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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 2043/10 – 2017 ඔක්තෝබර් මස 30 වැනි සඳුදා – 2017.10.30

No. 2043/10 – MONDAY, OCTOBER 30, 2017

(Published by Authority)

PART I: SECTION (I) – GENERAL

Government Notifications

My No.: IR/20/05/2013.

THE INDUSTRIAL DISPUTES ACT, CHAPTER 131

THE award transmitted to me by the Arbitrator to whom the Industrial Dispute which has arisen between Inter Company Employees Union, No. 12/2, Weera Mawatha, Sri Subootheripura, Battaramulla of the one part and Royal Ceramic Lanka PLC, No. 10, R. A. de Mel Mawatha, Colombo 3 of the other part was referred by order dated 10.06.2014 made under section 4(1) of the Industrial Dispute Act, Chapter 131 (as amended) and published in the *Gazette* of the Democratic Socialist Republic of Sri Lanka Extraordinary No. 1869/30 dated 02.07.2014 for Settlement by Arbitration is hereby published in terms of section 18(1) of the said Act.

A. WIMALAWEERA,
Commissioner General of Labour.

Department of Labour,
Labour Secretariat,
Colombo 05.
10th October, 2017.

Ref. No.: IR/20/05/2013.

In the matter of an Industrial Dispute

Between,

Inter Company Employees Union,
No. 12/2, Weera Mawatha,
Sri Subootheripura,
Battaramulla

and

Of One Part



Case No. A/3568

and

Royal Ceramic Lanka PLC,
No. 10, R. A. de Mel Mawatha,
Colombo 3,
Of Other Part

THE AWARD

The Honourable Minister of Labour and Labour Relations by virtue of the powers vested in him by Section 4 (1) of the Industrial Disputes Act, Chapter 131 of the Legislative Enactment 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 appointed me as Arbitrator by his order dated 10th June 2014 and referred the following disputes to me for settlement by Arbitration.

The matter in dispute between the aforesaid parties are:-

Whether the 34 workers working at Eheliyagoda Factory of Royal Ceramic Lanka PLC, confirmed in service after 01.06.2007, mentioned in the schedule attached herewith, have been caused injustice by not receiving payments for the unveiled medical leave which was received by the other workers of the factory, and if so, to what relief each of them is entitled and equitable cause and to what relief he is entitled in him of the mental agony by this transfer.

Appearance:

Mr. R. Chamil Perera Attorney-at-Law appeared for the Party of the Second Part

The Party of the Second Part filed the First Statement.

The Party of the First Part neither appeared nor filed the First Statement. Since the Party of the First Part failed to appear on 11.11.2014 and 11.12.2014 and notice was issued on the Party of First Part on 23.01.2015 stating that in the event Party of the First Part failed to appear the case will be heard ex party. In the circumstances the Party of the Second Part filed the written submission. Since the Party of the First Part failed to appear in the Industrial Court and support his grievance, I dismiss the case and make no award.

18th July, 2017.

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KAPILA M. SARATHCHANDRA,
Arbitrator.

My No.: IR/10/60/2013.

THE INDUSTRIAL DISPUTES ACT, CHAPTER 131

THE award transmitted to me by the Arbitrator to whom the Industrial Dispute which has arisen between Mr. Anushka Kumarasinghe, No. 156 F, Depot Road, Wennappuwa of the one part and Leco Projects (Pvt) Ltd, No. 411, E.H. Cooray Building, Galle Road, Colombo 03 of the other part was referred by order dated 05.04.2016 made under section 4(1) of the Industrial Dispute Act, Chapter 131 (as amended) and published in the *Gazette* of the Democratic Socialist Republic of Sri Lanka Extraordinary No. 1961/29 dated 07.04.2016 for Settlement by Arbitration is hereby published in terms of section 18(1) of the said Act.

A. WIMALAWEERA,
Commissioner General of Labour.

Department of Labour,
Labour Secretariat,
Colombo 05.
23rd October, 2017.

In the matter of an Industrial Dispute

Between,

Mr. Anushka Kumarasinghe,
No. 156 F, Depot Road,
Wennappuwa.

Of the One Part

Case No. A3644

and

Leco Projects (Pvt) Ltd,
No. 411,
E.H. Cooray Building,
Galle road,
Colombo 03.

of the Other Part.

