intervention by calling such records, the Appeal Board and the Interview Board of the concerned school were called for discussion. Thereafter, they informed us that it was decided to admit the Applicant's child to School and it was done on 05.04.2022.

**No: OMB/P/2/5/4568**

**Name: Mr. M.M. Rohana**

Atthanagalla Regional Secretariat Division of Gampaha District No. Padingvi M. at 29/1, Maduva House, Nittambuwa. M. Mr. Rohana has forwarded a complaint to us dated 08.02.2022. It has been mentioned that the Brigadier Corps Secretary of the National Cadet Corps has requested the Secretary of the Ministry of Education to make necessary arrangements to release

him and four other officers from the service of teacher educators for active duty in the National Cadet Corps.

Gampaha District, Atthanagalla Regional Secretariat Division No. Padingvi M. at 29/1, Maduva House, Nittambuwa. M. Mr. Rohana has forwarded a complaint to us dated 08.02.2022. It has been mentioned that the Brigadier Corps Secretary of the National Cadet Corps has requested the Secretary of the Ministry of Education to make necessary arrangements to release him and four other officers from the National Cadet Corps' active service duties as Teacher Educators.

But, all four officers of the National Cadet Corps have been released for active duty, he has been wronged by not releasing him so far. As he has handed over all the documents required for active service duty, as per the letter dated 30.11.2021 of the Brigadier Force Secretary, he is to be released from the Army Voluntary Service from Teacher Education Service on 20.12.2021, but till the complaint is received by us, he has not been released for the same. means

Accordingly, reports were called from the Secretary of the Ministry of Education dated 07.03.2022 in this regard. According to the reports sent on 29.04.2022 in this regard, the Additional Secretary (Education and Services) has taken steps to obtain the necessary approval through the letter addressed to the Public Service Commission in this regard, for which approval was given through the letter dated 10.03.2022. We have been informed that it has been provided. Mr. M.M. Rohana of No. 29/1, Maduva Gethara, Nittambuwa in the Attanagalla Divisional Secretariat of Gampaha District, has forwarded a complaint to us dated 08.02.2022. It has been mentioned that the Brigadier Corps Secretary of the National Cadet Corps has requested the Secretary of the Ministry of Education to make the necessary arrangements to release him and four other officers from the service of Teacher Educationist for active duty in the National Cadet Corps. But, he states that other officers have already been released to active service of the National Cadet Corps. He was treated unfairly by not releasing him until this time.

Accordingly, with the intervention of our institution, the temporary release of the national student from the Teacher Education Service to the active service of the National Cadet Corps has been delayed for a period of two years from 20.12.2022.

**No: OMB/P/2/6/3408**

**Name: Mr. M.G. Sarath**

M.G.Sarath who works as an Assistant Engineer in Independent Television Network made a complaint to this office on 14.08.2022 and informed that from 27.09.2018 to 03.02.2020 he was appointed as the head of the Transport Division in addition to his regular position in the Independent Television Network.

However, as the officers who performed the duty on permanent and acting basis, will be paid monthly allowance of 5000.00 even though he has requested the relevant officials to give him that allowance, they treated him unfairly. Therefore, he has requested the institution to intervene in getting the allowance, as justice has not been done

Regarding the said petition, after inquiring the General Manager of the Independent Television Network several times at length, after the investigation conducted on 27.01.2022 with the participation of the two parties, a recommendation was issued to the relevant officials and informed that "to cover the work done as the head of the transport unit from 27.09.2018 to 2020.02.03 for the period up to Rs. 5000.00 allowance to be given to this applicant as well".

Later, on the approval of the Board of Directors, a cheque valued Rs. 81,166.60 at Rs. 5000.00 per month, was issued in the name of the Complainant. The Plaintiff was able to get the job supervision allowance that had not been paid to the Complainant for almost two years due to our the intervention.

**No: OMB/P/2/7/987**

**Name: Mr.W.M.R.Ranasinghe**

The plaintiff, Mr. W. M. Ranjith Ranasinghe worked as an Assistant Teacher and retired from the service of MPA/Tel/Handaganawa Maha Vidyalaya on 02.05.2020 after attaining the age of 60 years.

The plaintiff was legally married to W.M.Manel Wickremasinghe on 27.05.1996. A NiSi declaration was issued on 17.01.2005 terminating the marriage between the Plaintiff and Manel Wickremasingha. Later it has been made absolute on 18.06.2020. But the Department of Pensions informed that the Plaintiff was divorced on 18.06.2020, when the final decision was announced, and the payment of widow and orphan pension contributions has been rejected. A complaint has been submitted stating that rejection was unfair.

The Director General of the Department of Pensions called a report in this connection, paying attention to the following matters. i.e.,

According to the letter dated 08.03.2021 sent to the Plaintiff from the Department of Pensions, since this divorce has been granted on the basis of the date 2020.05.18, the request has been rejected, but the declaration of Nisi regarding the divorce has been entered on 17.01.2005. It would have been wrong to arrive at the decision that the divorce would be effective from the date when the decision was announced as a final decision on 18.06.2020. This legal position was established in *M. M. N. Rajaratnam v. F. D. Winnacorn* (1988) 71 N.L.R. It was pointed out that the judgment mentioned on page 241 is clearly stated.

According to the legal situation stated in the above case, it is clear that the determination of the verdict is merely a procedural matter. It further states that annulment of marriage will be effective from the date of the decision.

According to the work note dated 17.01.2005 in the case bearing No. D/04/2004, it is confirmed that the final decision of the divorce case has been announced on 17.01.2005.

The above legal situation was informed to the Director General of Pensions. After the said intervention by this office, the plaintiff had informed this office through a letter of thanks on 20.06.2022 that this problem, which had been without any solution for about one and a half years, was properly fulfilled.

**No: OMB/P/2/9/1079**

**Name: Mr. D.M.S.Dissanayake**

Mr. D.M.S.Dissanayake, a resident of No. 16/A, Edandekumbura, Napana, Menikhinna, made a complaint to this office on 17.07.2021 and informed that due to the construction of a new side drain in front of the Complainant's house, the foundation used in his house was flooded with water. This construction has been done through a strategic development project under the Ministry of Urban Development and Housing.

Therefore, in this regard, in the inquiry made from the Project Director in-charge, it was informed that no change will be made in the location of the culvert currently prepared. But since the Plaintiff was informed that the new construction would cause distress, it was decided to call the two parties to this office and conduct an investigation. After notifying the concerned parties, the concerned culvert was removed from its existing location and started to be installed in a place

where the complainant would not face difficulty. This office was thereafter informed of the decision.

**No: OMB/P/2/9/1094**

**Name: Mr. J.A. Upali Ranjith**

The Complainant, who has retired from service on 07.05.2021 as a Deputy General Manager of the Independent Television Company, applied to obtain a motor vehicle license on a concessional basis, but it was rejected by the Trade, Investment and Policy Department, A complaint was made to this office in this regard.

On investigation, it came to light that his request for a vehicle license has not been approved due to the fact that 12 years of active service period has not been recommended by the Department of Management Services; letters confirming his service had not been submitted, and there are disciplinary investigations against him.

