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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1583/18 - 2009 ජනවාරි 08 වැනි බ්‍රහස්පතින්දා - 2009.01.08
No. 1583/18 - THURSDAY, JANUARY 08, 2008

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

My No. : IR/13/03/2006.

Of One part

THE INDUSTRIAL DISPUTES ACT, CHAPTER 131

Case No. A/3185

and

THE Award transmitted to me by the Arbitrator to whom the Industrial Dispute which has arisen between Mr. N. G. Wilson, No. 166, Kalatuwawa West, Tummodara of the one part and Sri Lanka Transport Board No. 200, Kirula Road, Colombo 05 and Depot Superintendent, Avissawella Depot, Avissawella of the other part was referred by Order dated 08.09.2006 under Section 4(1) of the Industrial Disputes Act, Chapter 131, as amended and published in the *Gazette* of the Democratic Socialist Republic of Sri Lanka *Extraordinary* No. 1463/2 dated 18.09.2006, for settlement by arbitration is hereby published in terms of Section 18(1) of the said Act.

- (1) Sri Lanka Transport Board,
No. 200, Kirula Road,
Colombo 05.

and

- (2) Depot Superintendent,
Avissawella Depot,
Avissawella.

of Other part

W. J. L. U. WIJAYAWEERA,
Commissioner General
of Labour.

Department of Labour,
Labour Secretariat,
Colombo,
24th December, 2008.

Ref. No.: IR/13/03/2006.

In the Matter of an Industrial Dispute Between :

Mr. N. G. Wilson,
No. 166, Kalatuwawa West,
Tummodara

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 3 of the Legislative Enactments of Ceylon (1956 Revised Edition) as amended by Acts, Nos. 14 of 1957, 4 of 1962 and 39 of 1968, read with Industrial Disputes (Special Provisions) Act, No. 37 of 1968, appointed me as the Arbitrator by his Order dated 08th of September, 2008 and referred the following dispute to me for settlement by arbitration.

The matters in dispute between the aforesaid parties are :-

(1) Whether any financial less was caused to Mr. N. G. Wilson, Senior Depot Inspector (Grade VI) of the Avissawella Depot of the Sri Lanka Transport Board for not promoting him to the Grade III "A" while possessing the qualifications for the said post and if such a less was caused, what relief should be granted to him as remedial measures and

(2) Whether it is justified to constrain Mr. N. G. Wilson to under Junior Officers with lesser qualifications than that of him in consequence of promoting than to Grade III and IV and if not justified, to what relief N. G. Wilson is entitled.

Appearance :- Mr. E. P. Premadasa, Attorney-at-Law for party of the First Part.

Miss. P. Gunasinghe, Attorney-at-Law for party of the Second Part.

Both parties have filed the statements under Regulations 21(1) and 21(2) of the Industrial Disputes Regulations of 1958 as amended.

Party of the First Part marked documents X1 to X6.

Party of the Second Part marked documents R1, R1A, R1B, R1C, R1D, R2A, R2B, R3, R4, R5A, R5B, R6, R7A, R7B, R8A, R8B, R8C, R9A, R9B, R10A, R10B, R11A, R11B, R12, R13 and R13B.

Both parties opted to file written submission on 16th October, 2008 both parties entered into a settlement. According to terms of settlement I make award the party of the First Part my N. G. Wilson.

(a) be promoted to Grade (v) with effect from 19.10.2005 ;

(b) be placed in the highest salary scale of Grade (v) with effect from 19.10.2005 ;

(c) be paid the arrears in salary with effect from 19.10.2005;

I consider this award just and equitable.

KAPILA M. SARATHCHANDRA,
Arbitrator.

01st December, 2008.

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