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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1464/23 - 2006 සැප්තැම්බර් 29 වැනි සිකුරාදා - 2006.09.29

No. 1464/23 - FRIDAY, SEPTEMBER 29, 2006

(Published by Authority)

## PART I : SECTION (I) — GENERAL

### Government Notifications

My No. : T7/10/2002.

Award

#### THE INDUSTRIAL DISPUTE ACT, CHAPTER 131

THE award transmitted to me by the Arbitrator to whom the Industrial Dispute which has arisen between Lanka General Services Union, 10/1-1/1, Kotugodella Veediya, Kandy of the one part and A.M.P. Ceylon (Pvt) Ltd., Phase III, Export Processing Zone, Katunayake of the other part was referred by order dated 10.01.2006 made 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. 1428/15, of 19.01.2006 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,  
11th September, 2006.

Case No.:  
A/3151.

In the matter of Industrial Dispute  
between

Lanka General Services Union  
10/1-1/1 Kotugodella Veediya,  
Kandy,

VS

Phase III  
A.M.P. Ceylon (Pvt) Ltd.  
Export Processing Zone, Katunayake.

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 as amended by Acts, Nos. 14 and 62 of 1957, 04 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 10.01.2006 and referred the aforesaid dispute to me for settlement by arbitration.

The matters in dispute between the aforesaid parties are: -

1. "Whether the transfer of the members of the Lanka General Services Union, who were employed at the Lebanon Factory situated at Tawalantenna to Export Processing Zone, Katunayake is justified and if not, to what relief they are entitled;

and

2. Whether there was a constructive termination of the services of the activists members of the Lanka general services union, and the members of the worker's council, who were employees of the "Lebanon Factory" and whose names are referred to in the attached schedule is justified and to what relief they are entitled.

This matter was taken up for inquiry on 19.05.2006. Both parties were present. Mr. Sundaralingam Attorney-at-Law appeared for the Respondent. Mr. Maliyagoda represented the Applicants. Both parties arrived at a settlement. Both parties agreed to draft a memorandum of settlement. This matter was re-fixed for hearing on 09.06.2006 to consider the terms of settlement.

On 09.06.2006, both parties informed Court, that this matter was settled to the satisfaction of both parties. Both parties agreed to file a joint motion setting out the details of payment made by cheque by the respondent to the applicants. This matter was re-fixed for hearing on 07.07.2006.

On 07.07.2006, Mr. Maliyagoda for the Applicants informed Court that ex-gratia payments and gratuity payments have been paid to each of the 32 Applicants in terms of the Memorandum of settlement signed by both parties and filed of record.

Mr. Maliyagoda for the Applicants informed Court that the EPF “B” cards of the Applicants have not been given to the Applicants. He further requested service certificates to be issued by the Respondent to the Applicants.

The ex-gratia payments to the applicants total the sum of Rs. 1,231,842.00. The gratuity payments to the Applicants total the sum of Rs. 400745.00.

I Make Award that the Respondent sends the EPF “B” cards of the Applicants and service certificates for the applicants to the Asst. Commissioner of Labour Kandy North within one month from the publication of this Award.

I consider the settlement of this matter between the parties to be just and equitable. I make Award accordingly.

K. R. M. N. LAWRENTZ,  
Arbitrator.

25th August 2006.

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