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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1546/23 - 2008 අප්‍රේල් 25 වැනි සිකුරාදා - 2008.04.25

No. 1546/23 - FRIDAY, APRIL 25, 2008

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

My No. : CI/113/2000.

THE INDUSTRIAL DISPUTES ACT, CHAPTER 131

THE Award dated 4th January, 2008 made by the President Labour Tribunal 1 under Section 4 (1) of the Industrial Disputes Act regarding the industrial dispute between the Ceylon Mercantile, Industrial and General Workers' Union (C M U) and the Ceylon Cold Stores Ltd. was published in the *Gazette* of the Democratic Socialist Republic of Sri Lanka Extraordinary No. 1536/23 of 14.02.2008.

The correction of the said Award dated 20.03.2008 subsequently made by him under Section 34 of the Industrial Disputes Act is hereby published in terms of Section 34 (2) (1) of the said Act.

D. S. EDIRISINGHE,
Commissioner General of Labour.

Department of Labour,
Labour Secretariat,
Colombo - 05,
16th April, 2008.

BEFORE MR. SRITHARAN

In the Labour Tribunal No. 13 Arbitration

LT No. 13/262/2001
(Arbitration)

The Ceylon Mercantile, Industrial and
General Workers Union (CMU),
No. 3, 22nd Lane, Colpetty

And

Ceylon Cold Stores Ltd.,
P. O. Box 220,
Colombo 2.

AN APPLICATION UNDER S 34 OF THE INDUSTRIAL DISPUTE ACT, FOR CORRECTION OF AWARD

- (1) The Minister of Labour by virtue of powers vested in him by Section 4(1) of the Industrial Dispute Act, referred the dispute between the Ceylon Mercantile, Industrial & General Workers' Union and Ceylon Cold Stores Ltd. for settlement by Arbitration to me as the President of Labour Tribunal 13.
- (2) The Ceylon Mercantile Union has now made an application dated 26th February 2008 under S 34 of the Industrial Dispute Act stating that a typographical error has occurred in the third paragraph of page 6 of the award, and requesting that I correct it.
- (3) The third sentence in paragraph three of page 6 should read as "But, they were not involved in any illegal activities during the period of occupation in the Company factor." The word 'legal' in the said sentence in the award is a typographical error and should be corrected to read as illegal.

M. SRITHARAN,
Arbitrator,
President of the Labour Tribunal No. 13.

Dated at Colombo
On the 20th day of March, 2008.

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My No. : T23/CO/06/2005.

THE INDUSTRIAL DISPUTES ACT, CHAPTER 131

THE Award transmitted to me by the arbitrator to whom the Industrial Dispute which has arisen between Mr. Anura Silva No. 75/4, Rampart Road, Ethulkotte, Kotte and Standard Chartered, No. 37, York Street, Colombo 01 was referred by order dated 25.05.2007 made under Section 4(1) of the Industrial Disputes Act, Chapter 131 as amended and published in the *Gazette* of Democratic Socialist Republic of Sri Lanka Extraordinary No. 1503/17 dated 28.06.2007 for settlement by arbitration is hereby published in terms of Section 18 (1) of the said Act.

D. S. EDIRISINGHE,
Commissioner General of Labour.

Department of Labour,
Labour Secretariat,
Colombo - 05,
16th April, 2008.

Ref No. : T23/CO/06/2005.

**IN THE MATTER OF AN INDUSTRIAL DISPUTE
BETWEEN**

Mr. Anura Silva,
No. 75/4, Rampart Road,
Ethulkotte,
Kotte.

And

Standard Chartered Bank,
No. 37, York Street,
Colombo 01.

A 3217

The Award

The Honourable Minister of Labour Relations and Foreign Employment 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 Industrial Disputes (Special Provisions) 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 25.05.2007 and referred the dispute between the aforesaid parties for settlement by arbitration.

1. The matter in dispute between the aforesaid parties is :

Whether any demotion in the job position and reduction in the remuneration package and benefits were caused to Mr. Anura Silva who had formerly held the post of Head of Human Resources in the Standard Chartered Bank, subsequent to change of his designation as Head-service Excellence Consumer Banking Department and Head of Liability Sales respectively in the said Bank and if so, what relief should be granted to him.

2. **Appearances** : Mr. Suren Peiris Attorney at Law with Miss. Mihiri Sellahewa Attorney at Law appears for the workman,

Miss. Deshika Rodrigo Head of Human Resources represents the Bank,

Mr. Deepal Wijayarathne Attorney at Law Employers' Federation of Ceylon appears for the Respondent Bank,

3. When the case was taken up on 27.03.2008, it was stated by both parties that—

- (i) This dispute was settled on 07th March, 2008 before the Labour Tribunal No. 01, Colombo 02 in Case No. 1/17/2007.
- (ii) The settlement is in respect of the arbitration Case No. A 3217 as well which is now before me.
- (iii) The Bank has agreed to bear the tax component of this payment.

A certified copy of the said settlement was tendered to me.

