

CHAPTER 593

LOCAL AUTHORITIES (SPECIAL PROVISIONS)

Acts
Nos 3 of 1979,
12 of 1979.

AN ACT TO PROVIDE FOR THE DISCIPLINARY CONTROL AND DISMISSAL OF OFFICERS AND SERVANTS OF LOCAL AUTHORITIES WHO ARE NOT MEMBERS OF THE LOCAL GOVERNMENT SERVICE AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[9th January, 1979.]

Short title.

1. This Act may be cited as the Local Authorities (Special Provisions) Act.

Application of this Act. [§ 3, 12 of 1979.]

2. This Act shall apply to—

(a) every officer or servant of any local authority, other than a member of the Local Government Service constituted under the Local Government Service Law;

(b) every person who was at any time, an officer or servant of any local authority, other than a member of the Local Government Service constituted under the Local Government Service Law, whose services had been terminated or who had retired from such service and in respect of whom an application is pending before a labour tribunal in respect of such termination or in respect of non-payment of any pension, gratuity or retiring allowance due to him or the inadequacy of such pension, gratuity or retiring allowance ;

(c) every officer or servant of a local authority, other than a member of the Local Government Service constituted under the Local Government Service Law, who at any time after July 8, 1978, and prior to January 9, 1979, had retired from the service of, or whose services had been terminated by, such local authority,

hereinafter referred to as a " person to whom this Act applies ".

3. (1) Where a person to whom this Act applies was or is dealt with disciplinarily, or his services were or are terminated, by the local authority in question, he may, if he is aggrieved by any such disciplinary order or order of termination of service, make a single appeal to the Minister against such order.

(2) Where the Minister receives an appeal under subsection (1) he shall, after receiving the recommendations of the Local Government Service Disciplinary Board established under the Local Government Service Law, confirm, vary or set aside the order made by the local authority.

(3) A confirmation, variation or the setting aside of an order of a local authority made by the Minister under subsection (2) shall be binding on the local authority and the person in question, and shall be final and conclusive and not called in question in any court of law or tribunal.

4. (1) Where a person to whom this Act applies has retired or retires from the service of any local authority and he is aggrieved by the non-payment of any pension, gratuity or retiring allowance due to him or by the inadequacy of any such pension, gratuity or retiring allowance, he may make a single appeal to the Minister against such non-payment or such inadequate payment, as the case may be.

(2) Where the Minister receives an appeal under subsection (1), he shall give directions to the local authority in question with regard to such non-payment or inadequate payment.

Procedure regarding disciplinary action and termination of service of persons to whom this Act applies. [§4, 12 of 1979.]

[§4, 12 of 1979-]

Procedure regarding non-payment or inadequate payment of pension, gratuity and retiring allowances. [§5, 12 of 1979.]

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[§5,12 of 1979.]

(3) Every direction given by the Minister under subsection (2) shall be binding on the local authority and the person in question, and shall be final and conclusive and not called in question in any court of law or tribunal.

Power of Minister to delegate power to a public officer.

5. (1) The Minister may delegate to any public officer his power to hear an appeal—

(a) made under section 3 (1), other than an appeal on an order of termination of service;

(b) made under section 4(1),

and the person so delegated shall in respect of an appeal under section 3 (1) exercise such power after receiving the recommendations of the Local Government Service Disciplinary Board:

Provided, however, that notwithstanding such delegation of authority to a public officer, the Minister may in any case exercise the power of hearing an appeal against an order of any local authority and the public officer to whom such power was delegated, shall not exercise such power in such case.

(2) A confirmation, variation or setting aside of an order of a local authority made or a direction given by a public officer under subsection (1) shall be binding on the local authority and the person in question, and shall be final and conclusive and not called in any court of law or tribunal.

[§6, 12 of 1979.]

Industrial Disputes Act not to apply to persons to whom this Act applies.

[§7, 12 of 1979.]

6. (1) Notwithstanding anything in the Industrial Disputes Act, that Act shall not apply to or in relation to any person to whom this Act applies.

(2) Every application made under the Industrial Disputes Act to a labour tribunal, to which any person to whom this Act applies is a party, and which is pending on the date of commencement of this Act, shall stand dismissed,

[§7, 12 of 1979.]

(3) Where an application stands dismissed under subsection (2) any person

to whom this Act applies who was a party to such application, may appeal to the Minister under section 3 or 4 of this Act, as may be appropriate.

7. The provisions of this Act shall have effect notwithstanding anything to the contrary in the Municipal Councils Ordinance, the Urban Councils Ordinance, the Town Councils Ordinance and the Village Councils Ordinance.

This Act to prevail over laws relating to local authorities.

8. (1) The Minister may make rules in Rules. respect of all or any of the following matters:—

(a) the time limit within which and the manner in which appeals have to be made; and

(b) the time limit within which the Local Government Service Disciplinary Board shall submit its recommendations.

(2) Every rule made by the Minister shall be published in the Gazette and shall come into operation on the date of such publication or on such later date as may be specified therein,

9. In this Act unless the context otherwise requires—

"local authority" means any Municipal Council, Urban Council, Town Council or Village Council and includes any Authority created and established by or under any law to exercise, perform and discharge powers, duties and functions corresponding to or similar to the powers, duties and functions exercised, performed and discharged by any such Council;

"public officer" shall have the same meaning as in the Constitution of the Democratic Socialist Republic of Sri Lanka, 1978.