

CHAPTER 480

POST AND TELEGRAPH BENEFIT ASSOCIATION

Ordinance
No. 14 of 1947.

AN ORDINANCE TO INCORPORATE THE POST AND TELEGRAPH BENEFIT ASSOCIATION.

[13th March, 1947.]

Short title.

1. This Ordinance may be cited as the Post and Telegraph Benefit Association Ordinance.

Post &
Telegraph
Benefit
Association
incorporated.

2. On and after the passing of this Ordinance, such and so many persons as are now members of the Post and Telegraph Benefit Association (hereinafter referred to as "the association"), or shall hereafter be admitted members of the association and whose names shall be inscribed in the register mentioned in section 8 hereof shall be and become a corporation with continuance for ever under the name of "The Post and Telegraph Benefit Association" (hereinafter referred to as "the corporation") and by that name shall sue and be sued in all courts, and shall have full power and authority to have and to use a common seal and to change and alter the same at their will and pleasure.

General
objects.

3. The general objects for which the corporation is constituted are hereby declared to be to promote thrift, to give relief to its members in times of sickness or need, to give to any member on retirement, resignation or dismissal from the public service or withdrawal from membership, his accumulated savings, or on or after the death of any member, to his nominee or nominees or heirs-at-law, his accumulated savings and such donation, if any, as may be authorized by the rules of the corporation made as hereinafter provided.

Committee of
management.

4. (1) The affairs of the corporation shall be administered subject to the provisions of this Ordinance and the rules for the time being of the corporation, by a committee of management to be elected in accordance with rules which the corporation shall make hereunder.

(2) The first committee of management shall consist of the president, the honorary secretary, the honorary treasurer and the other members of the committee of management holding office at the time of the coming into operation of this Ordinance.

5. The committee shall, subject to the provisions of the Ordinance and of any rules in force from time to time have full power and authority generally to govern, direct and decide all matters whatsoever connected with the appointment and dismissal of officers, agents, and servants and with the administration of the affairs of the corporation and the accomplishment of the objects thereof, and to defray out of the funds of the corporation all expenses necessary for the purposes of such appointment and administration:

Powers of
committee.

Provided that the said committee shall not exercise any powers which are by this Ordinance or by any rules in force from time to time declared to be exercisable by the corporation in general meeting;

Provided further that no rule made by the corporation in general meeting shall invalidate any prior act of the said committee which would have been valid if such rule had not been made.

6. (1) On the death, resignation, transfer from Colombo or absence from Sri Lanka of the president or the secretary or the treasurer or of any elected member of the committee, or in the event of any of them either absenting himself from three consecutive meetings of the committee without reasonable excuse forwarded in writing addressed to the president and

Vacancies how
filled.

accepted by the committee, or ceasing to be a member of the corporation under the rules in force from time to time it shall be lawful for the remaining members of the committee to elect as his successor any member of the corporation who is eligible for election under the rules of the corporation and the member so elected shall continue in office until the annual general meeting of the corporation next following his election.

(2) This section shall apply to the secretary or treasurer only so long as no full-time paid secretary or treasurer is appointed by the corporation under any rule for the time being in that behalf.

Membership.

7. Every person holding an appointment in the service of the Posts and Telecommunications Departments of Sri Lanka who fulfils the requirements of the rules shall be eligible for admission as a member, and may, in the discretion of the said committee, be admitted a member.

Register of members.

8. (1) The committee of management shall cause a register to be kept in which every person who at the date of the passing of this Ordinance is a member of the association, and every person thereafter duly admitted a member of the corporation shall have his name inscribed.

(2) The register shall contain the following particulars:—

- (a) the name, age on admission, address and official designation of each member;
- (b) the date on which the name of any person was inscribed in the register as a member;
- (c) the date on which any person commenced or ceased to be a member;
- (d) such other information as the committee of management from time to time may decide that the register should contain.

(3) All members of the association at the date of the coming into operation of this Ordinance and whose names shall be duly

inscribed in the register shall be deemed to have been members of the corporation from the said date.

9. The committee of management shall also cause proper books of account to be kept, which shall be open at all reasonable times to the inspection of members of the corporation, and of any person or persons whom the Secretary to the Treasury may at any time appoint to examine the same.

Books of account.

10. It shall be lawful for the corporation, by resolution passed at any general meeting, to remunerate the services of any member or members of the committee of management and of the auditor to be elected in accordance with this Ordinance and the rules of the corporation and from time to time to fix the amount of such remuneration, and to require such security from such member or members of the committee of management so remunerated as may be deemed sufficient.

Remuneration to member or members of committee and auditor.

(11.) (1) It shall be lawful for the corporation from time to time at any general meeting of the members, and by a majority of votes, without prejudice to the generality of the powers hereby conferred, to make rules for any of the following purposes and for giving effect to the provisions of this Ordinance:—

Rules.

