

PARLIAMENT OF CEYLON

5th Session 1969-70



Ceylon Electricity Board (Amendment) Act, No. 31 of 1969

[Date of Assent: November 4, 1969]

Printed on the Orders of Government

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Price: 45 cent

Postage: 10 cents

Ceylon Electricity Board (Amendment)
Act, No. 31 of 1969

L. D.—O. 43/69.

AN ACT TO AMEND THE CEYLON ELECTRICITY BOARD
ACT, NO. 17 OF 1969, WITH RETROSPECTIVE EFFECT.

[Date of Assent: November 4, 1969]

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Ceylon Electricity Board (Amendment) Act, No. 31 of 1969.

Short title.

2. The following new sections are hereby inserted immediately after section 31, and shall have effect as section 31A, section 31B and section 31c, of the Ceylon Electricity Board Act, No. 17 of 1969 (in this Act referred to as the "principal Act"):

Insertion of
new sections
31A, 31B and
31c in Act
No. 17 of 1969

" Notice
required to be
given by
certain public
officers of the
Department
before the
transfer date.

31A. (1) Every public officer of the Department, not being any such officer in a transferable service of the Government, shall, before the date on which the Government Electrical Undertakings are transferred to the Board under section 18 (in this Act referred to as the "transfer date"), give notice in writing to the General Manager of the Department that such officer intends, on that date,—

(a) to continue in office as a public officer of the Department and to perform, so long as he so continues, work for and on behalf of the Board in his capacity as such officer; or

(b) to retire from the public service and become an employee of the Board if, being a pensionable officer of the Department, he would on that date have had not less than ten years' pensionable service; or

- (c) to leave the public service and become an employee of the Board if, being a pensionable officer of the Department, he would on that date have less than ten years' pensionable service; or
- (d) to leave the public service and become an employee of the Board if he is a contributor to the Public Service Provident Fund established under the Public Service Provident Fund Ordinance; or
- (e) to both leave the public service and not become an employee of the Board.

(2) A notice given to the General Manager of the Department before the transfer date by a public officer of the Department under sub-section (1) shall be final.

Effect of
not giving
notice under
section 31A (1)
or giving such
notice under
section
31A (1) (a).

31B. (1) Any public officer of the Department who does not give the notice required by sub-section (1) of section 31A before the transfer date, or gives such notice under paragraph (a) of that sub-section, shall continue in office as such officer on and after that date and, for so long as he so continues in office, shall perform work for and on behalf of the Board in his capacity as such officer and be subject to the same conditions of service as he was subject to while doing work for the Department in his capacity as such officer, and accordingly the rules made by the Public Service Commission, and the Administrative Regulations, the Financial Regulations, and the Treasury Circulars of the Government, shall continue to apply to and in relation to such officer.

(2) Where any public officer of the Department continues in office as such officer on and after the transfer date performing work for and on behalf of the

Board in his capacity as such officer, the Board shall pay out of the funds of the Board to the Deputy Secretary to the Treasury to be credited to the Consolidated Fund of Ceylon such sum not exceeding such amount as may be determined by the Minister of Finance as sufficient to cover the salary, and other expenses including pension or provident fund contributions, payable by the Government in respect of such officer.

(3) In the event of any conflict or inconsistency between the provisions of sub-section (1) and any other provisions of this Act, the provisions of that sub-section shall to the extent of such conflict or inconsistency prevail over such other provisions.

Effect of a notice given under any of the paragraphs (b) to (e) of section 31A (1).

31c. (1) Any public officer of the Department who gives notice under any of the paragraphs (b) to (e) of sub-section (1) of section 31A before the transfer date shall,—

(a) if such notice is so given by him under paragraph (b) of that sub-section, become an employee of the Board on that date and shall, subject to the provisions of section 32, be eligible for such a pension under the Minutes on Pensions as would have been awarded to him had he retired from the public service on the ground of abolition of office on that date; or

(b) if such notice is so given by him under paragraph (c) of that sub-section, become an employee of the Board on that date and shall be deemed to have left the public service on that date and shall, subject to the provisions of section 32, be eligible for such an award under the Minutes on Pensions as would

have been awarded to him if he had left the public service on the ground of abolition of office on that date; or

- (c) if such notice is so given by him under paragraph (d) of that sub-section, become an employee of the Board on that date, and shall be deemed² for the purposes of the Public Service Provident Fund to have left the service of the Government upon the determination of contract with the consent of the Government otherwise than by dismissal; or
- (d) if such notice is so given by him under paragraph (e) of that sub-section, and —
- (i) if he is a public officer of the class or description referred to in paragraph (b) of that sub-section, be deemed to have retired from the public service on that date and shall be eligible for such a pension under the Minutes on Pensions as would have been awarded to him had he retired from the public service on the ground of abolition of office on that date, or
- (ii) if he is such an officer of the class or description referred to in paragraph (c) of that sub-section, be deemed to have left the public service on that date and shall be eligible for such an award under the Minutes on Pensions as would have been

awarded to him if he had left the public service on the ground of abolition of office on that date, or

(iii) if he is any such public officer of the class or description referred to in paragraph (d) of that sub-section, be deemed for the purposes of the Public Service Provident Fund Ordinance to have left the service of the Government upon the determination of contract with the consent of the Government otherwise than by dismissal.

