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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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PART IV (A) — PROVINCIAL COUNCILS

Provincial Councils Notifications

NORTH WESTERN PROVINCE PROVINCIAL COUNCIL

Notification made under Section 185 of Pradeshiya Sabha Act, No. 15 of 1987 to be read with Section 2 of Provincial Council (Incidental Provisions) Act, No. 12 of 1989

BY virtue of powers vested in me under Sub-section 185 3(i) of Pradeshiya Sabha Act, No. 15 of 1987 to be read with Section 2 of Provincial Council (Incidental Provisions) Act, No. 12 of 1989, I, Wijesinghe Hettiachchi Mudiyanseelage Athula Sarath Kumara Wijesingha, Chief Minister of the North Western Province and Minister of Finance and Planning, Law and Order, Local Government and Provincial Administration, Man Power, Education and Cultural Affairs, Lands, Transport, Environment, Tourism, Coordination of Investment, Cooperative Development, and Supply and Distribution of food, have appointed Retired High Court Judge, O. W. O. B. Weerasena Esquire as a Single Person Commission of inquiry and the said Single Person Commission of inquiry has carried out an investigation to ascertain whether the offences mentioned in Sub-section (1) of Section 185 were committed by Mr. Senanayaka Mudiyanseelage Bandula Pushpakumara while holding his office as the “Chairman” of Pradeshiya Sabha Maho, on the offensive acts referred to in the following allegations :

Allegations so inquired are as follows :

Allegations set out in the Extraordinary Gazette Paper No. 1717/18 and dated on 03.08.2011 of Democratic Socialist Republic of Sri Lanka.

- (i) During his tenure of office as Chairman of the Pradeshiya Sabha Maho from on or about 01st of April, 2011 up to now, has committed the offence/offences stated in section/sections 185 (1) (a) and / or 185 (1) (d) of Pradeshiya Sabha Act, No. 15 of 1987, by violating the directions of C.L.G. / Circular No. 1/2010 dated 27.07.2010 of the Commissioner of Local Government in the North Western Province, by taking measures to receive a sum of Rupees One Thousand Nine Hundred and Fifty Five (Rs. 1,955.00) by Receipt No. 79488 of Pradeshiya Sabha Maho from M. T. Jaleel of Atawarala, Maho on or about 03.05.2011 for the issue of street lines certificate in approving the building Application in respect of the buildings constructed within the area of authority of Pradeshiya Sabha Maho.
- (ii) During his tenure of office as Chairman of the Pradeshiya Sabha Maho from on or about 01st of April, 2011 to on or about 24.06.2011, has committed the offence/offences stated in section/sections 185 (1) (a) and / or 185 (1) (b) and / or 185 (1) (e) of Pradeshiya Sabha Act, No. 15 of 1987, by violating the section 174 of Pradeshiya Sabha Act, No. 15 of 1987 by taking measures to pay a sum of Rupees Twenty Two Thousand Two Hundred and Forty Five (Rs. 22,245.00) by paying voucher No. 435 from the General fund of the Pradeshiya Sabha to K. M. Aruna

Pushpakumara of Maho on or about 21.04.2011 for the supply of stationeries required for the Pradeshiya Sabha Maho without obtaining a formal resolution of Pradeshiya Sabha Maho.