- (a) the admission, withdrawal or expulsion of members;
- (b) the determination and collection of contributions or other calls payable by members and the payment of moneys due to them;
- (c) the imposition of penalties and forfeitures for breaches of rules;
- (d) the election, the powers, conduct and duties of the committee of management and of the various officers, agents, and servants of the corporation;
- (e) the procedure in the transaction of business;
- (f) the withdrawal or refunding of any contributions;

- (g) the regulation of extraordinary loans to be given to members under section 22 (b) and the prescribing of the conditions of such loans including the nature and situation of the immovable property that may be accepted as security;
- (h) generally for the management of the affairs of the corporation and the accomplishment of its objects:

Provided that until such rules are made, the relevant rules of the association in force at the date of the coming into operation of this Ordinance shall continue to be in force.

(2) Such rules when made may at a like meeting be altered, added to, amended or cancelled, subject however to the requirements of section 18 hereof:

Provided that no rule or alteration, addition, amendment, or cancellation of any rule shall have effect until the same is confirmed by the Minister.

(3) Notice of such confirmation shall be published in the Gazette and thereupon the same shall be as valid and effectual as if it had been herein enacted.

General meetings.

12. (1) The secretary, upon the request of the committee of management, or upon the written requisition of twenty or more members of the corporation, shall call a special general meeting.

(2) No special general meeting or annual general meeting shall be held unless the quorum of members prescribed by section 15 hereof be present, and unless at least fourteen days' notice, specifying the time and place of such meeting and the purpose for which it is to be held, has been given by advertisement in two or more of the local newspapers or by notice to members sent either by post or through the medium of the Ceylon Post Office Circular, and no business shall be brought before or transacted at such meeting other than the business specified in such notice.

Annual general meeting.

13. (1) An annual general meeting of the members of the corporation shall be held in Colombo not later than the thirty-

first day of January each year when there shall be submitted—

- (a) a report of the committee on the working of the corporation during the twelve months ending on the preceding thirtieth day of September;
- (b) a balance sheet containing a statement of assets and liabilities of the corporation on the preceding thirtieth day of September and a statement of income and expenditure of the corporation during the twelve months ending on the said thirtieth day of September;
- (c) the auditor's report.

The balance sheet and the aforesaid statement of income and expenditure shall be prepared by the treasurer and shall be duly examined by the auditor who shall also certify to the correctness of the said balance sheet and statement. The report of the auditor shall include references to any irregularities that he may have discovered and to any loans which may have been granted contrary to the rules of the corporation.

(2) Copies of the documents referred to in (a) and (b) of subsection (1) of this section shall be forwarded by the secretary in triplicate to the Minister through the patron of the corporation appointed under the rules and to the Secretary to the Treasury within one month of the annual general meeting.

(3) If any auditor duly elected is unable to act as such through death or any other cause, or refuses or neglects to perform his duties, the committee may elect an auditor in his stead.

(4) Every auditor elected by the committee shall receive such remuneration for his services as may be fixed by the committee at the time of his election.

(5) If no election of an auditor is made as aforesaid, the Secretary to the Treasury may, on the application of any member of the corporation, appoint an auditor or

auditors for the purposes of this Ordinance and fix the remuneration to be paid to him or them by the corporation and such remuneration shall be paid accordingly.

(6) At every annual general meeting, all business shall be transacted of which due notice has been given and there shall also be elected the president, and the secretary and the treasurer (until such time as fulltime secretary or treasurer or secretary and treasurer is appointed by the committee under the rules) and the members of the committee and the auditor who shall respectively hold office as such until the next annual general meeting.

(7) No person shall be appointed auditor unless he is—

- (a) the Auditor-General to the Sri Lanka Government; or
- (b) a member of the Institute of Chartered Accountants of England and Wales or of any society incorporated by Royal Charter whose members are entitled to use the designation "Chartered Accountant"; or
- (c) a member of the Society of Incorporated Accountants and Auditors of Great Britain; or
- (d) a public auditor appointed under section 18 of the Societies Ordinance; or
- (e) a member of the corporation who is stationed in Colombo.

14. The president of the corporation shall preside at all annual general meetings and special general meetings of the corporation, and in his absence, the members present shall elect a chairman for the occasion. The president, or in his absence the chairman, shall have a casting vote, in addition to his original vote.

15. The quorum of members required to constitute any annual general meeting or special general meeting shall be twenty.

16. No member of the corporation who is two months in arrears with his monthly contribution under the rules of the corporation shall be entitled to vote at any general meeting of the corporation, or if he is a member of the committee at any meeting of that body.