(2) In the event of any conflict or inconsistency between the provisions of sub-section (1) and any other provisions of this Act, the provisions of that sub-section shall to the extent of such conflict or inconsistency prevail over such other provisions."

3. Section 32 of the principal Act is hereby repealed and the following new section substituted therefor:—

Replacement of section 32 of the principal Act.

* Special provisions applicable to certain employees of the Board.

32. The following provisions shall apply to and in relation to any employee of the Board who became such an employee on the transfer date by virtue of the operation of the provisions of section 31c:—

(1) Such employee shall be employed by the Board on such terms and conditions as may be agreed upon by such employee and the Board:

Provided, however, that such terms and conditions shall be not less favourable than the terms and conditions on which such employee was previously employed in the Department.

(2) If on the transfer date, such employee was a public officer of the Department holding a post declared to be pensionable and who had less than ten and not less than eight years' pensionable service, then,—

(a) he shall be deemed, for the purposes only of the Minutes on Pensions, to be holding the post in the Department that he held on the transfer date until such period of time as, when added to his pensionable service under the Government, makes an aggregate of ten years' pensionable service (service under the Board being counted as pensionable service under the Government for the computation of such aggregate);

(b) in respect of him the Board shall pay out of the funds of the Board to the Deputy Secretary to the Treasury to be credited to the Consolidated Fund of Ceylon for every complete month of the period of service during which he is deemed for the purposes only of the Minutes of Pensions to be holding the post in the Department that he

held on the transfer date such sum as may be determined by the Minister of Finance; and

(c) at the end of such period he shall be deemed to have retired from the public service and shall be eligible for such a pension under the Minutes on Pensions as would have been awarded to him had he retired from the public service on the ground of abolition of office on the termination of such period.

(3) Notwithstanding—

(a) the provisions of section 31c and the preceding provisions of this section; and

(b) anything to the contrary in any other written law,

where a public officer of the Department becomes an employee of the Board by virtue of the operation of the provisions of section 31c,—

(a) if such officer is eligible for a pension and elects to draw his full pension, he shall not be paid such pension during the period of his employment with the Board;

(b) if such officer is eligible for a pension and elects to draw a gratuity in partial commutation of one-fourth part of his pension in accordance with the provisions of section 2A (1) (i) of the Minutes on Pensions—

- (i) such gratuity shall not be paid to him but shall be credited to his account in a provident fund of the Board established under section 12 (j);
 - (ii) the remaining three-fourths part of the pension payable to him under the said Minutes shall not be paid to him during the period of his employment by the Board; and
 - (iii) for the purposes of the computation of the period of "twelve years and six months from the date of his retirement" referred to in section 2A (1) (ii) of the said Minutes, the date of his retirement shall be deemed to be the last date of his employment under the Board;
- (c) if such officer is eligible for a gratuity and not a pension under the Minutes on Pensions such gratuity shall not be paid to him but shall be credited to his account in a provident fund of the Board established under section 12 (j); and
- (d) if such officer is eligible for the receipt of any sum of money under the Public Service Provident Fund Ordinance, such sum shall not be paid to him but shall be credited to his account in a provident fund of the Board established under section 12 (j).

4. The following new section is hereby inserted immediately after section 32, and shall have effect as section 32A, of the principal Act:—

Insertion of new section 32A in the principal Act.

Special provisions applicable to certain persons who continue as public officers of the Department on and after the transfer date while performing work for and on behalf of the Board in their capacity as such officers.

32A. (1) Any person who on and after the transfer date continues in office as a public officer of the Department performing work for and on behalf of the Board in his capacity as such officer may at any time be permanently appointed to the staff of the Board.

(2) Where any public officer is permanently appointed to the staff of the Board under sub-section (1), the provisions of sub-section (3) of section 9 of the Motor Transport Act, No. 48 of 1957, shall, *mutatis mutandis*, apply to and in relation to him."

5. Section 34 of the principal Act is hereby amended in sub-section (1) of that section by the substitution, for the expression "section 32," of the expression "section 31A,".

Amendment of section 34 of the principal Act.

6. The amendments made in the principal Act by the preceding provisions of this Act shall be deemed for all purposes to have come into force and effect on the date of the commencement of the principal Act.

Retrospective effect of amendments made in the principal Act by this Act.