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நிருவாகத்துக்கான பாராளுமன்ற ஆணையாளர் அலுவலகம் (ஒம்புட்ஸ்மன்)
OFFICE OF THE PARLIAMENTARY COMMISSIONER FOR ADMINISTRATION (OMBUDSMAN)



වාර්ෂික කාර්ය සාධන වාර්තාව
வருடாந்த செயலாற்றுகை அறிக்கை
Annual Performance Report
2023

වැය ශීර්ෂ අංකය
செலவீன தலைப்பு இலக்கம் **022**
Expenditure Head No

පළමු මහල, අංක-14, ආර්.ඒ.ඳ මෙල් මාවත, කොළඹ - 04
முதலாவது மாடி, இல -14, ஆர்.ஏ.டி மெல் மாவத்தை, கொழும்பு - 04
1st Floor, No-14, R.A.De Mel Mawatha, Colombo - 04, Sri Lanka

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Chapter 01 - Institutional Profile/Executive Summary

Office of the Parliamentary Commissioner for Administration

Annual Report for the year – 2023

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

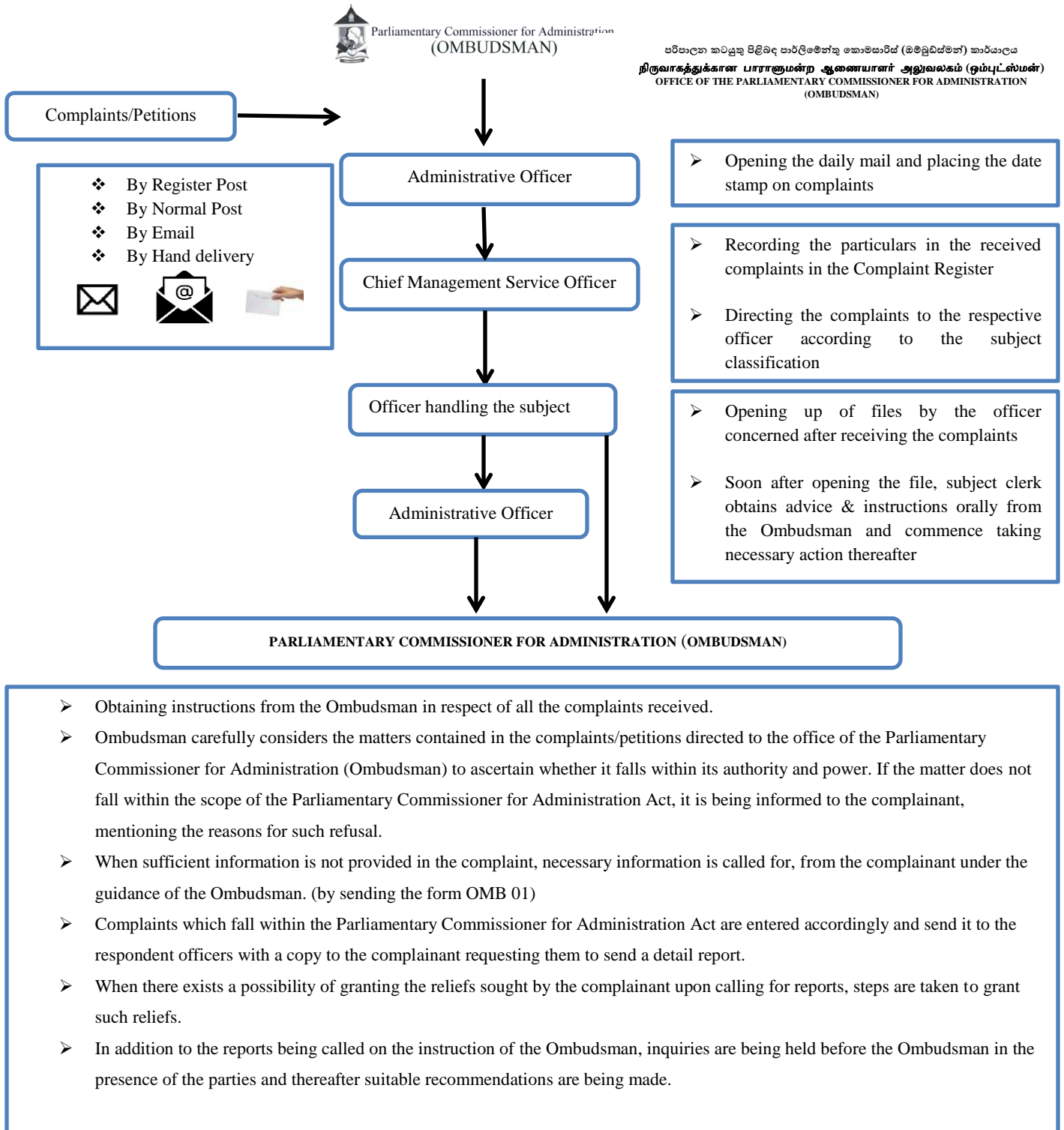
Article 156 of the Constitution of the Republic of Sri Lanka stipulates that the Parliament shall provide for the establishment of the Office of the Parliamentary Commissioner for Administration (Ombudsman). This position is tasked with the duty of investigating complaints or allegations of infringement 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.

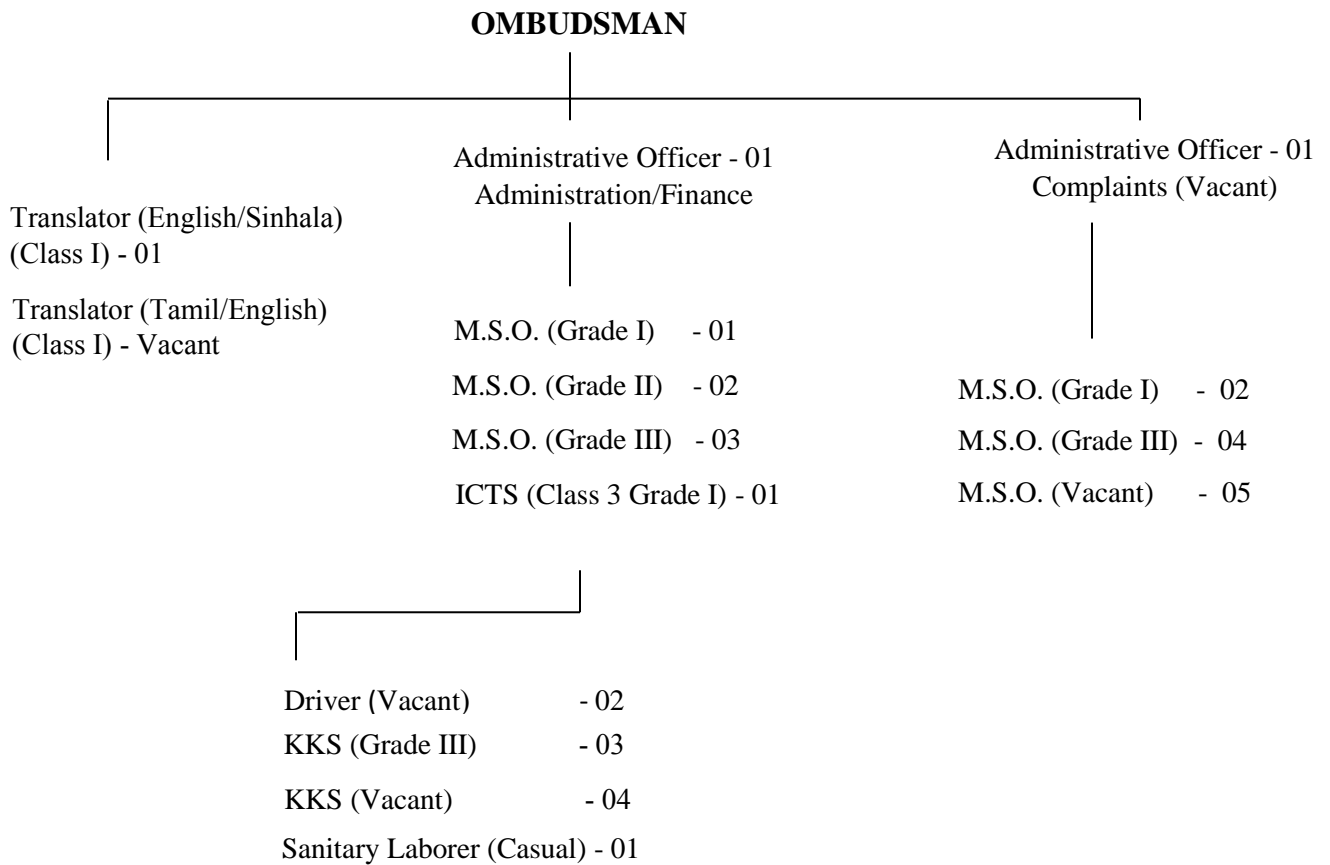
Various Stages of the Procedure Followed After Receiving Complaints