In this regard, after the inquiry from the Department of Trade, Investment and Policy, it was informed that after re-checking whether the Complainant had met the relevant clarifications and then, the possibility of obtaining a Vehicle License would be considered.

Subsequently, at the inquiry carried out by the Ministry of Mass Media in this regard, this office was informed that the relevant Vehicle License was issued to the Plaintiff on 31.03.2022.

The Complainant's request was fulfilled upon the intervention of this office.

**No: OMB/P/2/10/1642**

**Name : Mr. R.R. Senaratna**

Mr. R.R. Senaratne has informed that his daughter has passed in the year 5 Scholarship Examination scoring 161 marks in 2018, but she could not be admitted to the grade 06 of Pinnawala Central College in the year 2019. Therefore, it has been requested to admit the child to Grade 07 of the said school in the Year 2020. But the admission of the child was refused.

The Plaintiff had sent information that several students who scored equal or lower marks than the Applicant's child, were admitted to the Grade 07 in the Year 2020.

Accordingly, inquiries were made several times in this regard from the Secretary of the Ministry of Education and the Director of Education (National Schools). There, due to their failure to clearly state the basis for admitting several students admitted as above to Pinnawala Central

College, an investigation was conducted on 03.04.2020 with the participation of the relevant parties and a recommendation was issued to admit the child to the school. Approval was granted by the Secretary of the Ministry of Education to admit the Child of the Applicant in the Year 08 Class of the Pinnawala National School in the Year 2020. The Child is now in school and thus, the problem has been resolved.

**Those letters by which the complainants have extended their gratitude are being annexed at the end of the report since such inclusion would make it a complete report of submitting the Annual Report.**

## **Chapter 02 – Progress and the Future Outlook**

# *2 Statistical Analysis*

## 2.1 Statistical Analysis

There were 1237 complaints received directly from the members of public, in addition to the 09 complaints referred to us by the Parliamentary Petitions Committee during the year 2022. Also, there were 928 complaints that were brought forward from the year 2021. Accordingly, altogether there were 2174 complaints that were dealt with, during the year under review.

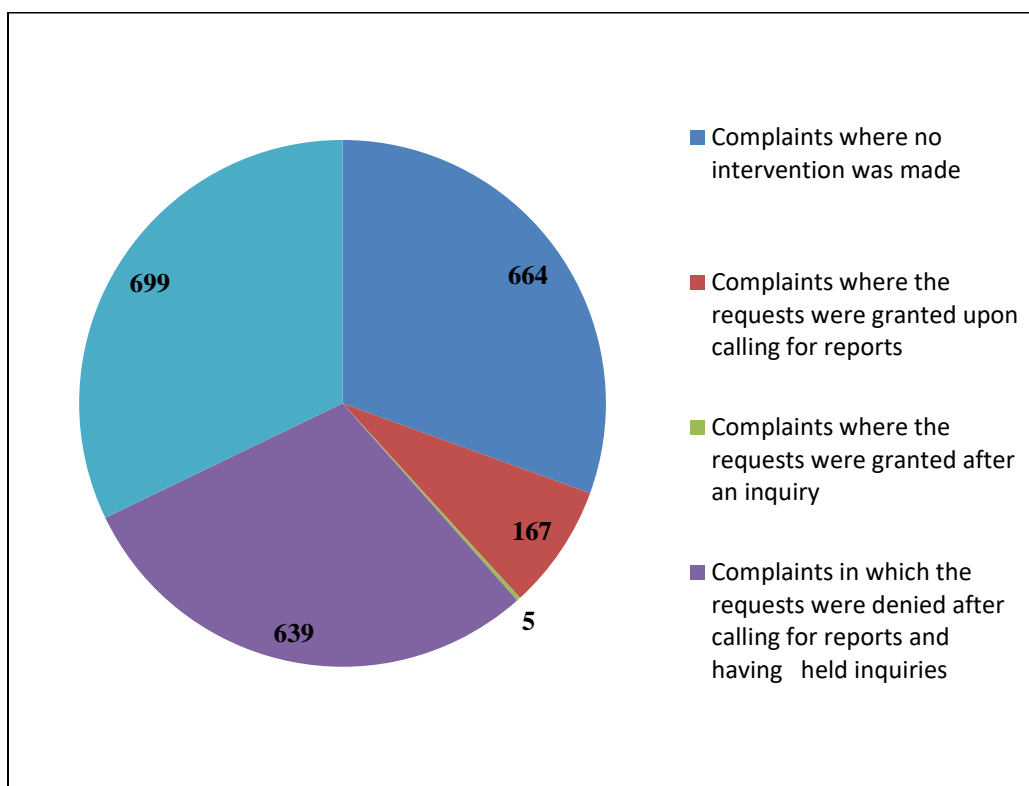
**Table 1: Statistical Analysis – Year 2022**

	Pending	Closed	Total
Balance Complaints from the year 2021			928
<b>(1) Total number of complaints received during the period 01.01.2022 to 31.12.2022</b>			
(I) Directly from complainants	1237		
(II) Referred by the Parliamentary Public Petitions Committee	09		
<b>(2) Total number of complaints received during the year 2022</b>			1246
<b>Total number of complaints that were dealt with during the year 2022:-</b>			<b>2174</b>
<b>Total number of complaints investigated during the year 2022:-</b>			
<b>(1) Number of files terminated at preliminary stages :-</b>			
i. Outside the jurisdiction of the Ombudsman		659	
ii. Complaints in which no specific reliefs were sought		5	(664)
<b>(2) Number of complaints inquired into having called for reports from the respective institutions :-</b>			
i. Complaints in which the reports were called upon considering the facts mentioned in the complaint – Not concluded	276		
ii. Complaints in which further reports were called for upon considering the matters mentioned in the reports received – Not concluded	338		
iii. Complaints called for information from complainants - Not concluded	70		
iv. Complaints where the requests were granted after receiving the reports		167	
v. Complaints in which the requests were denied after calling for reports		385	
vi. Proceedings in the files were terminated due to the lack of interest by the complainant		254	(806)
<b>(3) Complaints where the inquiries were held with the participation of the parties when a decision could not be arrived by calling for reports :-</b>			
i. Number of inquiries held having summoned the complainants and the respondents having looked at the reports received – Not concluded	15		
ii. Complaints in which the requests were denied after having held inquiries		2	
iii. Complaints in which the recommendations were made at the conclusion of the inquiries – Not concluded			
iv. Number of complaints in which reliefs were granted having implemented the recommendations made		3	
v. Number of complaints in which the recommendations were disregarded			(5)
<b>(1)+(2)+(3) Total</b>			<b>(1475)</b>
<b>Balance number of complaints to be dealt with as at 31.12.2022</b>			<b>699</b>

## 2.2 The manner in which the complaints were dealt with

The totality of the complaints that were to be dealt with for the year 2022 were amounting to 2174 and out of which 699 complaints were carried forward to the following year. Accordingly, 1475 complaints were disposed of during the year 2022. (As shown in Table 1 – Statistical Analysis) Following is the summary in relation to the manner in which those complaints were dealt with.