17. No decision arrived at by an annual general meeting or a special general meeting shall be reconsidered at a special general meeting within a period of twelve months unless the committee agrees that it is a matter of importance and urgent necessity that such decision should be superseded.

18. No rule passed and no decision come to by the corporation in general meeting shall be altered, added to, amended, or cancelled, except by at least a majority of three-fourths of the members present and voting at any subsequent general meeting.

19. The rules of the corporation for the time being shall bind the corporation and all members thereof and all persons claiming through them respectively to the same extent as if each member had subscribed his name thereto and there were contained in such rules a covenant on the part of himself, his nominees, his heirs, executors, and administrators to conform thereto subject to the provisions of this Ordinance.

20. It shall be lawful for the committee of management to require security to be given by any of the officers, agents, or servants appointed by them, and to determine the nature and value of such security.

21. All debts and liabilities of the association existing at the time of the coming into operation of this Ordinance shall be paid by the corporation hereby constituted and all debts due to and subscriptions, contributions, fines, and amounts of loans and advances payable to the association shall be paid to the said corporation for the purposes of this Ordinance.

22. The funds of the corporation shall be placed in the name of the corporation in one or more of the local banks, and it shall be lawful for the committee of management from time to time to invest such part of the said funds as is not required for loans, withdrawals, advances and other current expenses—

- (a) in fixed deposits in one or more of the local banks, or in debentures, stock, or other securities of the Government of Sri Lanka, or in securities issued by any Municipality in Sri Lanka; or

Time limited for reconsideration of decision of general meetings.

Mode in which rule or order once made may be subsequently altered, added to, amended, or cancelled.

Rules to bind members.

Security from officers, agents, and servants.

Debts due by and payable to association.

Funds of the corporation, how to be kept and invested.

Who shall preside at general meetings.

Quorum for general meetings.

Voting.

(b) in extraordinary loans to members of the corporation to be secured by mortgage of immovable property situated within such limits as may be prescribed by rules of the corporation; or

(c) in such other manner as may from time to time be approved by the Secretary to the Treasury.

Funds of the corporation, how operated on.

23. All cheques and orders against the said funds shall be signed by at least two of the persons authorized by the rules of the corporation in that behalf.

Powers of committee relating to certain officers.

24. The committee of management may from time to time under the common seal of the corporation appoint such officer or officers, agent or agents, servant or servants as they may consider necessary for recovering all dividends, interest, or other revenue to be derived from investments, or for otherwise carrying out the provisions of this Ordinance; and all persons so appointed shall hold office during the pleasure of, and shall be entitled to such remuneration as may be determined by, the said committee.

Seal of corporation how affixed.

25. The seal of the corporation shall not be affixed to any instrument whatsoever, except in the presence of any two of the persons authorized for the purposes of section 23, who shall sign their names to the instrument in token of their presence and such signing shall be independent of the signing of any person as a witness.

Corporation may hold property movable or immovable.

26. The corporation shall be able and capable in law to take and hold any property movable or immovable which may become vested in it by virtue of any grant, gift, testamentary disposition or otherwise, and all such property shall be held by the corporation for the purposes of this Ordinance.

Corporation may demise lands on lease.

27. It shall be lawful for the corporation to demise any land vested in it for any term not exceeding ninety-nine years, reserving the best yearly or monthly rental procurable for the same, and with the ordinary

covenants for re-entry in case of non-payment of rent, breach of covenant, or otherwise.

28. (1) It shall not be lawful for the corporation to sell, exchange or mortgage any of the lands vested in it without the leave of the District Court of Colombo, which leave shall be applied for by petition addressed to the said court setting out the facts and reasons for which the corporation desires to sell, exchange or mortgage such lands, and praying for an order of the said court in that behalf.

Corporation may not sell, exchange or mortgage lands without leave of court.

(2) If the said court shall be of opinion that it will be for the general advantage of the corporation to grant the prayer of the petition, an order may be made to that effect and if the court decline to grant the prayer of the petition, it shall be competent for the petitioner to appeal to the Court of Appeal.

(3) Any land sold or exchanged or any land which, having been mortgaged, is sold in execution under a mortgage decree obtained from a competent court, shall be held by the purchaser or person taking the same in exchange free of the trusts created or implied in this Ordinance or otherwise.

29. In case any doubt or ambiguity shall arise, and any controversy shall take place among the members of the corporation and of the committee of management, or either of them, as to the interpretation of this Ordinance or as to the powers of the committee, the same shall be referred to the Secretary to the Treasury whose decision shall be final and conclusive.

Doubt or ambiguity how decided.

30. Nothing in this Ordinance contained shall affect or be deemed to affect the rights of the Republic, or of any body politic or corporate, or of any other persons, except such as are mentioned in the foregoing provisions of this Ordinance and those claiming by, from, or under them.

Saving of rights of the Republic and others.