1.4 Office Staff

Approved cadre for this office is 32 in number. However, as shown in the structure below, only 29 officers were attached to this office as at the end of 2023.(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/2/2/4039/2023

Name: Mr. M. D. Dayananda

Mr. M. D. Dayananda, residing at No. 38, Andagala Road, Matugama, has completed the required documentation to obtain the original land title after his father. He has submitted the required documents to the Palinda Nuwara Divisional Secretary on 15th of August 2019. Following the investigation, the Divisional Secretary has informed him that he will be granted the original title. The complaint dated 31.07.2023, submitted to this office by Mr. M. D. Dayananda indicates that a land survey was conducted at his expense, and the survey plan was subsequently submitted to the Divisional Secretariat. However, despite the considerable passage of time, the Divisional Secretary has yet to initiate any action on this matter. Consequently, this delay has delayed the timely issuance of the original title to Mr. Dayananda. Upon inquiry by this office with the Palinda Nuwara Divisional Secretariat, the Divisional Secretary confirmed that the relevant documents numbered PAL/LAND/6/2/285 and dated 28.12.2023 have been submitted to the Land Registrar's office. These documents grant the original title of the land to Mr. M. D. Dayananda. In a letter dated 17.01.2024, Mr. M.D. Dayananda expressed his sincere gratitude for the prompt resolution of the matter, facilitated by this office's intervention when the original title of the land was delayed.

No: OMB/P/2/2/4077/2023

Name: Mr. H. P. A. RANGANA

Upon the nomination of Mr. H. P. A. Rangana of No. 76/4, Kadurupokuna Road, Tangalle, along with four other individuals, to the original titles of the land, notarial deeds for the land parcels were prepared with approval from the Hambantota Divisional Secretariat. However, when these deeds were submitted to the Land Registrar's office for registration, it was indicated that the notarial deeds could not be registered.

After persisting for several years without resolution, Mr. H. P. A. Rangana submitted a complaint dated 15.09.2023, to this office regarding the aforementioned issue. Subsequently, following up with the Hambantota Divisional Secretariat, this long-standing problem was addressed through the intervention of this office. The necessary post-assignment and registration of folio have commenced. In acknowledgment of our office's efforts in resolving this matter, Mr. H. P. A. Rangana expressed gratitude dated 23.10.2023.

According to a complaint submitted by Mrs. KGP Abeykon, a resident of Kariyagama, Ussapitiya, her husband, Mr. KA Abeykon, has been employed as a Grama Niladhari in the Aranayake Divisional Secretariat of the Kegalle District. After serving in the government for 22 years, Mr. Abeykon submitted his retirement form to the Divisional Secretary, seeking early retirement commencing from 27.04.2003, due to illness. However, a letter of vacation of post from 28.04.2003 was issued to Mr. Abeykon on 28.04.2003, on the grounds of his failure to report to work. On 19.06.2012, Mr. K.A. Abeykoon passed away. To obtain Mr. K.A. Abeykoon's death gratuity and orphan's pension for his dependents, his wife, Mrs. K.G.P. Abeykoon, submitted the necessary documents to the Pension Department on 23.08.2012, through the Regional Secretary of Aranayake in accordance with the instructions of the Ministry of Public Administration. Without gratuity, a monthly sum of Rs. 3264.84 for the widow and orphan pension has been paid without considering Mr. K. A. Abeykon's retirement applications dated 23.08.2012. Mrs. K. G. P. Abeykoon submitted a complaint on 09.07.2014, expressing her distressing situation. It was observed that the reason for forfeiting the retirement gratuity was the Aranayake Divisional Secretary's loss of the letter dated 27.04.2003, which was submitted by the late Grama Niladhari, granting consent for retirement. The complainant submitted the necessary documents to the Divisional Secretary; however, the arrears of pension and retirement gratuity were denied because the original documents were missing. The relevant request forms and copies of other documents, authenticated by the Grama Niladhari, were sent to the Department of Government Analyst for verification through handwritten tests, and measures were implemented to review them. After 09 years of follow-up by the Aranayake Divisional Secretariat, the Ministry of Public Administration, and the Pension Department, and with consistent intervention and careful oversight, the Pension Department has confirmed that pension arrears amounting to Rs. 871,869.88 were paid on behalf of Mr. K. A. Abeykoon to his heirs, starting in October 2023. This is considered a significant accomplishment. Mrs. K. G. P. Abeykoon expressed her sincere gratitude on 05.12.2023, acknowledging the efforts of the office in advocating for and supporting a destitute family.

In a formal complaint addressed to me and dated 21.04.2023, Mrs. T.M.K.T. Upamali, a resident of No. 284, Pubudupura, Anuradhapura, reported that her child, T.H.N.T. Senula Hinkenda, received a score of 143 marks in the scholarship examination held in 2021. Nevertheless, upon reassessment of the same score, it was determined that the child's score had increased to 163. Unfortunately, by the time these results were disclosed, the period for admissions to schools based on the scholarship examination had concluded. Thus, a complaint has been lodged stating that the complainant's child was deprived of the opportunity to enroll because of a lack of available spaces, even though the cut-off mark for admission of children who passed the scholarship examination was 162 for entry into Anuradhapura Central College.

Upon inquiry with the principal of the concerned school, it was conveyed that although the complainant's child meets the eligibility criteria for enrollment in grade 07 for the year 2023, there are no available vacancies at that time. However, admission to the school can be considered if approval is obtained from the Secretary of Education. Despite the child's satisfactory performance in the scholarship examination, an error occurred on the part of the educational authorities whereby the initially reported marks were 143. This delay in rectifying the error deprived the child of the opportunity to secure admission to Anuradhapura Central College.

To address the oversight by the education authorities, I proposed to the Secretary of Education on 08.06.2023 that the child in question be enrolled in grade 07 of the aforementioned school in the year 2023, irrespective of available vacancies. Following my recommendation, the Secretary of Education approved the child's admission to Anuradhapura Central College. Through our intervention, the child was afforded the opportunity to attend the school to which he was entitled.