**Graph 1: Manner in which the complaints that were dealt with for the year 2022**



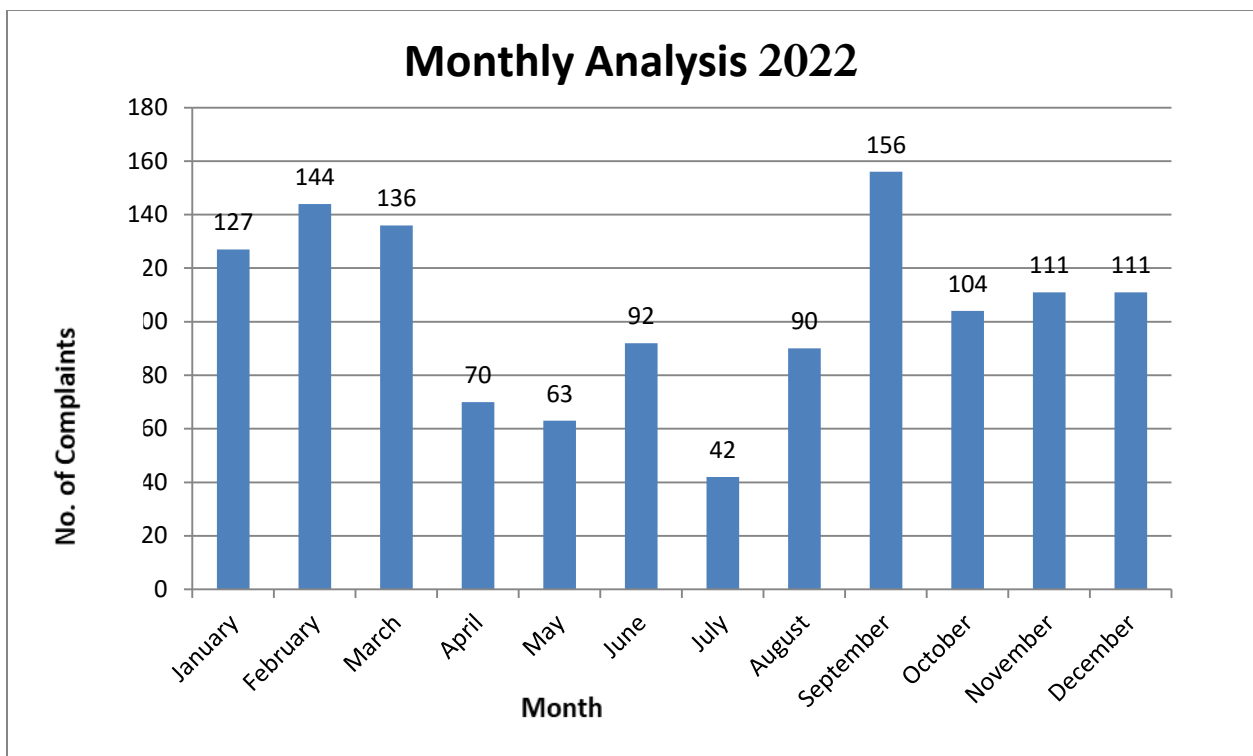
Manner in which the complaints were dealt with	Number of Complaints
● Complaints where no intervention was made	664
● Complaints where the requests were granted upon calling for reports	167
● Complaints where the requests were granted after an inquiry	5
● Complaints in which the requests were denied after calling for reports and having held inquiries	639
● Balance number of complaints to be dealt with in the following year	699
<b>Total number of complaints that were dealt with during the year 2022</b>	<b>2174</b>

### 2.3 Monthly Analysis

The total number of complaints lodged for the year 2022 was 1246. The highest number of complaints, 156 was reported for the month of September and the lowest number of 42 was received in the month of July. Relevant particulars are described in graph 2 below:

**Graph: 2 Complaints made for each month for the year 2022**

#### Monthly Analysis



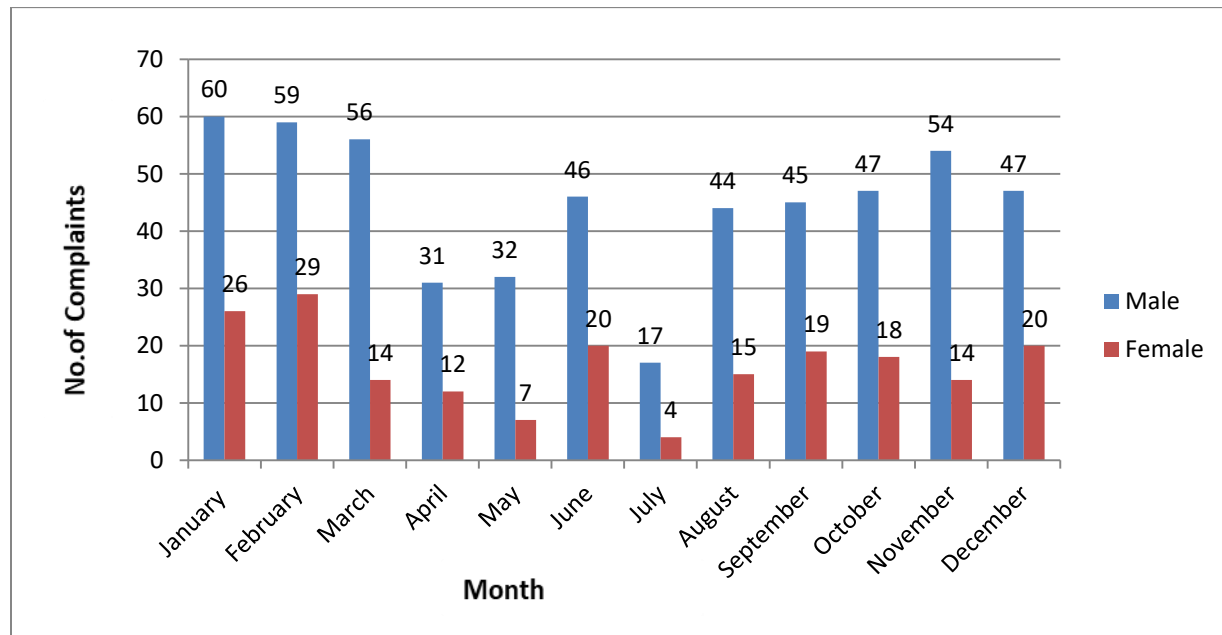
## 2.4 Analysis under the category of Male/Female

538 complaints were made by males while 198 were by females. Those are described in Table - 2 and in Graph - 3.