- (iii) During his tenure of office as Chairman of the Pradeshiya Sabha Maho from on or about 01st of April, 2011 to on or about 24.06.2011, has committed the offence/offences stated in section/sections 185 (1) (a) and / or 185 (1) (b) and / or 185 (1) (e) of Pradeshiya Sabha Act, No. 15 of 1987, by taking measures to pay a sum of Rupees Four Thousand and Six Hundred (Rs. 4,600.00) or an amount close to that amount as an allowance by paying voucher No. 564 from the General fund of the Pradeshiya Sabha to I. M. S. Herath, Montessori Matron employed on the basis of allowance in the Pre School, Ambanpola of Maho, on or about 10.05.2011 despite her absence from 01.03.2011 - 27.04.2011 for the service without observing the provisions stated in Financial and Administration rules No. 103 enacted in 1988 under section 184 of Pradeshiya Sabha Act, No. 15 of 1987.
- (iv) During his tenure of office as Chairman of the Pradeshiya Sabha Maho from on or about 01st of April, 2011 up to now has committed the offence/offences stated in section 185 (1) (a) of Pradeshiya Sabha Act, No. 15 of 1987, by violating the section 19 (1) (i) of Pradeshiya Sabha Act, No. 15 of 1987 by recruiting Mrs. I. M. S. K. Herath, Mrs. L. S. Renuka Damayanthi, Mrs. R. M. Malsha Harshani as Montessori Matrons and Mrs. Mala S. Tikiri Kumari as a computer operator on the basis of paying allowances by the Pradeshiya Sabha Maho.
- (v) During his tenure of office as Chairman of the Pradeshiya Sabha Maho from on or about 01st of April, 2011 up to now committed the offence/offences stated in section/sections 185 (1) (a) and / or 185 (1) (b) and / or 185 (1) (e) of Pradeshiya Sabha Act, No. 15 of 1987, by taking measures to pay a sum of Rupees of Twenty Thousand Eight Hundred and Twenty Seven and Eighty Cents (Rs. 20,827.80) to the institute of Hotel Shanthi for treating distinguish persons arrived to the Pradeshiya Sabha on or about 07th April of 2011, from the General Fund without obtaining a formal resolution of Pradeshiya Sabha and the approval of the Minister in charge of the subject in the North Western Province under section 132 of Pradeshiya Sabha Act, No. 15 of 1987 to be read with section 2 of Provincial Council Incidental Act, No. 1 of 1989.
- (vi) During his tenure of office as Chairman of the Pradeshiya Sabha Maho from on or about 01st of April, 2011 up to now, committed the offence/offences stated in section/sections 185 (1) (a) and / or 185 (1) (b) and / or 185 (1) (e) of Pradeshiya Sabha Act, No. 15 of 1987, by taking measures to pay a sum of Rupees Thirty Eight Thousand (Rs. 38,000.00) from the General Fund without obtaining a formal resolution by the Pradeshiya Sabha to Sesath Electrical Company, No. 68, Maliban Street, Colombo 11 on or about 25th of April of 2011 for the supply of street lamp accessories in order to repair street lamps within the area of Pradeshiya Sabha Maho.
- (vii) During his tenure of office as Chairman of the Pradeshiya Sabha Maho from on or about 01st of April, 2011 up to now, committed the offence/offences stated in section/sections 185 (1) (a) and / or 185 (1) (b) and / or 185 (1) (e) of Pradeshiya Sabha Act, No. 15 of 1987, by violating the recommendations of the Tender Board by taking measures to pay a sum of Rupees Forty Six Thousand One Hundred and Fourty Six and Twenty Five Cents (Rs. 46,146.25) from the General Fund without obtaining a formal resolution by the Pradeshiya Sabha to Sesath Electrical Company, No. 68, Maliban Street, Colombo 11, on or about 01.03.2011 for the supply of street lamps equipment in order to repair street lamps within the area of Pradeshiya Sabha Maho.
- (viii) During his tenure of office as Chairman of the Pradeshiya Sabha Maho from on or about 01st of April, 2011 up to now, committed the offence/offences stated in section/sections 185 (1) (a) and / or 185 (1) (b) and / or 185 (1) (e) of Pradeshiya Sabha Act, No. 15 of 1987, by taking measures to pay a sum of Rupees Seventy Six Thousand Four Hundred and Seventy Five (Rs. 76,475.00) to Mr. R. M. L. K. Rajapaksha on or about 26.04.2011 without obtaining a formal resolution of the Pradeshiya Sabha in respect of the preparation of plans and estimates for the Public Library and Solid Waste Management Project, Balalla of the Pradeshiya Sabha Maho.