Mr. T.G.C.S. Rohana, a resident of Pahala Ulu Gedera Watta, Digaredda, Ahangama, and an alumnus of Mahinda College, Galle, submitted a complaint to me on 01.02.2023. He informed me that his child, T.G.N. Sandir, had applied for admission to grade 01 at the aforementioned school in 2022 under the category of former students and was placed first on the waiting list. However, the child has not yet been admitted to the school. Additionally, there is another child who has been admitted to the school under the former student category but has not yet attended. Therefore, the complainant requested that his child be admitted to fill the vacancy.

The Principal of Mahinda College, Galle was approached for clarification on the aforementioned issue. In response, he communicated that he had sought guidance from the Ministry of Education concerning the appropriate course of action in light of the prolonged absence of a student enrolled in the aforementioned institution. Consequently, directives have been received to adhere to the guidelines outlined in Education Circular No. 2008/39. However, it was emphasized that no exceptional authorization has been granted for the enrollment of the complainant's child at the school.

Circular 2008/39 02 of 2:1:4 stipulates that a student absent for a continuous period of 40 school days without notification from the parent or guardians shall be deemed truant. Consequently, subsequent to our inquiry with the principal, the parents of the aforementioned child, who had been absent from school due to illness, have withdrawn their child from the institution. With the Ministry of Education's endorsement, the complainant's child has been enrolled in our school. As a result of our intervention, the complainant's child has successfully secured admission to Galle Mahinda College.

No: OMB/P/2/6/3587

Name: Mr. P. K. Priyachandra

Mr. P.K. Priyachandra, residing at Mahawatta, Ganegoda, Alpitiya, submitted a complaint dated 29.06.2022. He has reported that despite having submitted all pertinent documents to the Agricultural Development Department of the region for compensation regarding crop damage caused by flooding, he has yet to receive the compensation. After the applicant inquired with the Agrarian Development Center in Elpitiya regarding the non-receipt of compensation, it was informed that the relevant documents had been forwarded to the Agricultural and Agrarian Insurance Board in Galle on 28.04.2021 for further processing. However, despite the applicant's reference to the Agricultural and Agrarian Insurance Board in Galle, no relief has been received.

After calling for reports from the pertinent authorities concerning the aforementioned petition, it was determined that the delay pertaining to said petition arose from the failure of both the Elpitiya Agricultural Development Center and the Galle Agricultural and Agrarian Insurance Board to take appropriate measures individually to carry out the requisite tasks. After conducting an investigation on 23.05.2023, with the participation of the assistant director of the Agricultural and Agrarian Insurance Board, Galle, the Regional Officer of Elpitiya Agrarian Development Center, and the complainant, it was determined that the issue pertaining to the complaint was that the relevant documents were not transferred to the Agricultural and Agrarian Insurance Board,

Galle, by the officials of the Elpitiya Agrarian Development District Office in accordance with proper procedures. Additionally, it was found that the documents handed over by the officials of the Elpitiya Agrarian Development District Office were not accepted properly by the Agricultural and Agrarian Insurance Board, Galle. Finally, in accordance with the provided recommendation, the documents were corrected by the Agricultural Development Center, and a memorandum was forwarded to the Board of Directors for obtaining the necessary approval for the compensation payment. Additionally, notification was issued to the Chairman of the Agricultural and Agrarian Insurance Board to facilitate the arrangement for the disbursement of said payment.

Subsequently, the Galle Agriculture and Farmers Insurance Board informed the complainant that an amount of Rs. 72,000/- had been credited to their account on 10.08.2023, as crop damage compensation. The applicant then sent a letter to our institution, expressing gratitude for our intervention in securing the previously unpaid crop damage compensation.

No: OMB/P/2/6/3636

Name: Mr. K. D. N. Chandana

On 28.02.2023, Mr. K. D. N. Chandana, a resident of No. 434/1, Ederamulla, Wattala, submitted a complaint. Mr. Chandana, employed as a driver by the Ministry of Tourism, informed that a letter dated 21.10.2021, documented his promotion to Grade 1 in the Combined Driving Service, effective 01.05.2016. While his salary was adjusted and arrears were paid, overtime arrears remain outstanding. Despite multiple requests for their settlement, only overtime payments for 2021 were received. Mr. Chandana has contacted the relevant authorities on numerous occasions to resolve the issue of outstanding overtime payments, but his efforts have been unsuccessful.

Upon inquiry regarding the aforementioned petition with the Additional Secretary (Administration) of the Ministry of Tourism, we were informed that the outstanding balance for the period between 01.01.2016, and October 2021, amounts to Rs. 212,789.30. Due to limitations in expenditure management within the allocated budget, only payments pertaining to the year 2021 were settled from this outstanding sum. Consequently, it was further communicated that the remaining amount of Rs. 169,338.54 could potentially be settled in relation to the year 2023, contingent upon the continuation of existing budgetary provisions.

In reference to the report, it was recommended that if Mr. K.D.N. Chandana's outstanding overtime payment cannot be settled from the allocated provisions for the year 2023, the Ministry of Financial Provisions should reserve the necessary funds to facilitate this payment.

On 22.08.2023, the applicant sent a letter to our institution. In the letter, he informed us that he had received the remaining outstanding overtime amount of Rs. 169,338.54 thanks to the intervention of our institution. He expressed his gratitude to our office for this assistance.

No: OMB/P/2/7/1129/2022

Name: Mrs. P. H. Chandrawathi

In a petition dated 20.08.2022, the complainant states that her husband worked for the Railways Department and retired at the age of 60. He was receiving a pension. After his death, his wife, Mrs. P. H. Chandrawathi, became entitled to the Widow and Orphanage Pension. However, she has not yet been granted the pension. The applicant, in her submitted petition, further contends that she is being denied a certain right. This right is allegedly withheld due to the final judgment entered in her deceased husband's prior divorce case. Said judgment was finalized on 30.07.1990. However, the applicant herself was married to the deceased on 27.08.1987. The petition highlights that a decree annulling the husband's previous marriage was entered on 07.11.1986.

In consideration of the original decision, the Commissioner has reviewed the facts and noted that while the final decision annulling the marriage was finalized on 30.07.1990, the applicant's deceased husband was married to her on an earlier date, 02.02.1987 (including the date of the final decision). However, the validity of the marriage was never challenged. Based on the available evidence, it appears that the marriage between the petitioner and the deceased husband on 02.02.1987, was a legal union. This suggests that the deceased husband's previous marriage had legally terminated on 07.11.1986, the date of the nisi judgment entry.

Considering the legal ramifications, particularly the date of implementation of the final decision (a procedural issue), it is crucial to acknowledge that denying the applicant's rights could potentially constitute a violation of their fundamental rights as enshrined in Article 12 of the Constitution. As this article emphasizes, the law must be applied fairly and justly to all. In light of these concerns, a comprehensive letter outlining the relevant legal considerations was sent to the Director General of Pensions on 16.09.2022. The letter requested a report on the factual circumstances of the matter that would facilitate seeking further guidance from the Attorney General.

The following reminders were forwarded due to a delay in reporting by the Pension Department: 1st (on 02.11.2022), 2nd (on 27.12.2022), and 3rd (on 21.02.2023). As of 08.05.2023, no response has been received regarding these issues. Therefore, the Director General of Pensions was requested to appear in person with reports on that date.

Notwithstanding our prior communication outlining the legal concerns in the aforementioned letter, a subsequent letter dated 08.05.2023, addressed to us claims that the beneficiary is not entitled to widow's and orphan's rights due to the occurrence of the second marriage before the judgment issued by the Kuliapitiya District Court.

