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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1640/12 - 2010 පෙබරවාරි 09 වැනි අඟහරුවාදා - 2010.02.09

No. 1640/12 - TUESDAY, FEBRUARY 09, 2010

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

My No. : IR/14/21/2006.

Case No.

A-3282

Sri Lanka Transport Board,
No. 200, Kirula Road,
Colombo 05

THE INDUSTRIAL DISPUTES ACT, CHAPTER 131

THE Award transmitted to me by the Arbitrator to whom the Industrial Dispute which has arisen between Mr. Sunil Wanigasuriya, “Ratna”, Hangamuwa, Ratnapura of the one part and Sri Lanka Transport Board, No. 200, Kirula Road, Colombo 05 of the other part was referred by Order dated 20.04.2009 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. 1599/7 dated 27.04.2009 for settlement by arbitration is hereby published in terms of Section 18(1) of the said Act.

Respondent party of the Second part.

On this 10th day of November, 2009.

Honourable Minister of Labour Relations and Manpower 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) has appointed me as the Arbitrator and referred the following dispute for settlement by Arbitration.

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

Department of Labour,
Labour Secretariat,
Colombo 05,
25th January, 2010.

In the Matter of an Industrial Dispute Between :

Mr. Sunil Wanigasuriya,
“Ratna”,
Hangamuwa,
Ratnapura

Applicant party of the First Part,

“Whether Mr. Sunil Wanigasuriya who was transferred to Mawanella Depot as from 29.10.2004 while he was working at Ratnapura Depot under the Sabaragamuwa Bus Company Limited is entitled to receive arrears of salary in respect of the period from 1.11.2004 to 20.01.2005 during which he had been deprived of his service on the grounds that he had not been permitted to report for duty at Mawanella Depot and if he is so entitled, what should be the quantum of payment due to him as arrears of salary.”

AWARD

The Applicant Party of the First Part by his letter dated 18.05.2009 addressed to the Registrar of the Industrial Court

stated that he had been transferred from the Ratnapura Depot to the Mawanella Depot with effect from 28.10.2004 and when he reported at the Mawanella Depot he on 29.10.2004 he had not been permitted to assume duties there. The Applicant by the letter referred to above also stated that when he complained to the Ratnapura Branch of the Labour Department. Thereafter, this matter had been referred to the Labour Department in Colombo which had referred this matter in turn to the Industrial Court for Settlement by Arbitration.

Proceedings

This matter was taken up for inquiry on 04.06.2009, 16.07.2009, 29.07.2009, 25.08.2009 and on 01.10.2009. However the Applicant Party of the First Part never filed a statement of the matter in dispute on his behalf nor even appeared before this Arbitration Tribunal either by himself or through a Representative on a single day when this matter was taken up for inquiry although the Respondent was present and was represented.

On 01.10.2009 the Respondent Party of the Second Part moved that the application of the Applicant Party of the First Part be dismissed on the ground that the Applicant had not shown any interest in appearing before the Arbitration Tribunal on any single day as mentioned above.

AWARD

This Arbitration Tribunal held with the Respondent Party of the Second Party and dismissed the application of the Applicant Party of the First Part. Consequently no Award is made.

Dr. V. I. JAYASURIYA,
Attorney-at-Law.
Arbitrator.

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