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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1505/12 - 2007 ජූලි 10 වැනි අඟහරුවාදා - 2007.07.10

No. 1505/12 - TUESDAY, JULY 10, 2007

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

My No.: IR/07/05/2005. In the matter of an Industrial dispute between

THE INDUSTRIAL DISPUTES ACT, CHAPTER 131

All Ceylon United Staff Congress,
No. 36, Dolosbage Road, Back Lane,
Nawalapitiya,

THE award transmitted to me by the Arbitrator to whom the Industrial Dispute which has arisen between All Ceylon United Staff Congress, No. 36, Dolosbage Road, Back Lane, Nawalapitiya, of the one part and Kahawatta Plantations Limited., No. 52, Maligawatta Road, Colombo 10 and Superintendent, Kataboola Estate, Kataboola of the other part was referred by order dated 12.07.2006 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. 1454/12 dated 18.07.2006 for settlement by arbitration is hereby published in terms of Section 18 (1) of the said Act.

AND

1. Kahawatta Plantations Limited.,
No. 52, Maligawatta Road,
Colombo 10.
2. Superintendent,
Kataboola Estate,
Kataboola.

Case No.:
A 3180

Respondents.

On this 31st day of May, 2007.

D. S. EDIRISINGHE,
Commissioner General of Labour.

AWARD

Department of Labour,
Labour Secretariat,
Colombo 05,

02nd June, 2007.

The Honourable Minister of Labour Relations and Foreign Employment do 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 the Industrial Disputes (Special Provisions) Act, No. 37 of 1968), has appointed me to be the Arbitrator and referred the following dispute for settlement by arbitration.

“1. Whether Mr. A. Ponnambalam who was employed at Kataboola Estate which is managed by Kahawatte Plantations Ltd., is entitled to receive arrears of salary for the period of interdiction of his service from 23.08.2000 to 31.03.2002 in terms of Sections 17 and 18 of the Collective Agreement entered into between the Employers Federation of Ceylon of the one Part and the Ceylon Estate Staffs Unions and National Estate Services Union of the other part on 31.01.2001 and if not, to what relief he should be granted and ;

2. Whether any injustice was caused to Mr. A. Ponnambalam owing to the failure by the part of Kahawatte Plantations Limited to pursue action in terms of Section 21(6) of the aforesaid Agreement with regard to the interdiction of Mr. A. Ponnambalam, and if such injustice was caused, to what relief he is entitled.”

Proceedings :

Parties to his dispute were requested to file their respective statements on or before 12.07.2006 and this matter was called and fixed for hearing and determination on the

following dates : 08.09.2006 ; 28.09.2006 ; 14.11.2006 ; 22.11.2006 ; 17.01.2007 ; 20.02.2007 and finally on 15.03.2007.

On all the above date on which this matter was to be taken up the Applicant Union was not present and did not show any interest in having the matter in dispute resolved.

Such absence of the Applicant Union only shows that they are not interested in pursuing the matter in dispute towards a settlement.

AWARD

Taking into consideration the above situation I make no award and the Application of the Union is hereby terminated.

Dr. V. Irwin Jaysuriya,
Attorney-at-Law,
Arbitrator.

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