

# In the Administrative Appeals Tribunal

Appeal No : AAT/170/2025 (NPC)  
Date : 03.02.2026

A.B.M.Dhanushka

**Appellant**

*Vs*

National Police Commission

**Respondent**

**Before: Justice K T Chitrasiri (Chairman)**  
**J J Rathnasiri (Member)**  
**Srinithy Nandasekaran (Member)**

Appellant is present.

Mr.T.Gunatilaka, Retired Government Servant appears for the appellant.

Mr.R.M.S.P.Rathnayake, Deputy Director is present representing the National Police Commission.

Relief sought by the appellant is to have him reinstated setting aside the Vacation of Post Notice dated 08.01.2023. Admittedly, the appellant had been serving the Department of Police as a probationary officer. Accordingly, it is clear that his services had not been confirmed. Therefore, it is evident that the Vacation of Post notice had been served on the appellant when he was in the probationary period.

When an officer is serving the period of probation, appointing authority shall terminate his or her services instead of sending a Vacation of Post notice in the event that the officer fails to report for duties. This position is shown in Section 24:3:2, in Chapter XLVIII of the Establishments Code. It is also depicted in the Procedural Rules published by the PSC which are found in the Gazette Notification dated 14.12.2022 and is filed of record.

The said procedural rule reads as follows:

*113. It shall be the duty of the Appointing Authority to terminate the services of an officer on probation against whom specific instances of misconduct cannot be urged but whose temperament, behavior and other defects render him unsuitable for further retention in the public service. In such an instance, the Appointing Authority shall*

*ensure that all reasons which led to such a decision are recorded specifically and in detail in the relevant file and all factors that support such decision are kept secured. The letter of termination should be in the format of Appendix 07 with alterations where necessary.*

In view of the above provision and the rules governing the procedure for terminating the services of a public officer, it is our view that it is wrong to send a Vacation of Post notice to an officer serving the probationary period. Therefore, we make order to set aside the Vacation of Post order and direct the National Police Commission to take steps to send a letter terminating the services of the appellant due to not reporting for work during the period of probation.

National Police Commission is directed to implement the said order and to inform the Tribunal accordingly.

For the reasons set out before, Tribunal decides to terminate the proceedings in this appeal.

Proceedings are terminated.

**Justice K T Chitrasiri**  
**(Chairman)**

**I agree.**

**J J Rathnasiri**  
**(Member)**

**I agree.**

**S Nandasekaran**  
**(Member)**

**HR/**