**Table: 2 – Total number of complaints for 2022 on the basis of male and female**

Month	Male	Female	Total
January	60	26	86
February	59	29	88
March	56	14	70
April	31	12	43
May	32	07	39
June	46	20	66
July	17	04	21
August	44	15	59
September	45	19	64
October	47	18	65
November	54	14	68
December	47	20	67
<b>Total</b>	<b>538</b>	<b>198</b>	<b>736</b>

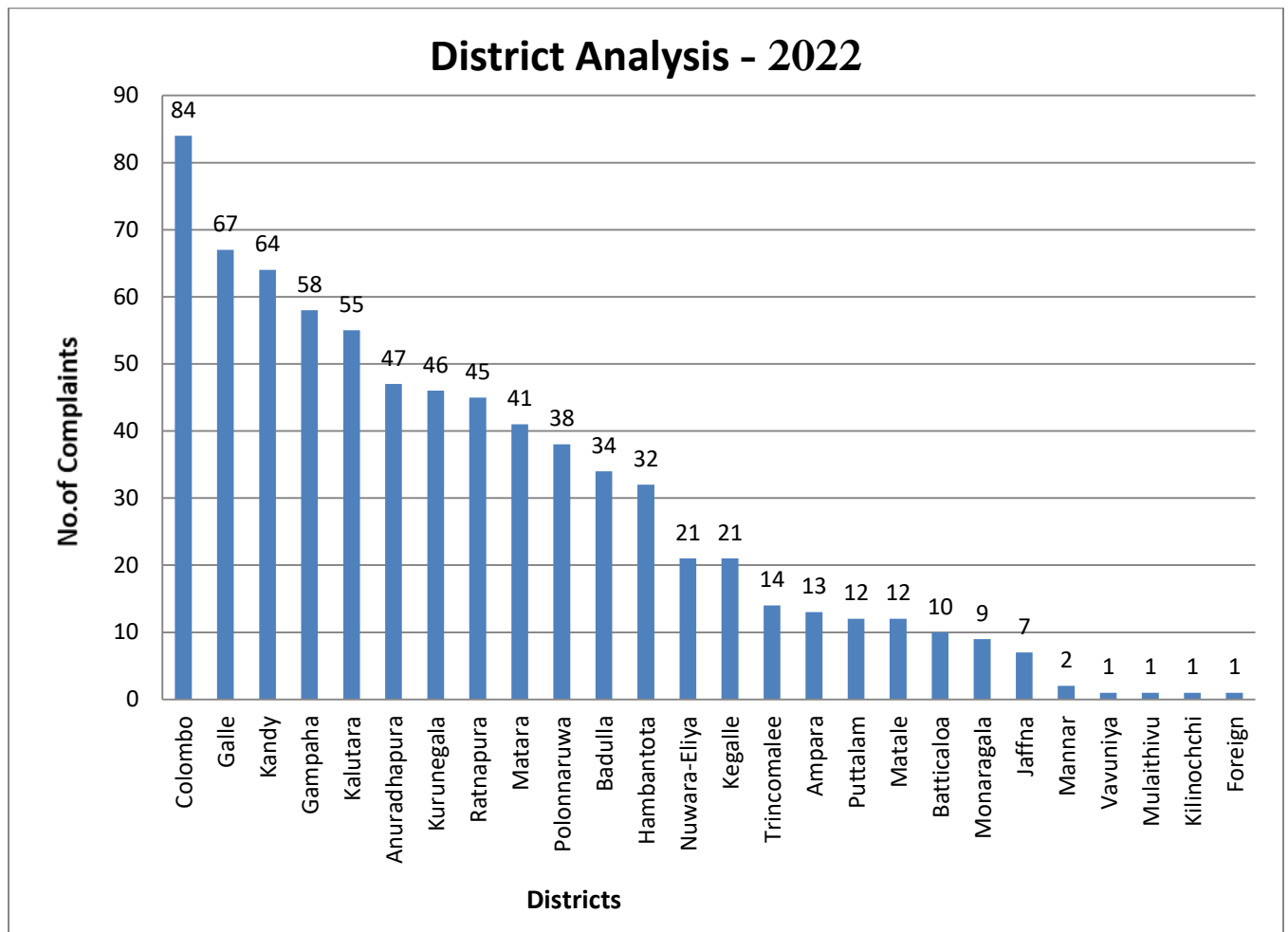
**Graph 3: - Total number of complaints for 2022 on the basis of male and female**



## 2.5 Analysis on the basis of Districts

The highest numbers of complaints for the year 2022 were received from the District of Colombo and it was amounting to 84. Next highest was from Galle District and it was 67 and the number of complaints from Kandy District was 64. Refer to Graph 4 below.

**Graph: 4 –Total number of complaints received for the year 2022 according to the Districts that they reside permanently**



## 2.6 Analysis based on the Respective Subjects

In the year 2021, there were a considerable number of complaints in respect of the matters such as; issuance of land permits and grants of state land, pensions issues, problems on employment, reinstatements, promotions, salary anomalies, salary increments, claims for arrears due, in the action of officers concerned, payments of employees fund, unauthorized construction & annoyances made, issuing licenses, issues relating to building permits. Refer Table 3 below.

**Table 3: - Complaints received against the public officers on the basis of respective Subjects**

	<b>Subject</b>	<b>Number of Complaints 2022</b>
<b>1</b>	Land permits, Grants of State Lands	149
<b>2</b>	Pension, W&O	86
<b>3</b>	Delay, Incompetence, Negligence, Abuse of power.	63
<b>4</b>	Salary Anomalies, Increments, Arrears, Allowances	62
<b>5</b>	Promotions, Seniority	58
<b>6</b>	Service Absorption, Recruitment, Appointments, Confirmation, Antedating	53
<b>7</b>	Unauthorized Constructions / Nuisances	51
<b>8</b>	University / School Admissions, Examination results	43
<b>9</b>	Termination of Employment, Reinstatement, Extension	31
<b>10</b>	EPF / ETF / Gratuity	31
<b>11</b>	Compensation, Poor relief, Samurdhi	25
<b>12</b>	Roadways	19
<b>13</b>	Transfers from place of work	17
<b>14</b>	Miscellaneous	17
<b>15</b>	Loans, Recovery, Rescheduling	12
<b>16</b>	Licenses, Building Permits	11
<b>17</b>	Electricity, Water, Telephone Connections, Disconnections.	5
<b>18</b>	Harassment at Work Place	3
	<b>Total</b>	<b>736</b>

## 2.7 Analysis as to the Categories such as Ministry, Corporation, Public Institution etc.

Looking at the following Table, it is seen that there exists a large number of complaints against the Home Affairs, District Secretariats/ Divisional Secretariats, and the Department of Pensions. Please Refer Table 4 below:

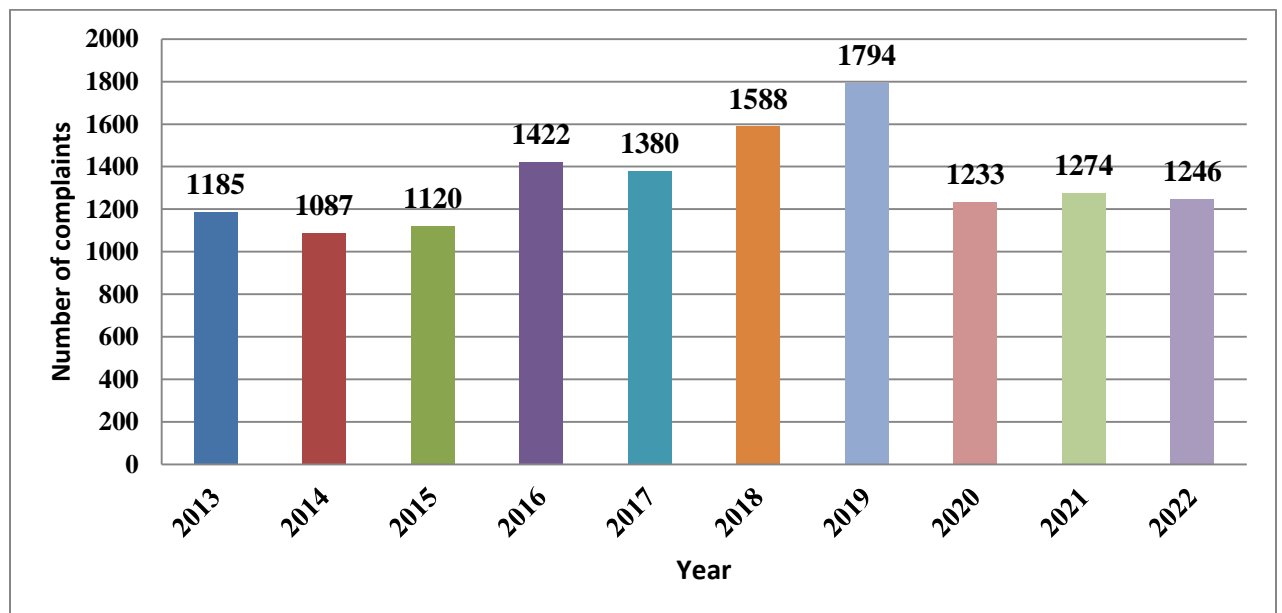
**Table 4: - Complaints received against the public officers in the Ministries, Departments, Authorities and Public Institutions etc.**

	Ministry, Department, Authority etc.	Number of Complaints 2022
1	Home Affairs; District Secretariats, Divisional Secretariats	145
2	Pensions	106
3	Provincial Councils & Local Government Institutions	103
4	Education & Higher Education	102
5	Health and Indigenous Medicine	48
6	Corporations/Authorities/Boards(CPC,CEB,SLAA,RDA,SLBC,SLRC)	34
7	Defense & Internal Security	27
8	Different Institutions	21
9	Public Administration	20
10	Public Services Commission (Central and Provincial)	19
11	Department of Agrarian Development	19
12	State Banks	13
13	Cooperative Development	13
14	Universities	10
15	Transport (SLCTB, CGR, CMV)	8
16	Agriculture	7
17	Department of Labour	7
18	Lands & Land Reforms Commission	6
19	Posts and Telecommunication	5
20	National Youth Services Council	5
21	Social Services / Samurdhi	4
22	Finance	3
23	Department of Examinations	3
24	Irrigation & Mahaweli Authority	2
25	National Water Supply & Drainage Board	2
26	Urban Development Authority	1
27	Forests	1
28	Justice	1
29	Department of Technical Education and Training	1
	<b>Total</b>	<b>736</b>

## ***2.8 Analysis of the complaints received by the Ombudsman’s Office during the last 10 years***

Upon considering the complaints received for the last 10 years including the year 2022 those of the complaints for the year, it is observed that the highest number of complaints had been made within the year namely 2019. The number was 1794. The next highest number was 1588 in the year 2018 and it was 1422 in 2016. The lowest number had been received in 2014. Graph 5 below:

**Graph: 5 – Complaints received for the last 10 years**



**Chapter 03 - Overall Financial Performance for the Year**

**Chapter 04 – Performance indicators**

**Chapter 05- Performance of the achieving Sustainable Development Goals (SDG)**

**Chapter 06 - Human Resource Profile**

**Chapter 07– Compliance Report**

Chapter 03 - Overall Financial Performance for the Year ended 31<sup>st</sup> December 2022  
3.1 Statement of Financial Performance

ACA -F

Statement of Financial Performance  
for the period ended 31<sup>st</sup> December 2022

Rs.

Budget 2021	Note	Actual		
		2022	2021	
-	<b>Revenue Receipts</b>	-	-	
-	Income Tax	-	-	} ACA-1
-	Taxes on Domestic Goods & Services	-	-	
-	Taxes on International Trade	-	-	
-	Non Tax Revenue & Others	-	-	
-	<b>Total Revenue Receipts (A)</b>	-	-	
-	<b>Non-Revenue Receipts</b>	-	-	
-	Treasury Imprests	24,675,000	26,323,000	ACA-3
-	Deposits	5,925	6,150	ACA-4
-	Advance Accounts Other Main Ledger Receipts	1,170,514	2,652,254	ACA-5/5(a)
-	<b>Total Non-Revenue Receipts (B)</b>	<b>28,851,439</b>	28,981,404	
-	<b>Total Revenue Receipts &amp; Non Revenue Receipts C = (A)+(B)</b>	<b>28,851,439</b>	28,981,404	
-	<b>Remittance to the Treasury (D)</b>	6,334	355,437	
-	<b>Net Revenue Receipts &amp; Non-Revenue Receipts E= ( C )-(D)</b>	25,845,105	28,625,967	
-	<b>Less: Expenditure</b>			
-	<b>Recurrent Expenditure</b>	-	-	

15,420,000	Wages, Salaries & Other Employment Benefits	5	13,316,079	12,263,817	} ACA2(ii)
12,830,000	Other Goods & Services	6	11,732,770	14,088,511	
400,000	Subsidies, Grants and Transfers	7	320,930	298,077	
-	Interest Payments	8	-	-	
-	Other Recurrent Expenditure	9	-	-	
<u>28,650,000</u>	<b>Total Recurrent Expenditure (F)</b>		<b>25,369,779</b>	<b>26,650,405</b>	
	<b>Capital Expenditure</b>				
	Rehabilitation & Improvement of Capital Assets	10	-	-	} ACA-2(ii)
100,000	Acquisition of Capital Assets	11	-	75,519	
-	Capital Transfers	12	-	-	
-	Acquisition of Financial Assets	13	-	-	
100,000	Capacity Building	14	5,000	-	
-	Other Capital Expenditure	15	-	-	
<u>200,000</u>	<b>Total Capital Expenditure (G)</b>		<b>5,000</b>	<b>75,519</b>	
	Deposit Payments Advance		5,925 1,062,868	6,150 1,934,111	ACA-4
	Other Main Ledger Payments		-	-	
	<b>Total Main Ledger Expenditure (H)</b>		<b>1,068,793</b>	<b>1,940,261</b>	
	Total Expenditure I= (F+G+H)		26,443,573	28,666,185	
<u>28,850,000</u>	<b>Balance as at 31<sup>st</sup> December J = (E-I)</b>		<b>(598,467)</b>	<b>(40,218)</b>	
	<b>Balance as per the Imprest Reconciliation Statement</b>		<b>(598,467)</b>	<b>(40,218)</b>	ACA 7
	<b>Imprest Balance as at 31<sup>st</sup> December</b>		<b>-</b>	<b>-</b>	ACA 3
			<b>(598,467)</b>	<b>(40,218)</b>	