Following the presentation of the facts, the Department of Pensions informed us that, due to a workshop scheduled for the originally designated date, they would be unable to attend. An alternative date was subsequently proposed. Accordingly, the Director General and Legal Officer of the Department appeared on 20.06.2023, as requested. After a thorough discussion of the relevant details, a resolution was reached, and it was confirmed that the complainant's request could be granted. In fulfillment of this resolution, a letter was sent by the Legal Officer of the Department of Pensions on 31.08.2023, informing us that the widow's and orphan's pension under number 21-2199361 would be paid on July 10, 2023, along with any outstanding arrears.

We were able to secure the widow's and orphans' pension, along with arrears of payments that had been delayed for 3 1/2 years, within a year of the notification being received. This was achieved by reviewing reports from the Department of Pensions dated 16.09.2022, and by making direct inquiries. As a result of our intervention, the complainant's child, who had been unable to pursue education due to financial hardship, and the complainant who faced illness and hardship, expressed their sincere gratitude and happiness in a letter to our institution.

No: OMB/P/2/7/954/2021

Name: Mr. D. G. E. Welikala

The plaintiff, Mr. D.G.E. Welikala, submitted a petition dated 05.03.2021, stating that he was employed as a driver within the government project NIPU under the Ministry of Buddhasasana and Justice. He subsequently achieved permanent status on 20.07.2006. Although he retired from the Regional Surveyors Office on 30.08.2020, he has not yet received his pension.

On 29.04.2021, a request was made for a report from the Surveyor General's office, as this was the complainant's last place of employment. Subsequently, on 15.07.2021, it was confirmed that the complainant was not registered in the Widows' and Orphans' Pension Fund due to his appointment as a driver on 20.07.2006, at which time he was 45 years old.

On 25.10.2021, we requested the Surveyor General to provide a report on the possibility of obtaining Cabinet approval regarding these issues. Subsequently, the Sri Lanka Survey Department has sought clarification on the matter through the advisor to the Minister of Labour. However, the Pension Department maintains that the individual in question was not eligible for the pension due to his appointments occurring after the age of 45. The commissioner intervened, emphasizing that while the plaintiff bears no responsibility for the timing of their appointment, the individual who authorized the appointment beyond the age of 45 should be held accountable and should have sought prior approval from the Cabinet for such an action. Therefore, regular inquiries regarding the current progress were made through written communication and phone calls. Given our significant influence on the Surveyor General due to these inquiries, the Survey Department sought clarification regarding the legality of appointments beyond the age of 45. They specifically inquired whether formal approval had been granted by both the Secretary of the Ministry of Justice, Human Rights and Constitutional Reforms and the Director General of Combined Services, as these entities hold the authority for such appointments. Due to the lack of a definitive departmental response regarding these concerns, we sought clarification from the relevant authorities regarding the legality of the appointment. Subsequently, the Director General of Integrated Services confirmed that the appointment was lawful, as the individual had exceeded the age of 45 years on the date of appointment, while the age was not 45 years at the time of application. Therefore, the appointment does not present any legal impediments and has been duly authorized. Consequently, the plaintiff's pension payments will not be subject to any disruption. Following inquiries regarding the complainant's pension, a solution has been reached. While the pension department initially indicated difficulties in processing the pension, it has been confirmed that the complainant's pension, along with all outstanding arrears, was paid on 08.12.2023. Our organization successfully intervened to resolve the legal complexities surrounding the case and ensure the complainant received their due pension.

No: OMB/P/2/7/1191/2023

Name: Mrs. M. M. Kusumawathi

The complainant was employed as a laborer on a contractual basis at the Meepilimana government potato seed farm operated by the Department of Agriculture. Her employment commenced on 30.12.2014, under the provisions of Public Administrative Circular 25/2014(1). She retired from government service on 01.07.2021, upon reaching the age of 60. The petition requests that her pension be addressed, as it has not been received to date.

Upon inquiry from the Director of Agriculture in Peradeniya, it was determined that the complainant's service period totaled 06 years, 06 months, and 01 day at the time of her retirement. However, to be eligible for a pension, she was required to have completed 120 months of total service. It is important to note that her contractual service period can be calculated by factoring in the time she contributed to the Public Service Provident Fund. In accordance with Pension Circular 9/2004, the retirement date will be determined based on her contractual service period. This decision is due to the outstanding contributions under Section 20 of the Public Service Provident Fund Ordinance No. 18 of 1942, which have not been recovered. However, payment of arrears for widow's and orphan's contributions was acknowledged. We have initiated the process of calculating her pension based on her contractual service period and are preparing the necessary documentation. Additionally, her application for retirement gratuity, submitted on 21.06.2023, has been forwarded to the Pension Department for further processing. On 07.07.2023, we submitted an inquiry to the Pensions Department regarding this matter. In their response, they advised that they were unable to verify the current status without the complainant's National Identity Card number. Although such tasks are related to the Pension Department, we subsequently forwarded the National Identity Card number included in the complainant's form on 17.08.2023, to facilitate further processing and request an update on the progress. On 15.09.2023, the Pensions Department sent a letter informing us that from July 2023 the pension payments had commenced. The complainant had expressed significant disappointment regarding the non-payment of the relevant pension. Following a complaint lodged with our office, we were able to intervene and secure a resolution within 8 months, resulting in the disbursement of pension payments that had been delayed for 2 years.

In order to provide a comprehensive Annual Report, letters expressing gratitude from the complainants have been attached as an appendix.

2. Statistical Analysis

2.1 Statistical Analysis

There were 1506 complaints received directly from the members of public, in addition to the 31 complaints referred to us by the Parliamentary Petitions Committee during the year 2023. Out of 1506 complaints 559 complaints were not within the powers vested in the Ombudsman. Furthermore, as of the end of 2022, an additional 699 outstanding complaints from the previous year were slated for completion. This brought the total number of complaints requiring action during the review period to **1677**.

Table 1: Statistical Analysis – Year 2023

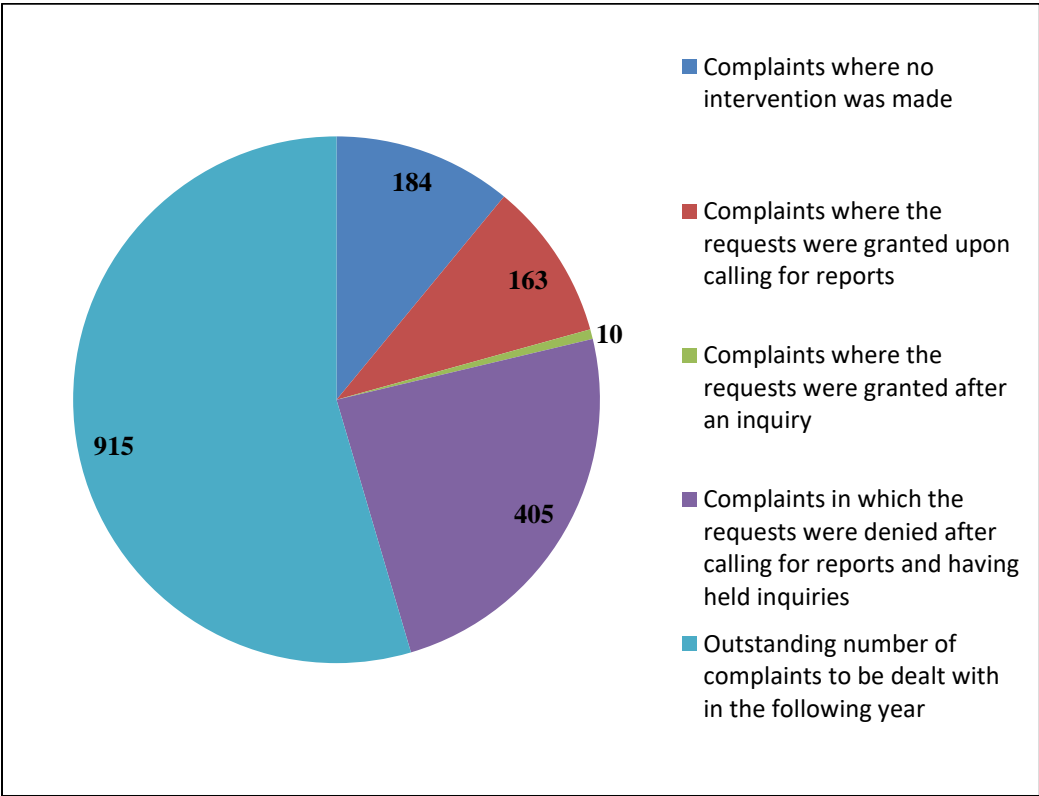
	Pending	Closed	Total
Balance Complaints from the year 2022			699
(1) Total number of complaints received during the period 01.01.2023 to 31.12.2023			
(I) Directly from complainants (559)	947		
(II) Referred by the Parliamentary Public Petitions Committee	31		
(2) Total number of complaints received during the year 2023			978
Total number of complaints that were dealt with during the year 2023:-			1677

