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The Gazette of the Democratic Socialist Republic of Sri Lanka
EXTRAORDINARY

අංක 1791/40 - 2013 ජනවාරි මස 04 වැනි සිකුරාදා - 2013.01.04
No. 1791/40 - FRIDAY, JANUARY 04, 2013

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

My No. : T23/P/171/2004.

Ref No. : T23/P/171/2004.

THE INDUSTRIAL DISPUTES ACT (CHAPTER 131)

THE award transmitted to me by the Arbitrator to whom the Industrial Dispute which has arisen between Mrs. M. D. Sriyalatha, No. MLQ 53/B, Factory Area, Hingurana of the one part and Hingurana Sugar Industries Limited No. 561/3, Elvitigala Mawatha, Colombo 05 of the other part was referred by order dated 27.08.2008 made under Section 4(1) of the Industrial Disputed Act, Chapter 131 (as amended) and published in the Gazette of the Democratic Socialist Republic of Sri Lanka Extraordinary No. 1565/13 dated 03.09.2008 for settlement by Arbitration is hereby published in terms of Section 18(1) of the said Act.

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

Department of Labour,
Labour Secretariat,
Colombo 05,
19th December, 2012.

IN THE MATTER OF INDUSTRIAL DISPUTE

Between

Mrs. M. D. Sriyalatha,
No. MLQ 53/B,
Factory Area,
Hingurana.

Case No. A 3252

..... of the one part

and

Hingurana Sugar Industries
Limited,
No. 561/3, Elvitigala Mawatha,
Colombo 05.

..... of the other party

AWARD

01. the Honourable Minister of Labour Relations and Manpower, 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 and 62 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 27th August, 2008 and referred the dispute between the aforesaid parties to me for settlement by arbitration.

02. The matter in dispute between the aforesaid parties is :

“Whether any unjust was caused to Mrs. M. D. Sriyalatha for not effecting payments to her under the voluntary compensation scheme implemented by the Hingurana Sugar Industries Limited for its employees despite the fact that, her service had been terminated in terms of her application made to leave the company’s service under the compensation scheme and if such an unjust was caused, to what relief Mrs. M. D. Sriyalatha is entitled.”

03. Late Mr. Wilbert Perera appeared for the applicant while Mr. Hemantha Situge, Attorney-at-Law appeared for the Respondent institution.

04. Initial objections were raised concerning the validity of the reference, Having examined the submissions, the objection made by the Respondent was over-ruled.

Thereafter on completion of evidence in chief of the applicant, Respondent lawyer cross-examined. After several days of protracted hearings, applicant tendered a written application to withdraw the case against the Respondent institution without any right to raise the issue afreshvide page 222 in case file. Since then she had not shown any interest.

05. I therefore make award that the applicant is no longer interested in persuing the matter in dispute.

P. Navaratne,
Arbitrator.

31st October, 2012.

01-546

Ref. No. : IR/10/13/2009.

IN THE MATTER OF AN INDUSTRIAL DISPUTE

Between

Mrs. M. I. M. J. Samarawickrama,
No.1499/1, Katukurunda Road,
Kottawa,
Pannipitiya

..... of the one part

Case No. A/3318

and

Tea Small Holdings Development
Authority,
No. 70, Parliament Road,
Pelawatta,
Battaramulla

..... of the other party

INTERPRETATION OF THE AWARD

The Commissioner of Labour (Labour Relations) requested an interpretation of the order made by me on 11th March, 2012.

Whereas in the said order it was stated that Mrs. M. I. M. J. Samarawickrama be paid arrears of salary increments due for the period 01.01.2003 to 01.09.2008 in respect of the Agricultural Economist Post held by Mrs. M. I. M. J. Samarawickrama.

Whereas the Respondent submitted to the Hon. Magistrate Court, Kaduwela in Case No. 37459 that the Applicant was paid the salary arrears and increments due to her for the Post of Agricultural Economist held by her.

Whereas by said Award the Arbitrator has come to a conclusion that the Respondent Authority has acted unjustly and unfairly towards the Applicant, Mrs. M. I. M. J. Samarawickrama without granting due promotion and even ignoring the Supreme Court directive.

Whereas it was concluded by the Arbitrator as for the said Award the Applicant’s present position should be backdated to 1st January 2003 (the day in which an irregular appointment was given to an another person as Assistant General Manger (Services)).

In the circumstances the said Award should be 01.01.2003 to 01.09.2008 by the Respondent Tea Small
interpreted as follows : Holdings Development Authority.

The Applicant Ms. M. I. M. J. Samarawickrama is entitled
to backdate her Appointment, the Post of Manager, Grade III
(Planning and Monitoring) to 01.01.2003 and be paid salary
arrears and increments due to the said post for the period

Kapila M. Sarathchandra,
Arbitrator.

12th November, 2012.

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