### 3.3 Statement of Financial Position

ACA-P

#### Statement of Financial Position

As at 31<sup>st</sup> December- 2022

	Note	Actual	
		2022	2021
		Rs	Rs
<b><u>Non Financial Assets</u></b>			
Property, Plant & Equipment	ACA-6	12,201,498	11,071,498
<b><u>Financial Assets</u></b>			
Advance Accounts	ACA-5/5(a)	3,328,909	3,436,555
Cash & Cash Equivalents	ACA-3	-	-
<b>Total Assets</b>		<b>15,530,407</b>	<b>14,508,053</b>
<b><u>Net Assets / Equity</u></b>			
Net Worth to Treasury		3,328,909	3,463,555
Property, Plant & Equipment Reserve		12,201,498	11,071,498
Rent and Work Advance Reserve	ACA-5(b)	-	-
<b><u>Current Liabilities</u></b>			
Deposits Accounts	ACA-4	-	-
Unsettled Imprest Balance	ACA-3	-	-
<b>Total Liabilities</b>		<b>15,530,407</b>	<b>14,535,053</b>

Detail Accounting Statements in above ACA format Nos. 1 to 6 presented in pages from 121 to 123 and Notes to accounts presented in pages from 124 to 127 form and integral parts of these Financial Statements. The Financial Statements have been prepared in complying with the Generally Accepted Accounting Principles whereas most appropriate Accounting Policies are used as disclosed in the Notes to the Financial Statements and hereby certify that figures in these Financial Statements, Notes to accounts and other relevant accounts were reconciled with the Treasury Books of Accounts and found to be in agreement.

.....	.....	.....
Chief Accounting Officer	Accounting Officer	Chief Financial Officer/ Chief Accountant/ Director (Finance)/ Commissioner
Name :	Name :	(Finance)
Designation :	Designation :	Name :
Date :	Date :	Date :

### 3.4 Statement of Cash Flows

ACA-C

#### Statement of Cash Flows for the Period ended 31<sup>st</sup> December-2021

	Actual	
	2022 Rs.	2021 Rs.
<b><u>Cash Flows from Operating Activities</u></b>		
Total Tax Receipts	-	-
Fees, Fines, Penalties and Licenses	-	-
Profit	-	-
Non Revenue Receipts		
Revenue collected on behalf of Other Revenue Heads	633,751	675,002
Imprest received	24,675,000	26,323,000
Recoveries from Advance	1,135,230	2,002,440
Deposit Received	5,925	6,150
<b>Total Cash generated from Operations (a)</b>	<b>26,449,906</b>	<b>29,006,592</b>

**Less - Cash disbursed for:**

Personal Emoluments & Operating Payments	25,449,906	26,352,328
Subsidies & Transfer Payments	298,077	433,562
Expenditure incurred on behalf of other Heads	-	-
Imprest Settlement to Treasury	355,437	271,365
Advance Payments	1,919,081	1,670,303
Deposit Payment	6,150	8,105

**Total Cash disbursed for Operations (B)****28,931,073**      **28,267,231****NET CASH FLOW FROM OPERATING  
ACTIVITIES(C)=(A)-(B)**

75,519      186,579

**Cash Flows from Investing Activities**

Interest	-	-
Dividends	-	-
Divestiture Proceeds & Sale of Physical Assets	-	-
Recoveries from On Lending	-	-
<b>Total Cash generated from Investing Activities (D)</b>	<b>-</b>	<b>-</b>

**Less - Cash disbursed for:**

Purchase or Construction of Physical Assets & Acquisition of Other Investment	75,519	186,579
--	--------	---------

**Total Cash disbursed for Investing Activities (E)****75,519**      **186,579****NET CASH FLOW FROM INVESTING  
ACTIVITIES(F)=(D)-(E)****(75,519)**      **(186,579)****NET CASH FLOWS FROM OPERATING &  
INVESTMENT ACTIVITIES (G)=(C) + (F)****-**      **-****Cash Flows from Financing Activities**

Local Borrowings	-	-
Foreign Borrowings	-	-
Grants Received	-	-
<b>Total Cash generated from Financing Activities (h)</b>	<b>-</b>	<b>-</b>

**Less - Cash disbursed for:**

Repayment of Local Borrowings

-

-

Repayment of Foreign Borrowings

-

-

**Total Cash disbursed for Financing Activities (I)**

-

-

**NET CASH FLOW FROM FINANCING  
ACTIVITIES (J)=(H)-(I)**

-

-

**Net Movement in Cash (K) = (G) -(J)**

-

-

**Opening Cash Balance as at 01<sup>st</sup> January**

-

-

**Closing Cash Balance as at 31<sup>st</sup> December**

-

-

**3.5 Notes to the Financial Statements**

**3.6 Performance of the Revenue Collection**

Revenue Code	Description of the Revenue Code	Revenue Estimate		Collected Revenue	
		Original	Final	Amount (Rs.)	as a % of Final Revenue Estimate
-	No	-	-	-	-

**3.7 Performance of the Utilization of Allocation**

Rs. ,000

Type of Allocation	Allocation		Actual Expenditure	Allocation Utilization as a % of Final Allocation
	Original	Final		
<b>Recurrent</b>	30,620	30,620	26,650	87%
<b>Capital</b>	550	550	76	13.8%

**3.8 In terms of F.R.208 grant of allocations for expenditure to this Department/District Secretariat/Provincial Council as an agent of the other Ministries/ Departments**

Rs. ,000

Serial No.	Allocation Received from Which Ministry /Department	Purpose of the Allocation	Allocation		Actual Expenditure	Allocation Utilization as a % of Final Allocation
			Original	Final		
-	-	No	-	-	-	-

**3.9 Performance of the Reporting of Non-Financial Assets**

Rs. ,000

Assets Code	Code Description	Balance as per Board of Survey Report as at 31.12.2021	Balance as per financial Position Report as at 31.12.2021	Yet to be Accounted	Reporting Progress as a %
9151	Buildings and Structures	-	-	-	-
9152	Machinery and Equipment	-	11,071	-	-
9153	Lands	-	-	-	-
9154	Intangible Assets	-	-	-	-
9155	Biological Assets	-	-	-	-
9160	Work in Progress	-	-	-	-
9180	Lease Assets	-	-	-	-

### 3.10 Auditor General's Report\*\*

\*\* The final audit report issued by the Auditor General to be scanned and placed here while submitting to the Parliament.

## Chapter 04 – Performance indicators

### 4.1 Performance indicators of the Institute (Based on the Action Plan)

Specific Indicators	Actual output as a percentage (%) of the expected output		
	100%- 90%	75%-89%	50%- 74%

Performance indicator of the institution has not been prepared for the year 2021.

## Chapter 05- Performance of the achieving Sustainable Development Goals (SDG)

### 5.1 Indicate the Identified respective Sustainable Developments Goals \*

Goal / Objective	Targets	Indicators of the achievement	Progress of the Achievement to date		
			0%-49%	50%-74%	75%- 100%

### 5.2 Briefly explain the achievements and challenges of the Sustainable Development Goals\*

\*Action cannot be taken to achieve Sustainable Development Goals in accordance with the role of the institution.

## For Chapter 04 and 05

### Chapter 06 - Human Resource Profile

#### 06.1 Cadre Management

	Approved Cadre	Existing Cadre	Vacancies / (Excess)**
Senior	01	01	-
Tertiary	04	02	02
Secondary	17	12	05
Primary	10	06	04

#### 06.2 \*\*Briefly state how the shortage or excess in human resources has been affected to the performance of the institute.

The existing staff has to face difficulties due to the reason that the approved cadre has not been filled.

