

# In the Administrative Appeals Tribunal

**Appeal No** : AAT/230/2020 (NPC)  
**Date** : 07.08.2025

I.G.A. Senaratne

**Appellant**

**Vs**

**The National Police Commission (NPC)**

**Respondent**

**Before** : **Justice K.T. Chitrasiri, (Chairman)**  
**J. J. Rathnasiri, (Member)**  
**S. Nandasekaran, (Member)**

Appellant is present.

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

Ms.Mala Basnayake Deputy Director is present representing the National Police Commission.

Heard both parties in support of their respective cases.

This appeal had been filed by the appellant challenging the decision made by the then Public Service Commission by which the powers of the National Police Commission was exercised.

In the written submissions dated 07.04.2025 filed by the appellant it is stated that he was convicted for three charges after the formal disciplinary inquiry been held and was imposed a punishment to defer two increments from his salary and was not paid the salary for the period that he was under interdiction. This punishment was imposed on 10.05.2013 by the Senior Deputy Inspector General of Police, Eastern Province.

Thereafter, the appellant has filed an appeal (dated 16.06.2020) to the National Police Commission and the National Police Commission by its order dated 26.10.2020 has increased the punishment making it to defer three increments.

At this stage the appellant informs the Tribunal that if an order is made to retain the punishment imposed by the Senior Deputy Inspector General of Police, Eastern Province, he is satisfied and it is the only relief he is seeking from this Tribunal.

(cont. on page 2)

We do not see the rationale or the reason for the National Police Commission to increase the punishment of the appellant making it to defer three increments.

In terms of Section 22.7 in Chapter XLVIII of the Establishments Code it is clearly mentioned that where any or some or all of the findings of the Tribunal are rejected or revised in terms of Section 22.6, the disciplinary authority should note clearly and specifically in the relevant disciplinary file all the reasons on which such decision was based.

We have looked at the observations of the Public Service Commission dated 24.08.2022. In that it is clearly mentioned as follows:

- vi. විධිමත් විනය පරීක්ෂණයේදී මෙහෙයවා ඇති සාක්ෂි අනුව, අභියාචක ඇතුළු පිරිස පොලිස් මුරපලට කිසිදු අවසරයකින් තොරව මත්පැන් රැගෙන විත් පානය කර ඇති බවත් සුක්ෂ්ම අයුරින් සිවිල් ආරක්ෂක හට 56009 උපුල් නිලධාරියාගේ පුවසයට ගංජා පැකට් දෙකක් දමා ඔහු ගංජා අලෙවි කරන බවට අසත්‍ය දුරකථන ඇමතුම් ලබා දී ඇති බවත් මේ සඳහා අභියාචක ආධාර අනුබල දී ඇති බවත් සනාථ වන බව,
- 04. ඉහත සියලුම කරුණු සැලකිල්ලට ගෙන අභියාචක විසින් 2020.06.16 දිනැතිව ඉදිරිපත් කරන ලද අභියාචනය ප්‍රතික්ෂේප කර ඇති අතර අභියාචක වෙත විනය නියෝගය මගින් ලබා දී ඇති දඬුවම ප්‍රමාණවත් නොවන බව නිරීක්ෂණය කරමින් විනය බලධාරියා විසින් ලබා දී ඇති විනය නියෝගය පහත පරිදි සංශෝධනය කිරීමට තීරණය කර ඇති අතර ඒ බව ජාතික පොලිස් කොමිෂන් සභා ලේකම්ගේ අංක NPC/AP/DIS/383/2020 සහ 2020.010.26 දිනැති ලිපිය මගින් අභියාචක වෙත දැනුම් දී ඇත. (ඇමුණුම 03)
  - I. වැටුප් වර්ධක 03ක් විලම්භනය කිරීම
  - II. මෙය නින්දනය වරදක් ලෙස සැලකීම

The aforesaid decision does not show any valid reason for the increase of punishment imposed on the appellant. Therefore, the decision of the Public Service Commission cannot be allowed to stand as it is.

At this stage both parties inform the Tribunal that the punishment imposed by the Senior DIG, Eastern Province on the appellant as well as the other officer namely PS 50416, Karunaratne who were involved in the same incident were imposed the punishment to defer two increments. However, we note that the said Karunaratne has not filed an appeal to the then Public Service Commission. Therefore his punishment now in force is to impose a punishment to defer two increments only.

Considering those two matters mentioned in the preceding two paragraphs we decide that it is incorrect to have two different punishments for the same offence when it comes to the officials holding similar ranks.

**AAT/230/2020 NPC**

For the reasons set out before, we decide to set aside the punishment dated 26.10.2020 imposed by the National Police Commission and to remain the decision to defer two increments as decided by the Senior Deputy Inspector General of Police, Eastern Province and not to pay salaries for the period that the appellant was under interdiction.

Accordingly, we allow the decision made by the Senior Deputy Inspector General of Police, Eastern Province dated 10.05.2013 to remain as it is. Accordingly, the appeal filed by the appellant is allowed subject to the aforesaid conditions.

Appeal is allowed subject to condition.

**I agree.**

**Justice K.T. Chitrasiri  
Chairman**

**I agree.**

**J.J. Rathnasiri  
Member**

**S. Nandasekaran  
Member**