Total number of complaints investigated during the year 2023:-			
(1) Number of files terminated at preliminary stages :-			
i. Outside the jurisdiction of the Ombudsman		157	
ii. Complaints in which no specific reliefs were sought		27	(184)
(2) Number of complaints inquired into having called for reports from the respective institutions :-			
i. Complaints in which the reports were called upon considering the facts mentioned in the complaint – Not concluded	340		
ii. Complaints in which further reports were called from the respective institutions or other institutions for upon considering the matters mentioned in the reports received – Not concluded	493		
iii. Complaints called for information from complainants - Not concluded	58		
iv. Complaints where the requests were granted after receiving such reports		163	
v. Complaints in which the requests were denied after calling for reports		248	
vi. Proceedings in the files were terminated due to the lack of interest by the complainants		141	(552)
(3) Complaints where the inquiries were held with the participation of the parties when a decision could not be arrived by calling for reports :-			
i. Number of inquiries held having summoned the complainants and the respondents having looked at the reports received – Not concluded	20		
ii. Complaints in which the requests were denied after having held inquiries		16	
iii. Complaints in which the recommendations were made at the conclusion of the inquiries – Not concluded	4		
iv. Number of complaints in which reliefs were granted having implemented the recommendations made		10	(26)
v. Number of complaints in which the recommendations were disregarded		-	
(1)+(2)+(3) Total			(762)
Outstanding number of complaints to be dealt with as at 31.12.2023			915

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 2023 were amounting to 1677 and out of which 915 complaints were carried forward to the following year. Accordingly, 762 complaints were disposed of during the year 2023. (As shown in Table 1 – Statistical Analysis - As indicated by the year 2023) A breakdown of the actions taken in response to the complaints is presented in Chart 1 below.

Graph 1: Manner in which the complaints that were dealt with for the year 2023

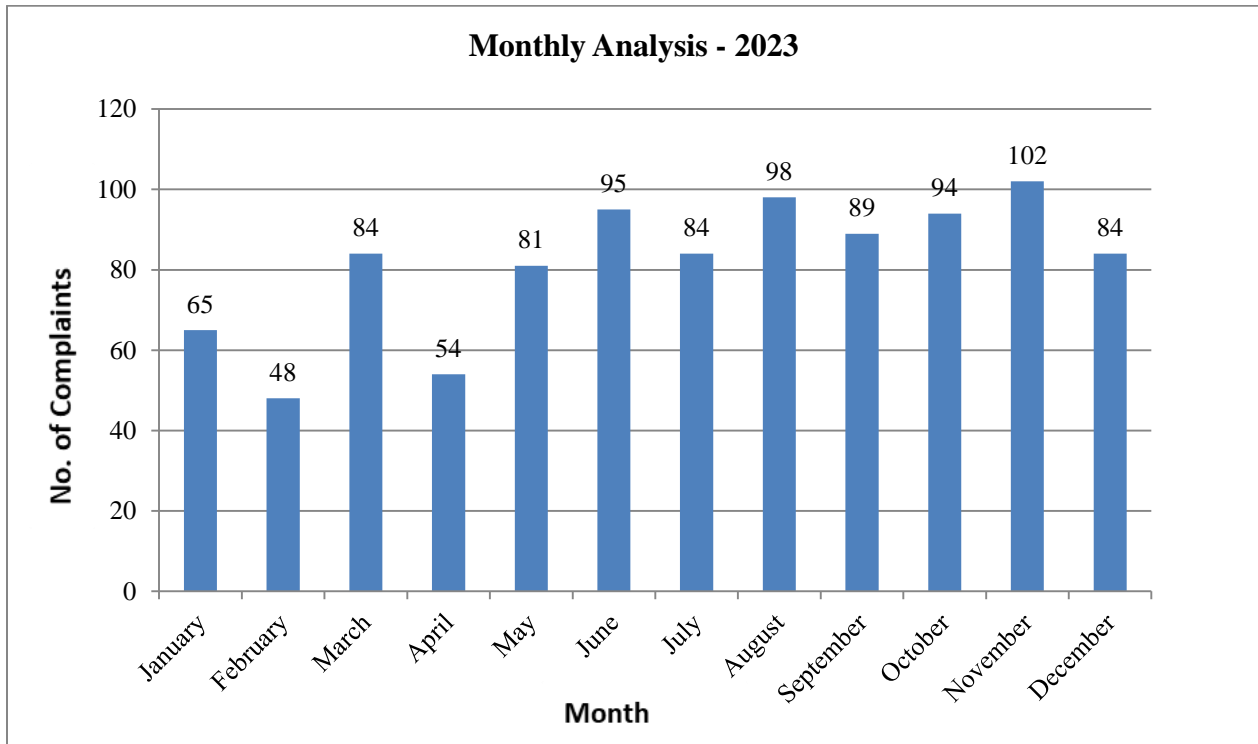


Manner in which the complaints were dealt with	Number of Complaints
● Complaints where no intervention was made	184
● Complaints where the requests were granted upon calling for reports	163
● Complaints where the requests were granted after an inquiry	10
● Complaints in which the requests were denied after calling for reports and having held inquiries	405
● Outstanding number of complaints to be dealt with in the following year	915
Total number of complaints that were dealt with during the year 2023	1677

2.3 Monthly Analysis

The total number of complaints lodged for the year 2023 was 978. The highest number of complaints, 102, was reported for the month of November and the lowest number of 48 was received in the month of February. Relevant particulars are described in graph 2 below:

Graph: 2 - Complaints made for each month for the year 2023



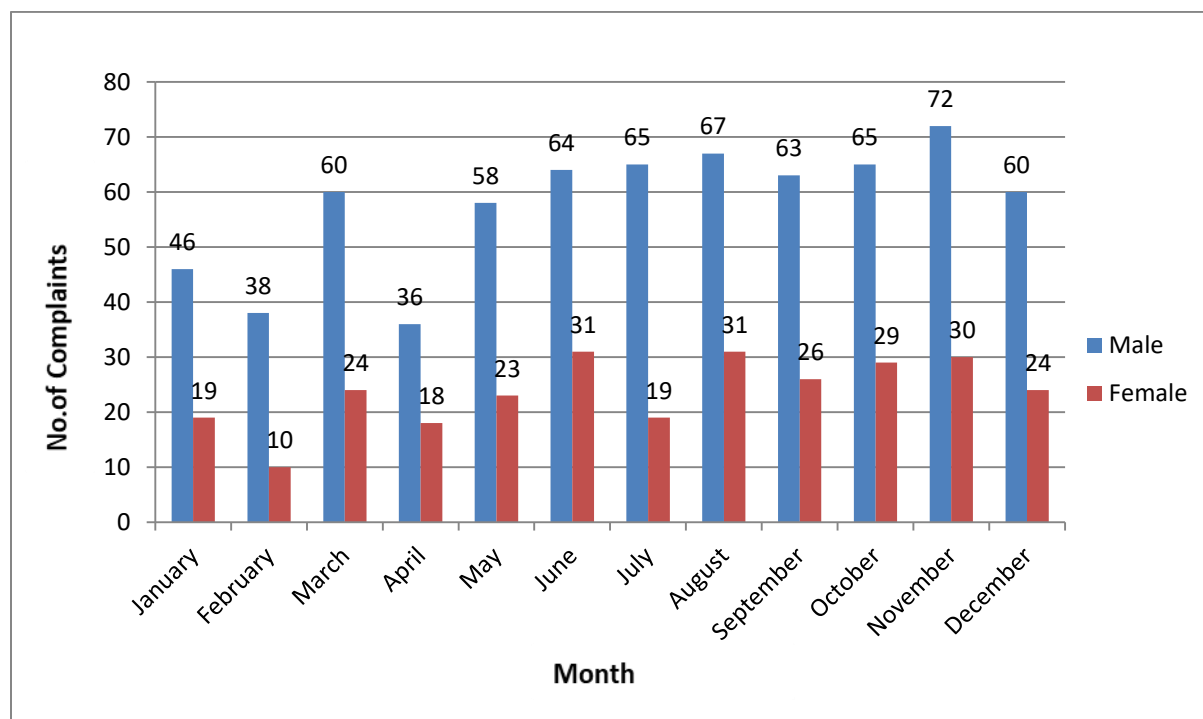
2.4 Analysis under the category of Male/Female

694 complaints were made by males while 284 were by females for the year 2023. 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	46	19	65
February	38	10	48
March	60	24	84
April	36	18	54
May	58	23	81
June	64	31	95
July	65	19	84
August	67	31	98
September	63	26	89
October	65	29	94
November	72	30	102
December	60	24	84
Total	694	284	978

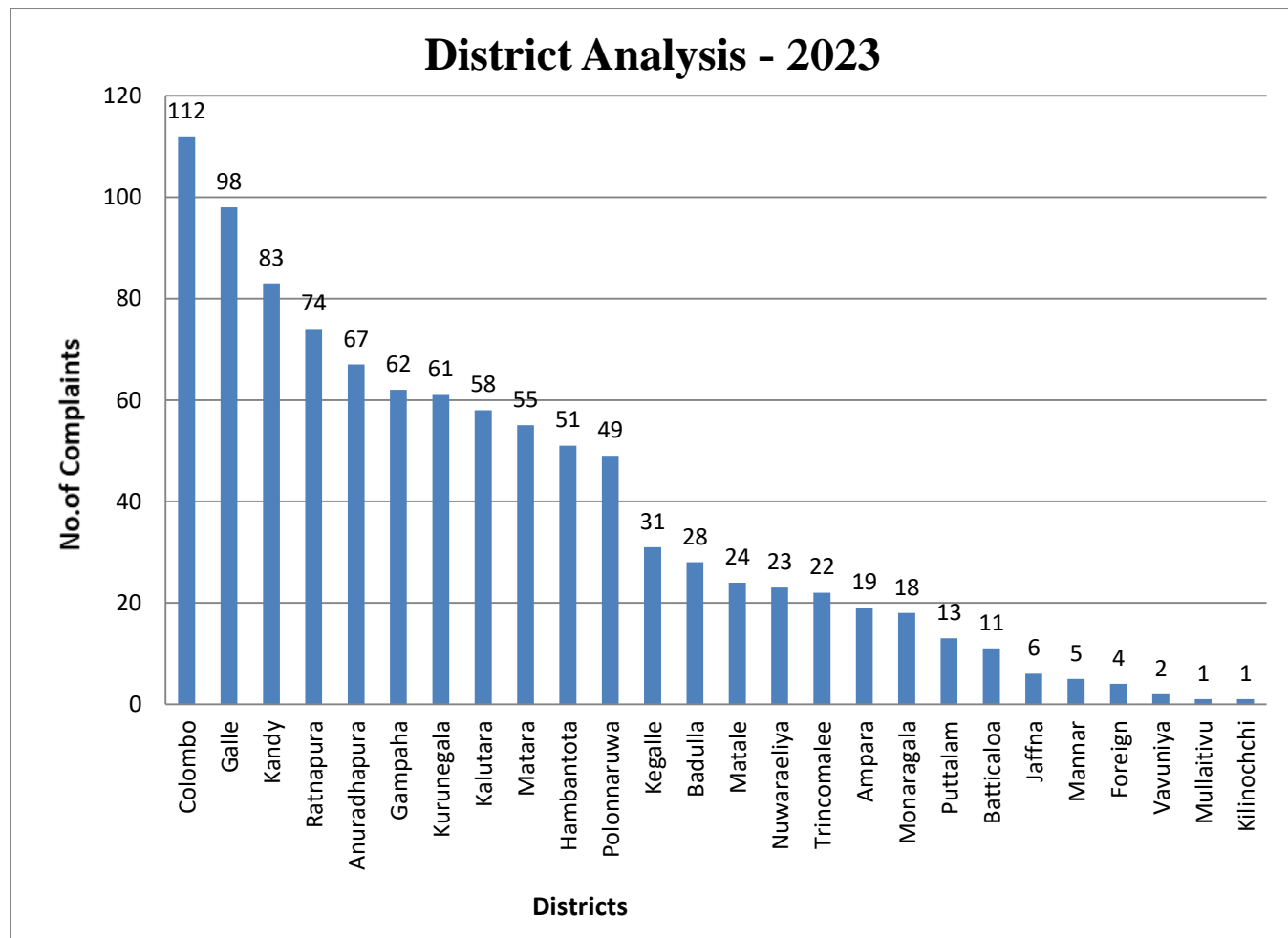
Graph 3: - Total number of complaints for 2023 on the basis of male and female



2.5 Analysis on the basis of Districts

The highest numbers of complaints for the year 2023 were received from the District of Colombo and it amounted to 112. Next highest was from Galle District and it was 98 and the number of complaints from Kandy District was 83.

Graph: 4 –Total number of complaints received for the year 2023 according to the Districts that they reside permanently



2.6 Analysis based on the Respective Subjects

In the year 2023, there were a considerable number of complaints in respect of the matters such as; land permits, grants of state land, pensions issues, Widows' and Orphans' pension issues, salary anomalies, salary increments, claims for arrears due, allowances, promotions, and seniority. Refer Table 3 below.

