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The Gazette of the Democratic Socialist Republic of Sri Lanka EXTRAORDINARY

අංක 1730/16 - 2011 නොවැම්බර් 03 වැනි බ්‍රහස්පතින්දා - 2011.11.03

No. 1730/16 - THURSDAY, NOVEMBER 03, 2011

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

My No. : IR/13/19/2008. Case No. : A/3344 and

THE INDUSTRIAL DISPUTES ACT, CHAPTER 131

THE award transmitted to me by the Arbitrator to whom the Industrial Dispute which has arisen between Mr. N. Abenayaka, No. 04, 5th Cross Road, Weragampitiya, Matara of the one part and Sri Lanka Transport Board, No. 200, Kirula Road, Colombo 05 of the other part was referred by order dated 13.09.2010 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. 1672/6 dated 20.09.2010 for settlement by arbitration is hereby published in terms of Section 18(1) of the said Act.

V. B. P. K. WEERASINGHE,
Commissioner General of Labour.

Department of Labour,
Labour Secretariat,
Colombo 05,
12th October, 2011.

Between

Mr. N. Abeynayake,
No. 04, 5th Cross Road,
Weragampita,
Matara.

of the One Part

Sri Lanka Transport Board,
No. 200, Kirula Road,
Colombo 5

of the Other Part

THE AWARD

The Honourable Minister of Labour Relations and Productivity Promotion by virtue of the powers vested in him by Section 4(1) of the Industrial Disputes Act, Chapter 131 of the Legislative Enactment 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 Arbitrator by his order dated 13th September, 2010 and referred the following Dispute to me for settlement by arbitration.

The matter in dispute between the aforesaid parties are :-

Whether the withholding of the monthly allowance of Rupees Four Hundred (Rs. 400) from the month of September 2004 that has been paid in terms of the Finance Division Circular No. 09 of 1982 to Mr. N. Abeynayake, Grade II Officer who was appointed as from 15.03.2002 to cover the duties in the post of General Manager, South Regional Transport Board which is governed under the Sri Lanka Transport Board and the recovery of the said allowance paid to him until then from his salary is justified and if not justified, to what relief he is entitled.

Appearance

Between

Mr. N. Abeynayake,
Appeared himself for the party of the First Part

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

Miss Himali Senaratne-State Council
Appeared for the party of the Second Part

Both parties filed their statements to the matter in dispute.
In the process of the hearing both parties agreed for a settlement.

of the One Part

Case No. : A-3316

and

In the circumstances the Party of the Second Part (Sri Lanka Transport Board) paid a sum of Rs. 11,600 on 25.02.2011 to Mr. N. Abeynayake (the Party of the First Part) as a refund of the allowance recovered by the Sri Lanka Transport Board from Mr. N. Abeynayake.

Sri Lanka Transport Board,
No. 200, Kirula Road,
Narahenpita,
Colombo 5

In the circumstances I make no award.

of the Other Part

KAPILA M. SARATHCHANDRA,
Arbitrator.

THE AWARD

15th July, 2011.

11-452

My No. : IR/13/05/2008.

THE INDUSTRIAL DISPUTES ACT, CHAPTER 131

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, Thummodara of the one part and Sri Lanka Transport Board, No. 200, Kirula Road, Narahenpita, Colombo 05 of the other part was referred by order dated 13.01.2010 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. 1637/18 dated 21.01.2010 for settlement by arbitration is hereby published in terms of Section 18(1) of the said Act.

V. B. P. K. WEERASINGHA,
Commissioner General of Labour.

Department of Labour,
Labour Secretariat,
Colombo 05,
10th October, 2011.

The Honourable Minister of Labour Relations and Man power 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 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 13th January, 2010 and referred the following Dispute to me for settlement by arbitrator.

The matter in dispute the aforesaid parties is :-

Whether any injustice was caused to Mr. N. G. Wilson who was employed in Sri Lanka Transport Board that he be granted accident leave entitlements in terms of the leave procedure of the Board, taking into consideration of the Medical Reports submitted by him in support of the accident occurred at the work place during the night shift on 03.05.2007 while he was working at Avissawella depot is Justified and if Justified to what relief he is entitled from the said Board.

Appearance

Mr. N. G. Wilson, the applicant appeared in person and Mr. Rakitha Abeygunawardena Attorney-at-Law appeared for the Respondent.

The first statement on behalf of the Respondent (also referred to as the party of the 2nd part) Sri Lanka Transport Board was filed under Regulation 21(1) and 21(2) of the Industrial Disputes Regulation 1958 as amended. The applicant or the party of the 1st part filed his statement.

Thereafter the said dispute was fixed for hearing and proceeded with the hearing for several dates and finally on the acceptance of a settlement matter was settled and the Applicant agreed to acknowledge a sum of Rupees Twenty-

two Thousand Five Hundred and One Cents Twenty (Rs. 22,501.20) as a full and final settlement.

I consider this award is just and equitable.

JAYANTHA DE SILVA,
Arbitrator.

Dated at Colombo,
this day of 01st August, 2011.

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