

CHAPTER 106

PUBLIC SERVANTS (LIABILITIES)

Ordinance AN ORDINANCE TO PROTECT PUBLIC SERVANTS FROM LEGAL PROCEEDINGS IN RESPECT
 No. 2 of 1899, OF CERTAIN LIABILITIES.
Act
 No. 10 of 1951.

[6th March, 1899.]

Short title. 1. This Ordinance may be cited as the Public Servants (Liabilities) Ordinance.

Actions not to lie against public servants in certain cases.

2. (1) No action shall be maintained against a public servant—

- (a) upon any promise, express or implied, to repay money paid or advanced to him or to another person at his request;
- (b) upon any promise, express or implied, to be answerable for the debt or default of another person ; or
- (c) upon any bond, bill of exchange, promissory note, or other security made, drawn, accepted, endorsed, or given by him.

(2) This section does not apply to the case of a public servant who at the date when the liability sought to be enforced is contracted is in receipt of a salary in regard to his fixed appointment of more than five hundred and twenty rupees a month.

(3) This section does not apply to a liability contracted by a person prior to the date when he became a public servant.

(4) This section does not apply to any liability contracted before the commencement of this Ordinance.

(5) This section does not apply to any liability contracted by a public servant to

"The Public Service Mutual Provident Association", incorporated under the Public Service Mutual Provident Association Ordinance.

(6) Nothing in this section contained shall affect the right of the holder any security to bring an action to realize the same.

3. All proceedings and documents in or incidental to an action in contravention of this Ordinance shall be void, and where complaint is made by a public servant or by the head of his department that such public servant is dealt with in contravention of this Ordinance by any process, execution, or order issued out of any court, and is made to that court or any court superior to it, the court or some Judge thereof shall examine into the complaint and shall, if necessary, discharge such public servant without fee, and may award reasonable costs to the complainant, which may be recovered as if costs had been awarded in his favour in an action in such court.

Proceedings in contravention of this ordinance to be void.

4. In this Ordinance, unless the context otherwise requires— Interpretation.

"action" includes legal proceedings and process of every description other than criminal, and includes proceedings in insolvency;

*" public servant" means a person employed in the service of the Government of Sri Lanka or of any Municipal Council or Urban Council or Town Council.