

9. Head 9 – Administrative Appeals Tribunal

9.1 Scope of Audit

The audit of the Appropriation Account including the financial records, reconciliation statements, books, registers and other records of the Administrative Appeals Tribunal for the year ended 31 December 2012 was carried out in pursuance of provisions in Article 154(1) of the Constitution of the Democratic Socialist Republic of Sri Lanka. The Management Audit Report for the year under review was issued to the Chairman of the Tribunal on 28 October 2013. The audit observations, comments and findings on the accounts and the reconciliation statements were based on a review of the accounts and reconciliation statements presented to audit and tests of samples of transactions. The scope and extent of such review and tests were such as to enable as wide an audit coverage as possible within the limitations of staff, other resources and time available to me.

9.2 Responsibility of the Chief Accounting Officer for the Accounts and Reconciliation Statements

The Chief Accounting Officer is responsible for the maintenance, preparation and fair presentation of the Appropriation Account and the Reconciliation Statements in accordance with the Articles 148, 149, 150 and 152 of the Constitution of the Democratic Socialist Republic of Sri Lanka, other Statutory provisions and Public Finance and Administrative Regulations. This responsibility includes; designing, implementing and maintaining internal control relevant to the preparation and fair presentation of Accounts and Reconciliation Statements that are free from material misstatements whether due to fraud or error.

9.3 Audit Observation

According to the Financial Records and the Books for the year ended 31 December 2012, it was observed that except for the effects of the major audit findings appearing in paragraphs 9.4 to 9.7 herein, the Appropriation Account and the Reconciliation Statement of the Administrative Appeals Tribunal had been prepared satisfactorily.

9.4 Good Governance and Accountability

9.4.1 Corporate Plan

Even though the Administrative Appeals Tribunal should have prepared a Corporate Plan at least for a period of 3 years at the beginning of the year 2010 and onwards in terms of the letter No. PF/R/2/2/3/5(4) dated 10 March 2010 of the Director General of Public Finance addressed to Secretaries of all Ministries, the Chief Secretaries of Provincial Councils, Heads of Departments, District Secretaries and Heads of Local Authorities, that Plan had not been prepared even by 31 December 2012. The Secretary to the Tribunal informed me on 07 January 2014, that it is difficult to prepared a Corporate Plan based on uncertain statistics.

9.4.2 Annual Action Plan

Even though the Tribunal should prepared an Annual Action Plan for the year 2010 and onwards in accordance with the Corporate Plan prepared in accordance with the letter of the Director General of Public Finance referred to the Paragraph 9.4.1 above, an Action Plan for the year under review had not been prepared even by 31 December 2012.

9.4.3 Annual Performance Reports

Even though the Annual Performance Report that should be prepared by the Tribunal in terms of the Public Finance Circular No. 402 of 12 September 2002 and No. 402(1) of 20 February 2004 referred in the letter of the Director General of Public Finance referred to in paragraph 9.4.1 above should have been tabled in Parliament within 150 days after the close of the financial year with a copy to the Auditor General, the Performance Report for the year under review had not been tabled in Parliament even by 14 October 2013.

9.4.4 Utilisation of Provisions

Out of the net provision made for capital expenditure 35 per cent only had been utilized in the year.

9.5 Non-compliances

Non-compliance with Laws, Rules, Regulations, etc

The instances of non-compliance with the provisions in the laws, rules and regulations observed during the course of audit test checks are analyzed below.

Reference to Laws, Rules and Regulations	Non-compliance
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(a) Statutory Provisions	

Administrative Appeals Tribunal Act, No. 4 of 2002 Section (7)	Any appeal made to the Tribunal should be heard within 02 months from the date of receipt and reach a final conclusion. But it had not been so done. The Secretary to the Commission inform me on 07 January 2014 that reaching a conclusion or issuing an order within the time frame in the is delayed as dates are given on the requests made by the respondents and the Public Service Commission in calling for observation reports on appeals or on the request made by the lawyer of the appellant or the defending officer.
(b) Establishments Code of the Democratic Socialist Republic of Sri Lanka Chapter XXIV Section 10.4	According to the provisions a permanent officer with more than 10 years service should be produced as surety for officers with less than 10 years service. Nevertheless, distress loans had been granted in instances where that requirement had not been fulfilled.

9.6 Performance

A summary of the Appeals received by the Tribunal from the year 2010 and the Appeals finalized is given below.

Year	Opening Balance	Number Received in the year	Number Finalized in the year	Number of Appeals not Finalized	Percentage of Finalized Appeals
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2010	254	11	200	65	75
2011	65	56	45	76	35
2012	76	256	141	191	42

Even though the percentage of appeals finalized in the year 2010 had been 75 per cent that had been 35 per cent and 42 per cent respectively in the years 2011 and 2012.

9.7 Human Resources Management

Approved Cadre and Actual Cadre

The position of the cadre as at 31 December 2012 had been as follows.

Category of Employees	Approved Cadre	Actual Cadre	Numbers of Vacancy
(a) Senior Level	02	02	-
(b) Secondary Level	12	09	03
(c) Primary Level	04	04	-
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Total	18	15	03
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Three vacancies remained to be filed by the end of the year under review.