

My No: III/578 E/51 DC
Ministry of Public Administration,
Home Affairs & Plantation Industries,
Independence Square,
Colombo 07.

November, 1997.

To: All Secretaries of Ministries and
Heads of Departments.

**Agreement and Bond that should be signed
where study leave on full-pay has been
obtained - Chapter XV of the Establishments Code**

Section 4:7 of Chapter XV of the Establishments Code is amended as follows:-

4:7 The Agreement should provide provisions for the repayment by the officer of the entire cost of training in the event of a breach of any of its terms and conditions. However, provisions should be included in that Agreement "so that it will be possible to make the following exceptions regarding the period of obligatory service only." The full amount of the penalty provided for in the Agreement should be recovered from officers who have not served at least half the period of obligatory service they have agreed to serve. Recovery that should be made from officers who have served half or more than half of the period of obligatory service should be an amount calculated as being proportionate to the balance period of obligatory service still left to be served.

"The cost of training" means the expenses incurred in connection with the training and includes the amount of salary and allowances paid to the trainee during the period of training, the cost of passages, any special allowances paid to the trainee while under going training, medical expenses and any amounts paid as fees, advances and allowances to the trainee or on the trainee's behalf for the said course of study and training.

2. Accordingly paragraph 13 of the Agreement mentioned in Appendix 8 of the Establishments code is amended, and the amended paragraph 13 is appended as annexure 1.

3. The provisions of this Circular is effective from 04.12.1996.

Sgd: Dixon Nilaweera
Secretary,
Ministry of Public Administration, Home Affairs
& Plantation Industries.

Annexure 1

Paragraph 13

- (a) That if the trainee resigns his scholarship or abandons his study and training before the expiration of its tenure for reasons which in the opinion of the (4) are not satisfactory he will be deemed to have forfeited his right to all benefits under this agreements and shall become liable to reimburse the Government the full amount of expenses incurred on him by the Government and Awarding Agency in connection with the said scholarship up to the date of resignation and shall make his own arrangements and meet the expenses of his return passage to Sri Lanka.

- (b) That if the said Training facilities granted to the said Trainee be cancelled by the Awarding Agency on account of his work and/or conduct being unsatisfactory or if the said Trainee shall be re-called under clauses 8 (a),(c),(d), or (e) hereof, the said Trainee shall refund and repay to the Government the full amount of expenses incurred by the Government and the Awarding Agency on account of his Scholarship.

- (c) If the said Trainee shall fail to return to Sri Lanka when directed to do so on the ground that the said trainee has abandoned the said course of study before the expiry of the period mentioned in the Agreement, or if he shall fail to resume duties under the Government after the completion of his said course of study, or training on the ground of completion, or if after resumption of his duties under the Government he shall fail to serve the Government for a period of at least (5) years from the date of resumption by him of his duties as aforesaid, or if after resuming his duties as aforesaid he shall resign his appointment under the Government before the expiry of the said period of years, or if he shall be dismissed or removed from office before the expiry of the said period of (5) years on the ground of inefficiency or any other cause, or if he fails to comply with any of the other terms of this Agreement, the said Trainee shall be liable to refund and repay to the Government in respect of the expenses incurred by the Government and the Awarding Agency in connection of the said scholarship on behalf of the said Trainee, a part of the penalty mentioned in the Agreement which is proportionate to the portion of the period of obligatory service not served. the amount payable to the Government by the Trainee under this paragraph shall be determined by the Head of the Institution and such amount shall be communicated to the Trainee in writing after the determination.

However, if the Trainee fails to serve at least half the period of obligatory service, the said Trainee shall refund and repay to the Government the full amount of expenses incurred by the Government and the Awarding Agency on behalf the said Trainee.