#### 06.3 Human Resource Development

Name of the Program	No. of staff trained	Duration of the program	Total Investment (Rs'000)		Nature of the Program (Abroad/Local)	Output/Knowledge Gained*
			Local	Foreign		

\*The officers did not give their contribution to the Training programme due to the Corona virus prevailed in our Country during this year.

## Chapter 07– Compliance Report

No.	Applicable Requirement	Compliance Status (Complied/Not Complied)	Brief explanation for Non Compliance	Corrective actions proposed to avoid non-compliance in future
1	<b>The following Financial statements/accounts have been submitted on due date</b>			
1.1	Annual financial statements	Complied	-	-
1.2	Advance to public officers account	Complied	-	-
1.3	Trading and Manufacturing Advance Accounts (Commercial Advance Accounts)	Not Applicable	-	-
1.4	Stores Advance Accounts	Not Applicable	-	-
1.5	Special Advance Accounts	Not Applicable	-	-
1.6	Others	Not Applicable	-	-
2	<b>Maintenance of books and registers (FR445)/</b>			
2.1	Fixed assets register has been maintained and update in terms of Public Administration Circular 267/2018	Complied	-	-
2.2	Personal emoluments register/ Personal emoluments cards has been maintained and updated	Complied	-	-
2.3	Register of Audit queries has been maintained and updated	Complied	-	-
2.4	Register of Internal Audit reports has been maintained and updated	Not Applicable	-	-
2.5	All the monthly account summaries (CIGAS) are prepared and submitted to the Treasury on due date	Complied	-	-
2.6	Register for cheques and money orders has been maintained and updated	Complied	-	-

2.7	Inventory register has been maintained and updated	Complied	-	-
2.8	Stocks Register has been maintained and updated	Complied	-	-
2.9	Register of Losses has been maintained and updated	Complied	-	-
2.10	Commitment Register has been maintained and updated	Complied	-	
2.11	Register of Counterfoil Books (GA – N20) has been maintained and updated	Complied	-	-
03	<b>Delegation of functions for financial control (FR 135)</b>			
3.1	The financial authority has been delegated within the institute	Complied	-	-
3.2	The delegation of financial authority has been communicated within the institute	Complied	-	-
3.3	The authority has been delegated in such manner so as to pass each transaction through two or more officers	Complied	-	-
3.4	The controls has been adhered to by the Accountants in terms of State Account Circular 171/2004 dated 11.05.2014 in using the Government Payroll Software Package	Not Complied	This office has no Accountant.	A request was made to have an Accountant to this office from the Department of Management Services and it was informed to fulfill the said requirement through the Administrative Officer.
4	<b>Preparation of Annual Plans</b>			
4.1	The annual action plan has been prepared	Complied		
4.2	The annual procurement plan has been prepared	Complied		
4.3	The annual Internal Audit plan has been prepared	Not Complied	An Internal Audit Unit has not been set up in this office.	There is no necessity of internal auditing for this office.

4.4	The annual estimate has been prepared and submitted to the NBD on due date	Complied	-	-
4.5	The annual cash flow has been submitted to the Treasury Operations Department on time	Complied	-	-
5	<b>Audit queries</b>			
5.1	All the audit queries has been replied within the specified time by the Auditor General	Complied	-	-
6	<b>Internal Audit</b>			
6.1	The internal audit plan has been prepared at the beginning of the year after consulting the Auditor General in terms of Financial Regulation 134(2)) DMA/1-2019	Not Complied	Answer referred to in above 4.3 is applicable.	
6.2	All the internal audit reports has been replied within one month	Not Complied	Answer referred to in above 6.1 is applicable.	
6.3	Copies of all the internal audit reports has been submitted to the Management Audit Department in terms of Sub-section 40(4) of the National Audit Act No. 19 of 2018	Not Complied	Answer referred to in above 6.1 is applicable.	
6.4	All the copies of internal audit reports has been submitted to the Auditor General in terms of Financial Regulation 134(3)	Not Complied	Answer referred to in above 6.1 is applicable.	.
7	<b>Audit and Management Committee</b>			
7.1	Minimum 04 meetings of the Audit and Management Committee has been held during the year as per the DMA Circular 1-2019	Not Complied	An Audit and management Committee has not been set up in this office.	There is no necessity of an Audit and management Committee for this office.
8	<b>Asset Management</b>			

8.1	The information about purchases of assets and disposals was submitted to the Comptroller General's Office in terms of Paragraph 07 of the Asset Management Circular No. 01/2017	Complied	-	-
8.2	A suitable liaison officer was appointed to coordinate the implementation of the provisions of the circular and the details of the nominated officer was sent to the Comptroller General's Office in terms of Paragraph 13 of the aforesaid circular	Complied	-	-
8.3	The boards of survey was conducted and the relevant reports submitted to the Auditor General on due date in terms of Public Finance Circular No. 05/2016	Complied	-	-
8.4	The excesses and deficits that were disclosed through the board of survey and other relating recommendations, actions were carried out during the period specified in the circular	Not Applicable	-	-
8.5	The disposal of condemned articles had been carried out in terms of FR 772	Not Complied	The relevant action has been delayed due to the disposal of the goods has to be done by a technical officer.	-
9	<b>Vehicle Management</b>			
9.1	The daily running charts and monthly summaries of the pool vehicles had been prepared and submitted to the Auditor General on due date	Not Complied	This office has no pool vehicles.	-
9.2	The condemned vehicles had been disposed of within a period of less than 6 months after condemning	Not Complied	This office has no condemned vehicles.	-

9.3	The vehicle logbooks had been maintained and updated	Complied	-	-
9.4	The action has been taken in terms of F.R. 103, 104, 109 and 110 with regard to every vehicle accident	Complied	-	-
9.5	The fuel consumption of vehicles has been re-tested in terms of the provisions of Paragraph 3.1 of the Public Administration Circular No. 30/2016 of 29.12.2016	Not Complied	Only one vehicle is attached to this office. It is the official vehicle of the Commissioner. Action has not been taken in terms of para.3.1 of the Circular since only the monthly fuel allowance is given for this vehicle.	-
9.6	The absolute ownership of the leased vehicle log books has been transferred after the lease term	Not Complied	No such vehicles are available.	-
10	<b>Management of Bank Accounts</b>			
10.1	The bank reconciliation statements had been prepared, got certified and made ready for audit by the due date	Complied	-	-
10.2	The dormant accounts that had existed in the year under review or since previous years settled	Not Complied	Dormant Accounts do not exist.	-
10.3	The action had been taken in terms of Financial Regulations regarding balances that had been disclosed through bank reconciliation statements and for which adjustments had to be made, and had those balances been settled within one month	Not Complied	Cash Book Balance has been overstated.	Action has been taken to analyze and rectify the unidentified balances.
11	<b>Utilization of Provisions</b>			
11.1	The provisions allocated had been spent without exceeding the limit	Complied	-	-
11.2	The liabilities not exceeding the provisions that remained at the end of the year as per the FR 94(1)	Complied	-	-