Table 3: - Complaints received in the year 2023 against the public officers on the basis of respective subjects

	Subject	Number of Complaints 2023
1	Land permits, Grants of State Lands	220
2	Pension, W&O	134
3	Salary Anomalies, Increments, Arrears, Allowances	79
4	Promotions, Seniority	79
5	Delay, incompetence, neglect, abuse of power	75
6	Service Absorption, Recruitment, Appointments, Confirmation, Ante dating	52
7	Unauthorized Constructions / Nuisances	42
8	Miscellaneous	42
9	University / School Admissions, Examination results	34
10	Termination of Employment, Reinstatement, Extension, Efficiency Bar	33
11	Transfers from place of work	33
12	Licenses, Building Permits	32
13	EPF / ETF / Gratuity	26
14	Loans, Recovery, Rescheduling	25
15	Compensation, Poor relief, Samurdhi	19
16	Electricity, Water, Telephone Connections, Disconnections	18
17	Insurance payments	16
18	Roadways	14
19	Harassment at Work Place	5
	Total	978

2.7 Ministries/ Public Institutions Analysis

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

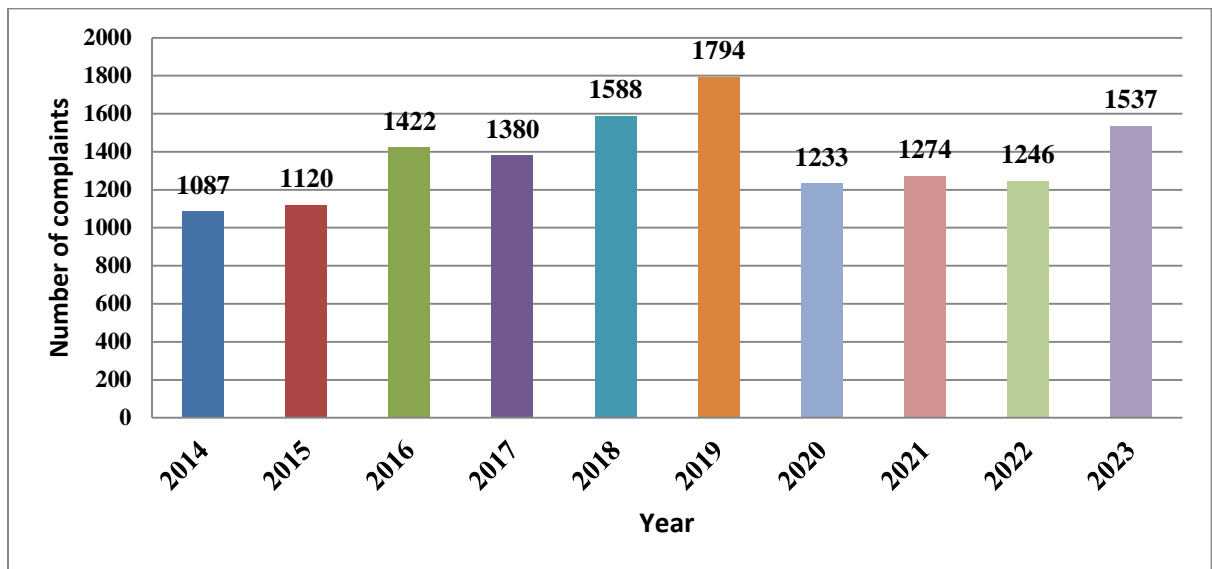
Table 4: - Complaints received against the public officers in the Ministries, Departments, Authorities and Public Institutions etc.

	Ministry, Department, Authority etc.	Number of Complaints
1	Home Affairs; District Secretariats, Divisional Secretariats	193
2	Pensions	98
3	Different Institutions	97
4	Provincial Councils & Local Government Institutions	94
5	Corporations/Authorities/Boards(CPC,CEB,SLAA,RDA,SLBC,SLRC,SLIC)	91
6	Education & Higher Education	89
7	Health and Indigenous Medicine	48
8	Irrigation & Mahaweli Authority	39
9	State Banks	28
10	Lands & Land Reforms Commission	26
11	Defense & Internal Security	19
12	Public Services Commission (Central and Provincial)	18
13	Department of Agrarian Development	17
14	Forest conservation	15
15	Government schools	15
16	Postal and Telecommunication	14
17	Transport (SLCTB, CGR, CMV)	14
18	Agriculture	13
19	Finance	7
20	Department of Examinations	6
21	Social Services / Samurdhi	6
22	Cooperative Development	4
23	Universities	4
24	Department of Labour	4
25	Urban Development Authority	3
26	National Youth Services Council	2
27	National Water Supply & Drainage Board	2
28	Justice	2
29	Public Administration	2
30	Ministry of Tourism	2
31	Geological Survey & Mines Bureau	2
32	Department of Motor Traffic	2
33	Department of Excise	2
	Total	978

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 2023 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 1537 in 2023. The lowest number had been received in 2014.

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 achieving the Sustainable Development Goals (SDG)

Chapter 06 - Human Resource Profile

Chapter 07– Compliance Report

3.1 Statement of Financial Performance

ACA -F

Statement of Financial Performance
for the period ended 31st December 2023

Rs.

Budget (2023)	Note	Actual		
		2023	2022	
-	Revenue Receipts	-	-	
-	Income Tax	1	-	} ACA-1
-	Taxes on Domestic Goods & Services	2	-	
-	Taxes on International Trade	3	-	
-	Non Tax Revenue & Others	4	-	
-	Total Revenue Receipts (A)		-	
-	Non-Revenue Receipts		-	
-	Treasury Imprest		29,452,000	ACA-3
-	Deposits		5,425	ACA-4
-	Advance Accounts Other Main Ledger Receipts		1,766,768	ACA-5/5(a)
-	Total Non-Revenue Receipts (B)		31,224,193	
-	Total Revenue Receipts & Non Revenue Receipts C = (A)+(B)		31,224,193	
-	Remittance to the Treasury (D)		7,200	
-	Net Revenue Receipts & Non-Revenue Receipts E= (C)-(D)		31,216,993	
-	Less: Expenditure			
-	Recurrent Expenditure		-	

26,340,000	Wages, Salaries & Other Employment Benefits	5	12,356,605	13,316,079	} ACA2(ii)
28,820,000	Other Goods & Services	6	17,440,540	11,732,770	
740,000	Subsidies, Grants and Transfers	7	334,492	320,930	
-	Interest Payments	8	-	-	
-	Other Recurrent Expenditure	9	-	-	
<u>55,900,000</u>	Total Recurrent Expenditure (F)		30,131,637	25,369,779	
	Capital Expenditure				
	Rehabilitation & Improvement of Capital Assets	10	-	-	} ACA-2(ii)
200,000	Acquisition of Capital Assets	11	112,000	-	
-	Capital Transfers	12	-	-	
-	Acquisition of Financial Assets	13	-	-	
100,000	Capacity Building	14	58,500	5,000	
-	Other Capital Expenditure	15	-	-	
<u>300,000</u>	Total Capital Expenditure (G)		170,500	5,000	
	Deposit Payments		5,425	5,925	} ACA-4 ACA-5/5(A)
	Advance payments		1,239,753	1,062,868	
	Other Main Ledger Payments		-	-	
	Total Main Ledger Expenditure (H)		1,245,178	1,068,793	
<u>56,200,000</u>	Total Expenditure I= (F+G+H)		31,547,315	26,443,572	
<u>-</u>	Balance as at 31st December J = (E-I)		(330,322)	(598,467)	
	Balance as per the Imprest Reconciliation Statement		(330,322)	(598,467)	ACA 7
	Imprest Balance as at 31st December		-	-	ACA 3
			(330,322)	(598,467)	

3.2 Statement of Financial Position

ACA-P

Statement of Financial Position

As at 31st December- 2023

	Note	Actual	
		2023	2022
		Rs	Rs
<u>Non Financial Assets</u>			
Property, Plant & Equipment	ACA-6	10,909,074	12,201,498
<u>Financial Assets</u>			
Advance Accounts	ACA-5/5(a)		
Cash & Cash Equivalents	ACA-3	2,801,894	3,328,909
Total Assets		13,710,968	15,530,407
<u>Net Assets / Equity</u>			
Net Worth to Treasury		2,801,894	3,328,909
Property, Plant & Equipment Reserve		10,909,074	12,201,498
Rent and Work Advance Reserve	ACA-5(b)	-	-
<u>Current Liabilities</u>			
Deposits Accounts	ACA-4	-	-
Unsettled Imprest Balance	ACA-3	-	-
Total Liabilities		13,710,968	15,530,407

Detail Accounting Statements in above ACA format Nos. 1 to 6 presented in pages from 123 to125 and Notes to accounts presented in pages from 126 to 129 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 in agreement.

