

Ministry of Public Administration,
Independence Square,
Colombo 07.

21st September, 1993.

To All Secretaries and
Heads of Departments.

**Compensation for Public Officers who suffer injury
whilst on duty**

A Public Officer or a Judicial Officer (other than a member of the Armed Services) whether holding permanent and pensionable appointment or not, should be paid the compensation set out in this Circular if the impairment or the loss of earning capacity in relation to the job of the officer concerned or the permanent disfiguration of the body of the Officer following an injury arises under the following circumstances.

- (a) while on duty,
- or (b) while not on duty but in the performance of an act which is within the scope of his ordinary duties.
- or (c) in consequence of any act performed in the execution of his duties,
- or (d) while on a journey -
 - from his place of residence to his place of work to report for duty,
 - or from his place of work to his place of residence after duty,
- or (e) while on a journey from his place of work to attend to official work, or while on the return journey to his place or work, provided-that where the officer -
 - (i) has met with the injury acting in violation of any law or departmental rule or regulation and/or
 - (ii) there is contributory negligence on the part of the officer, a reduction should be made of the compensation otherwise payable,
 - (iii) If the officer is under the influence of liquor, he should not be paid any compensation.

02. The basis of compensation under this section will be the lose of earning capacity in relation to the job of the officer or permanent disfiguration of the body following the injury.

03. (a) **Monetary Compensation**

- (i) if the injury results in death 60 months' salary payable to the dependants by the Director of Pensions on the recommendation of the Board dealing with the payment of compensation mentioned in Section 5 of this Circular.

- (ii) if the injury results in permanent total disablement 60 months' salary being deemed unfit for service by the Board dealing with the payment of compensation mentioned in section 5 of this Circular. The Board will take decision on the recommendations of the Head of the Department concerned and based on the report of the Medical Board. when patients is categorized under "permanent total disablement" the Medical Board will not state any percentage of loss of earning capacity / disability. Instead it will report that the patient is not fit to perform the duties of the present post he holds and tat the patient is "permanently and totally disabled".

- (iii) if the injury results in permanent partial disablement Compensation payable to be determined by the Board dealing with the payment of compensation mentioned in section 5 of this Circular as a percentage of 45 months' salary based on the percentage loss of earning capacity determined by a Medical Board in accordance with the annex I of this Circular. The Medical Board will not categorize a patient who is not fit to perform the duties of the present post he holds under this category.

- (iv) if the injury results in temporary partial disablement.

Compensation payable will be determined by the Board dealing with the payment of compensation mentioned in section 5 of this Circular as a percentage of 10 months' salary based on the percentage loss of (temporary) earning capacity determined by a Medical Board in accordance with the instructions issued by the Secretary in charge of the subject of Health. The Medical Board should consider the temporary disablement of the patient at the point of time of receiving the injury by perusing the documents available at the time of such examination.

The Regional Director of Health Services will appoint a Medical Board for determination of the loss of earning capacity and/or permanent disfiguration of a patient.

(a) **Pension:**

- (i) The pension of a patient who dies or suffers permanent total disablement is, where he is below 55 years of age, reckoned on the hypothetical retirement at 55 years.
- (ii) Where death or permanent total disablement occurs in the case of an officer over 55 years of age, pension is calculated on hypothetical retirement at the age of 60 years.

The minutes of Pensions will be amended accordingly.

(c) **Leave**

Leave should be granted accordingly to the nature of injury and the recommendations of the Medical Board as follows:

- (a) upto one year full pay leave and a further six months on half pay,

- (a) permission to avail one self of lapsed vacation leave together with the level of one year mentioned in (a) above. (The provisions of the Establishments Code will be amended accordingly).

