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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1447/35 - 2006 ජූනි 01 වැනි බ්‍රහස්පතින්දා - 2006.06.01

No. 1447/35 -THURSDAY JUNE 01, 2006

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

My No. : W 105/55/98.

THE INDUSTRIAL DISPUTES ACT, CHAPTER 131

THE award transmitted to me by the Arbitrator to whom the Industrial Dispute which has arisen between Ceylon Workers' Congress, P. O. Box. 1295, 72, Ananda Coomaraswamy Mawatha, Colombo 07, and Balangoda Plantations Ltd., P. O. Box 06, Palm Garden, Ratnapura was referred by order dated 21.05.1999 made under Section 4(1) of the Industrial Dispute Act, Chapter 131 as amended and published in the *Gazette* of Democratic Socialist Republic of Sri Lanka Extraordinary No. 1083/7 of dated 08.06.1999 for settlement by arbitration is hereby published in terms of Section 18 (1) of the said Act.

MAHINDA MADIHAHEWA,
Commissioner of Labour.

Department of Labour,
Labour Secretariat,
Colombo 05.
18th May, 2006.

Ref. No. : W 105/55/98.

In the matter of an Industrial Dispute

between

Ceylon Workers' Congress,
P. O. Box. 1295,
72, Ananda Coomaraswamy Mawatha,
Colombo 07,

and

Balangoda Plantations Ltd.,
P. O. Box. 06, Palm Garden,
Ratnapura.

Case No.:
A-2742

AWARD

The Honourable Minister of Employment and Labour by virtue of the powers vested in him by Section 4 (1) of the Industrial Disputes Act, Chapter 131 of the Legislative Enactments of Ceylon (1956 Revised Edition) as amended by Act, Nos. 14 of 1957, 62 of 1957, 4 of 1962 and 39 of 1968, read with Industrial Disputes (Special Provisions) Act, No. 37 of 1968 appointed me as Arbitrator by his order dated 21st May, 1999 and referred the dispute between the aforesaid parties to me for settlement by Arbitration.

The matter in dispute between the aforesaid parties is :

“Whether the termination of employment of Mr. S. Raman who was an employee of Pinwalle Division, Cicilton Estate, Balangoda by the Management of the said estate is justified and to what relief he is entitled.”

Appearances - Mr. M. B. Jayasinghe, Attorney-at-Law for Ceylon Workers's Congress.
Mr. Jothikannan represented the Congress.

Mr. Kanishka Weerasinghe Attorney-at-Law from Employers Federation of Ceylon for the Respondent company.

Mr. Roshan Gunaratne Superintendent represented the Company.

The question of a settlement was discussed. Raman is 54 years old now. If he is reinstated, he would be able to work for one year. His terminal salary was 2208 Rupees a month. A proposal was made by me on 08.02.2006 to settle the case with a payment of two (02) years salary as *ex-gratia* plus the one year he would have worked if he is re-instated. The company wanted time to consider this proposal. This proposal was accepted by Raman.

When the case was called on 27.02.2006, Mr. Kanishka Weerasinghe Attorney-at-Law on behalf of the Company confirmed that the company was prepared to accept my proposal and settle the dispute.

Accordingly the terms of settlement were recorded as follows:

(i) Three years salary exgratia 36 x 2208 Rs.	82,080.00
(ii) Gratuity	29,260.00
Total	<u>111,340.00</u>

Payments were made to Raman by cheques as follows:

- Hatton National Bank Ltd., Balangoda Cheque No. 841611 for Rs. 82,080 (Rupees Eighty two Thousand and Eighty only) being three years salary as exgratia payment.
- Hatton National Bank Ltd., Balangoda cheque No. 841612 for Rs. 29,260 (Rupees Twenty nine Thousand Two Hundred and Sixty only) being gratuity.

Raman accepted the two cheques and signed the case Record.

I consider this settlement just and equitable and make Award accordingly.

V. VIMALARAJAH,
Arbitrator.

22nd April, 2006.

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