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

3.3 Statement of Cash Flows

ACA-C

Statement of Cash Flows for the Period ended 31st December-2023

	2023 Rs.	Actual 2022 Rs.
<u>Cash Flows from Operating Activities</u>		
Total Tax Receipts	-	-
Fees, Fines, Penalties and Licenses	-	-
Profits	-	-
Non-Revenue Receipts		
Revenue collected on behalf of Other Revenue Heads	576,013	633,751
Imprest received	29,452,000	26,675,000
Recoveries from Advance	1,521,077	1,135,230
Deposit Received	5,425	5,925
Total Cash generated from Operations (a)	31,554,515	26,449,906

Less - Cash disbursed for:

Personal Emoluments & Operating Payments	29,797,145	25,048,849
Subsidies & Transfer Payments	7,200	634
Expenditure incurred on behalf of other Heads	-	1,062,868
Imprest Settlement to Treasury	-	5,925
Advance Payments	5,425	-
Deposit Payments	1,239,753	-

Total Cash disbursed for Operations (B)**31,384,015** **26,444,906****NET CASH FLOW FROM OPERATING ACTIVITIES(C)=(A)-(B)****170,500** **5,000****Cash Flows from Investing Activities**

Interest	-	-
Dividends	-	-
Divestiture Proceeds & Sale of Physical Assets	-	-
Recoveries from On Lending	-	-

Total Cash generated from Investing Activities (D)**-** **-****Less - Cash disbursed for:**

Purchase or Construction of Physical Assets & Acquisition of Other Investment	170,500	5,000
Advance Payments	-	-

Total Cash disbursed for Investing Activities (E)**170,500** **5,000****NET CASH FLOW FROM INVESTING ACTIVITIES(F)=(D)-(E)****(170,500)** **(5,000)****NET CASH FLOWS FROM OPERATING & INVESTMENT ACTIVITIES (G)=(C) + (F)****-** **-****Cash Flows from Financing Activities**

Local Borrowings	-	-
Foreign Borrowings	-	-
Grants Received	-	-
Deposits Received	-	-

Total Cash generated from Financing Activities (h)**-** **-**

Less - Cash disbursed for:

Repayment of Local Borrowings

-

-

Repayment of Foreign Borrowings

Repayment of Deposits

-

-

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 01st January

-

-

Closing Cash Balance as at 31st December

-

-

3.4 Notes to the Financial Statements

3.5 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		
Recurrent	56,200	55,900	30,132	54%
Capital	300	300	170.5	5.7%

3.7 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	-	-	-	-

3.8 Performance of the Reporting of Non-Financial Assets

Rs. ,000

Assets Code	Code Description	Balance as per Board of Survey Report as at 31.12.2023	Balance as per financial Position Report as at 31.12.2023	Yet to be Accounted	Reporting Progress as a %
9151	Buildings and Structures	-	-	-	-
9152	Machinery and Equipment	-	10,909	1,130	-
9153	Lands	-	-	-	-
9154	Intangible Assets	-	-	-	-
9155	Biological Assets	-	-	-	-
9160	Work in Progress	-	-	-	-
9180	Lease Assets	-	-	-	-

3.9 Auditor General's Report**

** The final audit report issued by the Auditor General is annexed with this report.

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 2023.

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
Senior	01	01	-
Tertiary	04	02	02
Secondary	17	12	05
Primary	10	04	06

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		
To develop the attitudes and professional knowledge of officers	16	One day			Local	Enhancing Officer Motivation for Duty

* Briefly explain how the training program contributes to the organization's performance.

Effective utilization of knowledge acquired through training programs can significantly enhance organizational efficiency.

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	The following Financial statements/accounts have been submitted on due date			
1.1	Annual financial statements	Complied	-	-.
1.2	Advance account of public officers	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	Maintenance of books and registers (FR445)			
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	Delegation of functions for financial control (FR 135)			
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 approve 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.	The Administrative Officer completes the work in accordance with the instructions provided by the Management Services Department.
4	Preparation of Annual Plans			
4.1	Preparation of the annual action plan	Complied		
4.2	Preparation of the annual procurement plan	Complied		
4.3	Preparation of the annual Internal Audit plan	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	Preparing the annual estimate and submitting to the NBD on due date	Complied	-	-
4.5	Submission of the annual cash flow to the Treasury Operations Department on time	Complied	-	-
5	Audit queries			
5.1	All the audit queries has been replied within the specified time by the Auditor General	Complied	-	-
6	Internal Audit			
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 4.3 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	Not Complied	Answer referred to in above 4.3 is applicable.	

	the National Audit Act No. 19 of 2018			
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 4.3 is applicable.	.
7	Audit and Management Committee			
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	Asset Management			
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	Not Complied	Executed according to the predetermined schedule for the year.	Thus far, everything has proceeded according to schedule.
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 Complied	Executed for the year.	The task is currently proceeding according to schedule.
8.5	The disposal of condemned articles had been carried out in terms of FR 772	Not Complied	Executed for the year.	-

9	Vehicle Management			
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	There is only one official vehicle attached to this office.	The completion is anticipated within the next year.
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	Management of Bank Accounts			
10.1	The bank reconciliation statements were prepared, 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	Not applicable.	-
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	Bank Balance Discrepancy	Adjusted in the current year
11	Utilization of Provisions			
11.1	The provisions allocated had been spent without exceeding the limit	Not Complied	-	-
11.2	The liabilities not exceeding the provisions that remained at the end of the year as per the FR 94(1)	Complied	An invoice exists for the website	Securing a web server with adequate capacity to meet the organization's needs

12	Advances to Public Officers Account			
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	Complied	-	-
13	General Deposit Account			
13.1	The action had been taken as per F.R.571 in relation to disposal of lapsed deposits	Complied	-	-
13.2	The control register for general deposits had been updated and maintained	Complied	-	-
14	Imprest Account			
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	Complied	-	-
14.3	The ad-hoc sub imprests had not been issued exceeding the limit approved as per F.R. 371	Complied	-	-
14.4	The balance of the imprest account had been reconciled with the Treasury books monthly	Complied	-	
15	Revenue Account			
15.1	The refunds from the revenue had been made in terms of the regulations	Not Complied	Not applicable	-
15.2	The revenue collection had been directly credited to the revenue account without credited to the deposit account	Not Complied	Not applicable	-
15.3	Returns of arrears of revenue forward to the Auditor General in terms of FR 176	Not Complied	Not applicable	-
16	Human Resource Management			
16.1	Ensuring Adherence to Approved Staffing cadre	Not Complied	The advertised positions remain unfilled at this time.	-
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	Provision of information to the public			
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 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	Implementing citizens charter			
18.1	A 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/ Client's charter as per paragraph 2.3 of the circular	Complied	-	-
19	Preparation of the Human Resource Plan			
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.	Complied	-	-
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	Complied	-	-

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	Not prepared	The necessary steps will be taken in the future
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	Complied		
20	Responses to Audit Paras			
20.1	The shortcomings pointed out in the audit paragraphs issued by the Auditor General for the previous years have been rectified	Complied	-	-

8. 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.

Retired High Court Judge K.B.K. Hirimburegama
Parliamentary Commissioner for Administration
(Ombudsman)