12	<b>Advances to Public Officers Account</b>			
12.1	The limits had been complied with	Complied	-	-
12.2	A time analysis had been carried out on the loans in arrears	Complied	-	-
12.3	The loan balances in arrears for over one year had been settled	Not Complied	No such loan balance is available.	-
13	<b>General Deposit Account</b>			
13.1	The action had been taken as per F.R.571 in relation to disposal of lapsed deposits	Not Complied	No lapsed deposits are available.	-
13.2	The control register for general deposits had been updated and maintained	Complied	-	-
14	<b>Imprest Account</b>			
14.1	The balance in the cash book at the end of the year under review remitted to TOD	Complied	-	-
14.2	The ad-hoc sub imprests issued as per F.R. 371 settled within one month from the completion of the task	Not Complied	The ad-hoc sub imprests have not been settled within the year 2021	-
14.3	The ad-hoc sub imprests had not been issued exceeding the limit approved as per F.R. 371	Not Complied	Answer referred to in the above 14.2	-
14.4	The balance of the imprest account had been reconciled with the Treasury books monthly	Complied	-	
15	<b>Revenue Account</b>			
15.1	The refunds from the revenue had been made in terms of the regulations	Not Complied	This office is not an income generating office.	-
15.2	The revenue collection had been directly credited to the revenue account without credited to the deposit account	Not Complied	This office is not an income generating office.	-
15.3	Returns of arrears of revenue forward to the Auditor General in terms of FR 176	Complied	-	-
16	<b>Human Resource Management</b>			
16.1	The staff had been paid within the approved cadre	Complied	-	-

16.2	All members of the staff have been issued a duty list in writing	Complied	-	-
16.3	All reports have been submitted to MSD in terms of their circular no.04/2017 dated 20.09.2017	Complied	-	-
17	<b>Provision of information to the public</b>			
17.1	An information officer has been appointed and a proper register of information is maintained and updated in terms of Right To Information Act and Regulation	Complied	-	-
17.2	Information about the institution to the public have been provided by Website or alternative measures and has it been facilitated to appreciate / allegation to public against the public authority by this website or alternative measures	Complied	-	-
17.3	Bi- Annual and Annual reports have been submitted as per section 08 and 10 of the RTI Act	Complied	-	-
18	<b>Implementing citizens charter</b>			
18.1	A citizens charter/ Citizens client's charter has been formulated and implemented by the Institution in terms of the circular number 05/2008 and 05/2018(1) of Ministry of Public Administration and Management	Complied	-	-
18.2	A methodology has been devised by the Institution in order to monitor and assess the formulation and the implementation of Citizens Charter / Citizens client's charter as per paragraph 2.3 of the circular	Complied	-	-
19	<b>Preparation of the Human Resource Plan</b>			

19.1	A human resource plan has been prepared in terms of the format in Annexure 02 of Public Administration Circular No.02/2018 dated 24.01.2018.	Not Complied	A human resource plan had not been prepared for the year 2019.	Action would be taken to draft a human resource plan for the year 2020.
19.2	A minimum training opportunity of not less than 12 hours per year for each member of the staff has been ensured in the aforesaid Human Resource Plan	Not Complied	Sufficient allocations had not been made to afford a training opportunity of not less than 12 hours for staff members.	A request would be made to obtain allocations for the upcoming year.
19.3	Annual performance agreements have been signed for the entire staff based on the format in Annexure 01 of the aforesaid Circular	Not Complied	Answer referred to in above 19.1 is applicable.	Answer referred to in above 19.1 is applicable.
19.4	A senior officer was appointed and assigned the responsibility of preparing the human resource development plan, organizing capacity building programs and conducting skill development programs as per paragraph No.6.5 of the aforesaid Circular	Not Complied		
20	<b>Responses to Audit Paras</b>			
20.1	The shortcomings pointed out in the audit paragraphs issued by the Auditor General for the previous years have been rectified	Complied	-	-

# *9. Conclusion*

The system in place through the Office of Ombudsman provides a forum for the citizens to have access to an independent, impartial and inexpensive dispute resolution mechanism, which help resolving their grievances, protect their fundamental rights, restoring their dignity and it will help to have confidence in a democratic process.

Sound system of administration is a basic requirement in the modern society. With the view of achieving this goal, the government machinery that is responsible when carrying out routine business in the administrative process, is vested with enormous powers to perform the functions and duties, smoothly and in the best interests of the public at large. The powers so given do not mean that the same are to be applied in violation of rules, regulations, and against the Rules of natural justice and equity.

The office of Ombudsman is always open for the purpose of diagnosing, investigating, redressing and rectifying injustices, if any, caused to a person by way of maladministration. Exercising powers arbitrarily or refusing to act duly and applying delaying tactics in the discharge of official obligations with corrupt or biased motivations are the main factors that are to be looked into and to be rectified by the Office of Ombudsman.

In the present-day context, seeking redress from courts have become very expensive. It is not a secret that seeking redress through court or a tribunal depends on the availability of necessary finances. It is not an exaggeration to state that the Ombudsman is more often fruitful than going to court to have the administrative errors corrected particularly because the Ombudsman has the necessary experience and power, having dealt with a large number of complaints over years. It is a more flexible and cost-effective system as well. Moreover, the office of Ombudsman has the advantage of providing its services especially for vulnerable groups of the society to initiate the complaint process with minimal expenses if not for zero expenses. Further, it is advantageous over the traditional court system. Similarly, it is significant to note that this institution does not allow lawyers or an agent to appear on behalf of a complainant.

I also must mention that when inquiring into allegations, this institution affords ample opportunities to both parties to present their cases upon studying the matters pertaining to the complaint in depth.

Having stated that I need to comment on the attitude taken by the responsible officials towards achieving the goals intended by the enactment of the Ombudsman Act. Looking at the files maintained by this office, I have observed that there have been instances of some public officials making decisions according to their own whims and fancies, ignoring laws, regulations and rules or giving them their own interpretations. Officials executing their duties in that manner forget that they tend to violate fundamental rights and human rights of the people depriving them of their legitimate expectations in addition to the pain of mind they suffer.

I have also seen that some officials are not inclined or unable to settle issue conciliatorily. Furthermore, it had been noticed that some officials apparently are not competent enough or are unable to deal with issues especially when it comes to the issues in relation to disputes among parties. This practice of not settling issues cordially stems from the attitude of treating a complainant as an adversary and also because of their unwillingness to accept official fallibility.

Although the problems and difficulties faced with, in the process of problem-resolving, have been highlighted in this report to some extent, I must, at the same time, state that there had been considerable degree of co-operation extended by all officials enabling me to discharge my duties more effectively.

In conclusion, I must state that with the help of the staff in this office, the Office of Ombudsman has managed to dispose of a fair number of complaints received despite the difficulties that they are faced with. The approved cadre of the office has not been completed. Neither an Accountant nor a Book-Keeper is appointed to this office. Reluctance of officers to serve in this office is a noticeable factor particularly when the allowances paid to the staff of the institutions which discharge the same functions, are not being paid to the members of staff in this office.

Finally, I must state that I would be failing in my duty, if I do not appreciate the hard work performed by the members of the staff in this office. I take this opportunity to extend my profound gratitude to the members of the staff in this office who have worked tirelessly against all barriers, to achieve the targets we were aiming at.

Justice K.T. Chitrasiri  
Parliamentary Commissioner for Administration  
(Ombudsman)