4. As per the settlement the Respondent Bank handed over on 27.03.2008 to the workman the following :-

- (i) Standard Chartered Bank cheque No. 902853 dated 07th March 2008 for Rs. 8,500,000.00 (Rupees Eight million five hundred thousand only).
- (ii) Service Certificate
- (iii) A letter to the Inland Revenue Department admitting payment of the tax component in respect of this payment made by it to the workman.

The workman agreed to accept the terms and conditions referred to above in full and final settlement in respect of the entire period of his employment with the Bank and acknowledged receipt of (i), (ii) and (iii) above.

5. The workman signed the Case Record acknowledging receipt of (i), (ii) and (iii) above. Both parties agreed to tender a certified copy of today's proceedings before me to the Learned President Labour Tribunal No. 01.

6. I consider this settlement fair and reasonable and make award accordingly.

V. VIMALARAJAH,
Arbitrator.

31st March, 2008.

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THE INDUSTRIAL DISPUTES ACT, CHAPTER 131

THE Award transmitted to me by the arbitrator to whom the Industrial Dispute which has arisen between Mr. Y. A. K. Perera No. 109, Pitakanda Road, Kandy and Ceylon Petroleum Corporation, Rotunda Building, No. 109, Galle Road, Colombo 03 was referred by order dated 23.07.2007 made under Section 4(1) of the Industrial Disputes Act, Chapter 131 as amended and published in the *Gazette* of Democratic Socialist Republic of Sri Lanka Extraordinary No. 1508/7 dated 30.07.2007 for settlement by arbitration is hereby published in terms of Section 18 (1) of the said Act.

D. S. EDIRISINGHE,
Commissioner General of Labour.

Department of Labour,
Labour Secretariat,
Colombo 05,
16th April, 2008.

In the Industrial Court of Colombo

Mr. Y. A. K. Perera,
No. 109, Pitakanda Road,
Kandy.

IR/9/9/2006
Case No. A/3225

And

Ceylon Petroleum Corporation,
Rotunda Building,
No. 109, Galle Road,
Colombo 03.

THE AWARD

A dispute between the aforesaid parties had arisen and Hon. Minister of Labour Relations and Manpower by his letter dated 23.07.2007 referred the said dispute that had arisen between the parties mentioned above for settlement by arbitration by virtue of 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 Acts, No. 14 of 1957, 4 of 1962 and 39 of 1968 (read with Industrial Disputes - special provisions) Act (special provisions) Act, No. 37 of 1968.

Further the Hon. Minister by the same letter appointed me as the Arbitrator for the said purpose.

The Commissioner of Labour by his letter dated 12th July 2007 has set out matters in dispute between the aforesaid parties as follows :

According to the said letter the matters in dispute between the aforesaid parties were "Whether the demotion from the post and non-payment of salary for the period of interdiction at the time of reinstatement of Mr. Y. A. K. Perera in the services of the Ceylon Petroleum Corporation with effect from 30.06.2006 exonerating and discharging in the Disciplinary Inquiry from all the charges framed against him by the said Corporation where he was interdicted as from 08.02.2001 while serving in the Post of Trainee Regional Supervisor Grade B 11 is justified and if not justified to what relief Mr. Y. A. K. Perera is entitled".

Both parties tendered their statements explained the position taken by each of them. There were two domestic inquiries. At this inquiries he was found not guilty.

When this matter was taken up for trial, on behalf of the employee it was stated that when an employee is found not guilty, such employee should be reinstated and he should have been reinstated and he should be paid his salary and be given due promotions.

However, the employee had been served with a Charge Sheet on 26.11.2001 which contained 12 charges.

Accordingly an inquiry was held and the Inquiry Officer has submitted his report on 20.03.2006 whereby the employee had not been guilty of all the charges contained in the Charge Sheet (*vide the last paragraph contained in that report*) After considering such findings of the domestic inquiry the personnel manager conveyed the findings of the inquiry on 21.06.2006. According to the letter of personnel manager the employee was not to allow him continue as the trainee in the Regional Central Office, having changed his designation to a Clerk in B/2 Grade. Further the applicant was to be reinstated with immediate effect.

When this matter was taken up for trial on 07.11.2007 there was a suggestion of a settlement.

On 24.01.2008 Mrs. Kumudu Ariyaratne, the Legal Officer of the Respondent Corporation informed Court that the Corporation was willing to come to a settlement.

Finally both parties came to a settlement of the following terms :

- (1) The Respondent Corporation to pay the applicant his back wages for the period from 8th July 2005 upto 30th June 2006.
- (2) The Respondent Corporation should employ the applicant in the Post of trainee Regional Administrative Officer of B 2 Grade.
- (3) The Respondent Corporation shall not take any action in respect of filing this case in this court.

Since I consider this settlement as just and reasonable, I make my award approving the said settlement. Both parties signed the official Court record accordingly.

The applicant and the Respondent Corporation signed the official settlement before me.

I thank the Respondent Corporation and the applicant for accepting the aforesaid settlement.

K. A. D. B. KARUNARATNE,
Arbitrator.

Colombo,
27th March, 2008.

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