

In the Administrative Appeals Tribunal

Appeal No : AAT/301/2019 (NPC)
Date : 22.04.2025

W.R. Peiris,
“Priyaranjana”
Pussagaha hena,
Kamburupitiya.

Appellant

Vs

The National Police Commission (NPC)
Respondent

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

Appearances :

Appellant is present.

Mr. T. Gunathilake Retired Government Servant appears for him.

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

ORDER :

Heard both parties in support of their respective cases.

Relief sought by the appellant is to annul the letter dated 03.10.2016, sent by the Director (Recruitment) at the Police Recruiting Office by which the employment of the appellant was terminated.

The basis for the termination of his services is that the appellant has failed to disclose the adverse reports of his own brother and a cousin brother, at the time he was recruited as a Police Officer. In that letter, it is also stated that there had been an incident where two women had made a complaint alleging that they were sexually assaulted by the appellant.

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However, the said complaint of the two women had been proved false and therefore appellant had been acquitted on the said charge of sexual assault. National Police Commission too is admitting that the complaint made by those two women had been proved as false. Therefore the only reason for the termination of the services of the appellant is the failure to disclose the criminal records of his siblings.

The appellant submits that he was brought by his sister to Matara from Nawalapitiya where he was living with his parents in the year 1997 after his mother left the country for employment abroad. He further submits that he had no any connection whatsoever since then, with his two brothers who had criminal records and were living in Nawalapitiya. According to the appellant he has not visited his ancestral house since 1997 except for two trips to Kandy, where his other relatives are living.

His entire stint in the school had been in Kamburupitiya upto the Advanced Levels grade. In support of this position he has filed a document dated 31.07.2014 issued by Grama Niladari of Kamburupitiya in which it is stated that his name is registered in the Voters List in Kamburupitiya since 2013. There is another letter marked P4 which had been issued by another Grama Niladari in Kamburupitiya stating that the appellant had been living in Kamburupitiya since the year 1998.

It is also to be noted that there is no material to establish any fact adverse to the aforesaid submissions made by the appellant. Therefore there is no reason to disbelieve the submissions made by the appellant. Appellant was recruited as a Police Constable in the year 2007.

At this stage Mr. Gunathilake refers to a direction issued by the then Inspector General of Police which is dated 06th August 2007 in which it is stated that the adverse reports of an applicant to join the Police Department should be considered only for a period of five years prior to the date of recruitment. Involvements of criminal activities of the brother of the appellant had been in the year 2000. Therefore, that particular incident had taken place five years before the date of recruitment of the appellant.

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At this stage the attention of the Tribunal is drawn to a letter issued by the Headquarter Police Inspector of Mount Lavinia in which the HQI has made recommendations over the services of the appellant having mentioned various duties performed by the appellant when he was in the service.

Considering all those circumstances Tribunal decides that it is incorrect to terminate the services of the appellant by letter dated 03.10.2016. Therefore Tribunal decides to vacate the said letter dated 03.10.2016 issued by the Director (Recruitment) at the Police Recruiting Office, acting on behalf of the IGP. Accordingly the decision of the National Police Commission contained in the letter dated 02.07.2018 is set aside. In view of the said decision, the Tribunal directs the NPC to reinstate the appellant with effect from 22.04.2025 i e today. However, the appellant is not entitled to any back wages or any other emoluments in view of this decision.

Appeal is allowed subject to conditions mentioned hereinbefore.

I agree.

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

I agree.

**J.J. Rathnasiri,
Member**

**S. Nandasekaran,
Member**