04. Supporting evidence for Compensation:

- (a)
 - (i) The Head of the Department should have the injured person sent for medical attention immediately.
 - (ii) He should apply immediately to the R.D.H.S. of the area for the appointment of a Medical Board.
 - (iii) The Medical Board should send its report to the Head of the Department, mentioning the category under which the patient falls in terms of section 2 of this circular and/or the percentage loss of earning capacity and /or the percentage of permanent disfiguration of the body if any, fitness of the patient to perform his normal duties and leave to be granted to the Officer.
- (b) The Secretary, in charge of the subject of Health should issue instructions to all relevant personnel for compliance with these provisions. Also he will request medical authorities to store all the records of patients (if he is a public officers or a Judicial Officer entitled for compensation under this scheme) including the bed head ticket in a separate record room or a cabinet in the main record room for easy retrieval of the records for the use of the Medical Boards.

05 Determining Authority:

The Head of Department should forward the report of the Medical Board to the Director of Establishments together with police report, departmental inquiry report, any information regarding court cases on the accident, his recommendations and observations of any violations of laws or departmental rules and of any contributory negligence on the part of the Officer. Compensation will be determined by the Board comprising the Director of establishments, Director of Pensions and Director of Finance, General Treasury.

06. This Circular is effective from 01.10.1993. Public Administration Circular No. 346 dated 08.10.1986 is cancelled with effect from 01.10.1993.
07. Annex I attached herewith is applicable to the Public Administration Circular Nos. 21/88 dated 13.07.1988 and 59/89 dated 30.11.1989.

Sgd/-M.D.D.Pieris,
Secretary,
Ministry of Public Administration,

ANNEXE I**Schedule - 1**

(Section 2(1))

List of Injuries Deemed to Result in Permanent Partial Disablement

Injury	Percentage loss of earning capacity in general
Permanent and incurable paralysis of the limbs or injuries resulting in being permanently bedridden	100
Permanent incurable loss of mental capacity resulting in total incapacity to work or any other injury causing permanent total incapacity to work	100
EYE INJURIES	
(i) Total loss of sight in both eyes	100
(ii) Total loss of sight in one eye	50
(iii) partial loss of sight in one eye	25
HEARING INJURIES	
(i) Total loss of hearing	60
(ii) Total loss of hearing in one ear	30
(iii) Partial loss of hearing in one ear	15
SENSORY LOSS	
(i) Total loss of senses of smell and taste	50
(ii) Total loss of sense of smell	25
(iii) Total loss of sense of taste	25
ARM INJURIES	
(i) Loss of arm at or above elbow	75
(ii) Loss of arm at or below elbow	65
HAND INJURIES	
(i) Loss of both hands	100
(ii) Loss of hand or loss of thumb and 4 fingers	65
(iii) Loss of thumb (both phalanges)	35
(iv) Loss of thumb (one phalanx)	20
(v) Loss of four fingers	60

LOS OF INDEX FINGER

(i)	Three phalanges	30
(ii)	Two phalanges	20
(iii)	One phalanx	10

LOSS OF MIDDLE, RING AND LITTLE FINGER

(i)	Three phalanges	20
(ii)	Two phalanges	10
(iii)	One phalanx	5

LOSS OF LEG

(i)	At or above knee	75
(ii)	At or below knee	65

FOOT INJURIES

(i)	Loss of both feet	100
(ii)	Loss of one foot	75
(iii)	Partial loss of function of one foot	35

LOSS OF TOES

(i)	Great toe-both phalanges	20
(ii)	Great toe-one phalanx	10
(iii)	Other than great toe, if more than one lost, each	10

MISCELLANEOUS

(i)	Total loss of genitals	75
(ii)	Partial loss of genital	40
(iii)	Sever facial searing or disfigurement	75
(iv)	Sever bodily disfigurement, other than facial searing or disfigurement to a maximum of	50
(v)	Loss of single tooth	50
(vi)	Loss of any member or part thereof not mentioned above (e.g. nose, breast, ear etc.) to be assessed by a Medical Board up to a maximum of	50

NOTE : A maximum of 10% may be recommended for the temporary disablement of the patient at the point of time of receiving the injury by perusing the documents available. Total assessment not to exceed 100% in any one accident.