

In the Administrative Appeals Tribunal

Appeal No : AAT/197/2024 (NPC)
Date : 25.09.2025

L.P.K.Aravinda

Appellant
Vs
National Police Commission
Respondent

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

Appellant is present.

Mr.D.R.D.U.Dissanayake, Government Servant appears for the appellant.

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

Mr.Rathnayake on behalf of the National Police Commission tendering a report which is dated 25.09.2025 submits that the appellant has already retired from his office by the time this appeal was filed. Appellant has retired on 29.12.2023 and he has filed this petition of appeal on 03.06.2024.

The issue now before the Tribunal is whether or not this Tribunal possesses the jurisdiction to hear and determine the appeals filed by the officers who were in the public service or in the police service and have retired by the time the appeals are filed, seeking for redress through this Tribunal.

We addressed our minds to Section 4 (1) of the Administrative Appeals Tribunal Act No. 4 of 2002 and it stipulates as follows:

“4 (1) Any public officer or police officer as the case may be, aggrieved by an order or decision made by the Public Service Commission or the National Police Commission, as the case may be, may prefer an appeal in writing to the Tribunal within four weeks from the date of receipt of such order or decision.”

Under and in terms of the aforesaid provision in law, any public officer or police officer is entitled to file an appeal before this Tribunal seeking to set aside, vary, vacate or rescind a decision made by the Public Service Commission or the National Police Commission. Therefore, it is necessary to interpret the above term “**public officer or police officer**” in order to ascertain the persons who are entitled to file appeals before this Tribunal.

We then looked at Article 170 of the Constitution of the Democratic Socialist Republic of Sri Lanka as well. In that Article “**public officer**” is defined as follows:

“Public officer” means a person who holds any paid office under the Republic other than the judicial officer”....

Therefore, a public officer is defined in Article 170 of the Constitution as an officer who holds any paid office under the Republic. Hence, when an officer holds an office for which he/she is being paid by the Government is considered as a public officer. Therefore, even the police officers are also fall within the category of public officers since they are holding an office and are being paid by the Government. However, Article 170 excludes judicial officers and the following officers from the category of public officers. Therefore, those judicial officers and the following personnel are not considered as public officers for the purposes of interpreting the Section 4 (1) of the Administrative Appeals Tribunal Act No. 4 of 2002.

- a) the President;
- b) the Speaker;
- c) a Minister;
- d) a member of the Judicial Service Commission;
- e) a member of the Public Service Commission;
- f) a Deputy Minister;
- g) a Member of Parliament;
- h) the Secretary-General of Parliament;
- i) a member of the President’s staff;
- j) a member of the staff of the Secretary-General of Parliament.

In the circumstances, it is crystal clear that the public officers including the police officers who are holding a public office and are being paid by the Government do come within the meaning of “public officer and police officer” referred to in Section 4 (1) of the Administrative Appeals Tribunal Act No. 4 of 2002.

Accordingly, officers who have retired from the Government service or the Police service cannot be considered as public officers, as they are neither holding an office in the Government nor being paid by the Government.

Then the question arises whether or not a person who has retired from his/her office is eligible to invoke jurisdiction of this Tribunal. When a person retires from office such a person does not hold any public office neither is he paid by the Government. Even though the pensioners are being paid by the Government, such payments are made not because they are holding any office of the Government but because they have served the Government in the past. Certainly, they are not holding a public office. Therefore, the retired public officers and retired police officers do not come within the persons referred to in Section 4 (1) of the Administrative Appeals Tribunal Act No.04 of 2002.

In the circumstances, we hold that the persons who have retired from the Public Service or from the Police Service are not entitled to file appeals before this Tribunal.

Accordingly, Tribunal decides to dismiss this appeal.

At this stage, Mr.Dissanayake submits that the appeal filed by the appellant before the National Police Commission was to have his services confirmed, but the decision of the NPC was in respect of a disciplinary matter. Therefore, appellant is free to bring these matters before the National Police Commission if he so wishes.

Appeal is dismissed.

I agree.

Justice K T Chitrasiri
(Chairman)

J J Rathnasiri
(Member)

I agree.

S Nandasekaran
(Member)

HR/