Allegations set out in the Extraordinary Gazette Paper of Democratic Socialist Republic of Sri Lanka, No. 1720/7 and dated on 24.08.2011.

- (i) During his tenure of office as Chairman of the Pradeshiya Sabha, Maho from on or about 01st of April, 2011 committed the offence/offences stated in section/sections 185 (1) (a) and / or 185 (1) (b) and / or 185 (1) (e) of Pradeshiya Sabha Act, No. 15 of 1987, by violating the recommendations of the Tender Board by taking measures to Pay a sum of Rupees Forty Six Thousand two Hundred and Seventy Five (Rs. 46,275.00) or and amount close to that amount from the General Fund without obtaining a formal resolution by the Pradeshiya Sabha Maho to “Sesath Electrical Company”, No. 68, Maliban Street, Colombo 11 on or about 23.06.2011 for the supply of street lamp equipment in order to repair of Street Lamps within the area of authority of Pradeshiya Sabha, Maho.
- (ii) During his tenure of office as Chairman of the Pradeshiya Sabha Maho from on or about 01st of April, 2011 has committed the offence/offences stated in section/sections 185 (1)(a) and / or 185 (1) (b) and / or 185 (1) (e) of Pradeshiya Sabha Act, No. 15 of 1987, by disturbing to the duty of Acting Secretary, Management Assistant Mrs. I. M. Swarnathilaka of Pradeshiya Sabha Maho on 26.07.2011.
- (iii) During his tenure of office as Chairman of the Pradeshiya Sabha, Maho from on or about 01st of April, 2011, has committed the offence/offences stated in section/sections 185 (1)(a) and / or 185 (1) (b) and / or 185 (1) (e) of Pradeshiya Sabha Act, No. 15 of 1987, by ordering the Acting Secretary, Management Assistant Mrs. Swarnathilaka of Pradeshiya Sabha, Maho to pay from the General fund of the Pradeshiya Sabha despite the unfulfilled prerequisites in respect of a financial matter under section 219 of the Pradeshiya Sabha Act, No. 15 of 1987 of Pradeshiya Sabha on or about 26.07.2011.
- (iv) During his tenure of office as Chairman of the Pradeshiya Sabha, Maho from on or about 01st of April, 2011 has committed the offence/offences stated in section/sections 185(1) (a) and / or 185 (1) (b) and / or 185 (1) (e) of Pradeshiya Sabha Act, No. 15 of 1987, by taking measures to pay a sum of Rs. 29,500/- or an amount close to that amount, in respect of a financial matter under Section 219(1) of the Pradeshiya Sabha Act, No. 15 of 1987 of Pradeshiya Sabha Act, by the paying voucher 436 to Mr. K. M. Aruna Pushpa Kumara, Driver of Pradeshiya Sabha Maho on or about 26.04.2011, without making payments by the General Fund of Pradeshiya Sabha Maho to the Institute of Coloniel Electrical Equipments, Sangaraja Mawatha, Colombo 10, disregarding a bill of Rs. 29,500/- issued by the Institute of Coloniel Electrical Equipments to the name of the Chairman of the Pradeshiya Sabha Maho for the supply of 100 bundles of electric cables for repair of street lamps within the area of Pradeshiya Sabha Maho.
- (v) During his tenure of office as Chairman of the Pradeshiya Sabha Maho from on or about 01st of April, 2011 has committed the offence/offences stated in section/sections 185 (1) (a) and / or 185 (1) (b) and / or 185 (1) (e) of Pradeshiya Sabha Act, No. 15 of 1987, by violating the section 174 of Pradeshiya Sabha Act No. 15 of 1987 by taking measures to pay a sum of (Rs. 1,43,850/-) to the institute of “Sesath Electrical Company”, No. 68, Maliban Street, Colombo 11, on or about 13.07.2011 for the supply of street lamps, equipments in order to repair of street lamps within the area of authority of Pradeshiya Sabha Maho, without following a regular tender procedure.
- (vi) During his tenure of office as Chairman of the Pradeshiya Sabha Maho from on or about 01st of April, 2011 has committed the offence/offences stated in section/sections 185 (1) (a) and / or 185 (1) (b) and / or 185 (1) (e) of Pradeshiya Sabha Act, No. 15 of 1987, by taking measures to pay a sum of Rs. 1,43,850.00 or an amount close to that amount by paying voucher Nos. 741, 742, 743 and 744 to the institute of “Sesath Electrical Company”, No. 68, Maliban Street, Colombo 11 from the General Fund without a formal resolution by the Pradeshiya Sabha on or about 13.07.2011 for the supply of street lamp accessories for the repair of Street Lamps within the area of authority of Pradeshiya Sabha.

