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No. 1793/10 – WEDNESDAY, JANUARY 16, 2013

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## PART I: SECTION (I) – GENERAL

### Government Notifications

My No.: IR/22/22/2007.

#### THE INDUSTRIAL DISPUTES ACT, CHAPTER 131

The award transmitted to me by the Arbitrator to whom the Industrial Dispute which has arisen between Mrs. K. Senthivel, Brinthavanam, Thunnali North, Karaveddy of the one part and Federation of Chambers of Commerce and Industries of Sri Lanka Federation House, No. 53, Vauxhall Lane, Colombo 02/Chamber of Commerce and Industries of Yalpanam, No. 175, Point Pedro Road, Anaipanthi, Jaffna of the other part was referred by order dated 18.10.2011 made under Section 4 (1) of the Industrial Dispute Act, Chapter 131 (as amended) and published in the *Gazette Extraordinary No. 1729/13 of the Democratic Socialist Republic of Sri Lanka* dated 25.10.2011 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,  
07th day of January, 2013.

In the matter of an Industrial Dispute between

Mr. K. Senthivel, Brinthavanam, Thunnali North, Karaveddy

of the One Part

Case No. A3410

and

1. Federation of Chambers of Commerce and Industries of Sri Lanka Federation House, No. 53, Vauxhall Lane, Colombo 02.

2. Chamber of Commerce and Industries of Yalpanam, No. 175, Point Pedro Road, Anaipanthi, Jaffna

of the Other Part

### AWARD

01. Minister of Labour and Labour Relations 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 Arbitrator by his order dated 18.10.2011 and referred the dispute between the aforesaid parties to me for settlement by arbitration.
02. **The matter in dispute between the aforesaid parties is:-**  
 "To identify the employer of Mr. K. Senthivel, who served as the Chief Executive Officer of Chamber of Commerce and Industries of Yalpanam from 01.11.2004 and whether his termination on 20.02.2006 is justified, if not to what relief he is entitled"
03. **Appearances:**  
 Workman was present in person no one appeared for him.  
 Mr. Isuru Lakpura Attorney-at-Law appeared for the 1st Respondent. Mrs. D. Malka Sudarshini Programme Co-ordinator was present on behalf of the 1st Respondent.  
 Mr. K. V. S. Ganesharajah, Attorney-at-Law appeared for the 2nd Respondent. Mr. S. Yogarajasingham, Chief Executive Officer-Chamber of Commerce and Industries of Yalpanam was present on behalf of the 2nd Respondent.
04. Negotiations ensued for sometime and it was finally suggested by me that the case be settled with a payment of (06) months salary. Both parties accepted my suggestion and accordingly the case was settled on 07.11.2012 before me.
05. Payment was made to the workman on 22.11.2012 as follows:-  
 Commercial Bank of Ceylon at Borella cheque No. 670138 dated 22.11.2012 and Seylan Bank PLC at Jaffna Branch cheque No. 193062 dated 22.11.2012 for Rs. 69,000/= each. This was a full and final settlement in respect of all claims of the workman against the Respondents in relation to the reference before me. It was agreed by both parties that this settlement will not be cited as a precedent in any other forum whatsoever. This settlement being full and final the workman cannot pursue any claim in any forum whatsoever. Both parties signed the case record and the workman accepted the two cheques issued to him before me.
06. I consider this settlement just and equitable and make award accordingly.

V. Vimalarajah,  
Arbitrator.

06th day of December 2012.

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