AWARD

1. The Honourable Minister of Labour and Trade Union Relations, by virtue of the powers vested in him by Section 4 (1) of the Industrial Disputes Act, Chapter 131 of the Legislative Enactment of Ceylon (1956 Revised Edition), as amended by Acts, No. 14 of 1957, 62 of 1957, 4 of 1962 and 39 of 1968 (read with Industrial Disputes – Special Provisions) Act, No. 37 of 1968 hereby appointed me to be the Arbitrator and referred the dispute hereunder for settlement by Arbitration per his order dated 05th April, 2016.

2. The matter in dispute is as follows:

“Whether the non-provision of the vehicle maintained by the company and the fuel allowance, which were conditions of employment of Mr. Anushka kumarasinghe who worked as a project Manager of Leco Projects (Pvt) Limited from 09.03.2013 to 22.04.2013 the period during which he was interdicted and from 22.04.2013 to 31.07.2013, the period during which his services were restricted to the office are justified and if not so, what reliefs he is entitled.”

3. Prior to commencement of the case, both parties tendered written submissions, in terms of regulation 21(1) made under the industrial Disputes Act. Applicant made submissions by himself, whereas the Employers Federation of Ceylon tendered submission on behalf of the respondent company.

In the mean time, the applicant had filed action be at the Labour tribunal 2, bearing case No 2/491/2014 and on 30.08.2016 both parties had settled the matter in dispute pending before labour tribunal and industrial Court, Hence applicant seeks no relief. I make this award accordingly.

P. NAVARATNE,
Arbitrator.

16th August, 2017.

My No.: IR/22/06/2008.

THE INDUSTRIAL DISPUTES ACT, CHAPTER 131

The award transmitted to me by the Arbitrator to whom the Industrial Dispute which has arisen between Mr. D. K. Shantha Senaratne, No. 990/07, Sri Sumangala Mawatha, Aluviharaya, Matale of the one part and National housing Development Authority, No. 34, Sir Chittampalam A. Gardiner Mawatha, Colombo 2 of the other part was referred by order dated 02.09.2016 made under section 4(1) of the Industrial Dispute Act, Chapter 131 (as amended) and published in the *Gazette* of the Democratic Socialist Republic of Sri Lanka Extraordinary No. 1983/38 dated 09.09.2016 for Settlement by Arbitration is hereby published in terms of section 18(1) of the said Act.

A. WIMALAWEERA,
Commissioner General of Labour.

Department of Labour,
Labour Secretariat,
Colombo 05.
23rd October, 2017.

Ref. No.: IR/22/06/2008.

In the matter of and Industrial Dispute*Between,*

Mr. D. K. Shantha Senaratne,
No. 990/07, Sri Sumangala Mawatha,
Aluviharaya,
Matale

and

of One part,

*Case No. A3658**and*

National Housing Development Authority,
No. 34,
Sir Chittampalam A. Gardiner Mawatha,
Colombo 2.

Of Other part.

THE AWARD

The Honourable Minister of Labour and Trade Union Relations, 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 hereby appointed me as Arbitrator by his order dated 02nd September 2016 and referred the following disputes to me for settlement by Arbitration.

The matter in dispute between the aforesaid parties are:

1. Whether Mr. D. K. Shantha Senaratne who was appointed to the post of accountant Grade V with effect from 01.01.2001 by the National Housing Development Authority is entitled to back date his Post to 26.01.1996 taking into account that he had acted in the said post as from 26.01.1996 and

2. If he is so entitled, whether the period of service of Mr. D. K. Shatha Senaratne in Grade V should be calculated by the National Housing Development Authority as from 26.01.1996 at the time of calling for interviews for the purpose of granting promotions to Grade IV in the year 2006 and if he is so entitled to calculate his period of service what should be the other relief he should be granted accordingly.

Appearance :

The party of the First Part was present.

Mr. Kevin Rajith Attorney at Law appeared for the Respondent.

Parties filed their 1st Statements. The Party of first Part by his letter dated 01.08.2017 informed the courts that he has withdrawn his application. In the circumstances I have dismissed the case and I make no order.

18TH AUGUST 2017.

KAPILA M. SARATHCHANDRA,
Arbitrator.

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