In terms of the report of Single Person Commission of Inquiry made of O. W. O. B. Weerasena Esquire, Retired High Court Judge who carried out an investigation in respect of the above allegations against Senanayake Mudiyansele Bandula Pushpakumara, Chairman of Pradeshiya Sabha Maho, it has been decided that Mr. Senanayake Mudiyansele Bandula Pushpakumara, Chairman of Pradeshiya Sabha Maho, is guilty of the allegations ii, iv, v, vi, vii, viii as well as

Mr. Senanayake Mudiyanseelage Bandula Pushpakumara, Chairman of Pradeshiya Sabha Maho is not guilty of the allegations ii, iii included in the *Extraordinary Gazette* Paper No. 1717/18 and dated on 03.08.2011 of the Democratic Socialist Republic of Sri Lanka, further it has been decided that Mr. Senanayake Mudiyanseelage Bandula Pushpakumara, Chairman of Pradeshiya Sabha Maho is guilty of the allegations of i, ii, iii, iv, v, vi included in the *Extraordinary Gazette* Paper No. 1720/7 and dated on 24.08.2011 of the Democratic Socialist Republic of Sri Lanka.

I am satisfied with the findings after deeply studying the evidences submitted in respect of all the allegations and findings forwarded by Single Person Commission of Inquiry.

Accordingly, I am satisfied that Mr. Senanayake Mudiyanseelage Bandula Pushpakumara, Chairman of Pradeshiya Sabha Maho has committed offences set out in Sections 185(1) (a), 185(1) (b), 185(1) (c), 185(1) (d), 185(1) (e) of Sub-section 185(1) of Pradeshiya Sabha Act, No. 15 of 1987, due to the commitment of offences pertaining to the allegations ii, iv, v, vi, vii, viii included in the *Extraordinary Gazette* Paper No. 1717/18 and dated on 03.08.2011 of the Democratic Socialist Republic of Sri Lanka and allegations i, ii, iii, iv, v, vi included in the *Extraordinary Gazette* Paper No. 1720/7 and dated on 24.08.2011 of the Democratic Socialist Republic of Sri Lanka.

On satisfying so, I hereby notify that Mr. Senanayaka Mudiyanseelage Bandula Pushpakumara is removed from the post of “Chairman” the Executive Post of Pradeshiya Sabha Maho with effect from 10 July 2012 by virtue of powers vested in me under Sub-section (1) of 185(1) of Pradeshiya Sabha Act, No. 15 of 1987 to be read with Section Two of Provincial Council (Incidental Provisions) Act, No. 12 of 1989.

ATHULA SARATH KUMARA WIJESINGHA,
Chief Minister and Provincial Minister in charge of the subjects of
Finance and Planning, Law and Order, Local Government and
Provincial Administration, Man Power, Education and Cultural Affairs,
Land, Transport, Environment, Tourism, Coordination of Investments
Cooperative Development and Supply and Distribution of Food.
(North Western Province)

At the Chief Ministry,
Kurunegala,
10th day July 2012.

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