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EXTRAORDINARY

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(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

My No: IR/10/29/2013.

THE INDUSTRIAL DISPUTES ACT CHAPTER 131

THE award transmitted to me by the Arbitrator to whom the Industrial Dispute which has arisen between Mr. M.A.Nawaratne, No. 42/B, Ambanwala, Welamboda of the one part and National Savings Bank, Saving House, No. 255, Galle Road, Colombo 3 of the other part was referred by Order dated 01.04.2014 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. 1858/5 dated 17.04.2014 for Settlement by Arbitration is hereby published in terms of section 18(1) of the said Act

B. K. PRABATH CHANDRAKEERTHI,
Commissioner General of Labour.

Department of Labour,
Colombo 05,
03rd May, 2021.

Ref. No. IR/10/29/2013.

In the Matter of an Industrial Dispute

Between

Mr. M. A. Navaratne,
No. 42/B,
Ambanwala,
Welamboda.



of One Part

Case No. A/3549

and

National Savings Bank,
Savings House,
No. 255, Galle Road,
Colombo 3

of Other Part

THE AWARD

The Honourable 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 Act 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 01 April 2014 and referred the following disputes to me for settlement by arbitration.

The matter in dispute between the aforesaid parties are—

01. Whether Mr. M.A.Navaratne who worked in the Post of Clerk-Grade V at the National Savings Bank has been caused injustice by being paid a reduced pension at National Savings Bank has been caused injustice by being paid a reduced pension at Compulsory Retirement which was a compassionate alternative to dismissal of service from 19/11/1997, and if so, to what reliefs he is entitled and
02. Whether the correct salary and pension have not been calculated and paid to Mr. M. A. Nawaratne in accordance with Salary Revision - 1997, and if not so paid, to what reliefs he is entitled.

Appearance

Mr. Gratian Silva,

Representative appeared for the party of the First Part

1. Ms. Yasoravi Bakmiwewa
Attorney at Law,
Employers Federation

2. Mr. Theja Perera,
Attorney at Law,

Legal Officer for the Party of the Second Part

Both parties have filed the statements under Regulations 21(1) and 21(2) of the Industrial Disputes Regulations of 1958 as amended.

Mr.M.A. Navaratne , the Applicant in his evidence stated as follows :

He was interdicted on 19.11.1997 by letter marked A 01.

At the time of interdiction, the Applicant has worked 19 years in the bank.

The Applicant was not served with Charge Sheet for 3 months and therefor he filed a case in Labour Tribunal.

The Applicant marked letter of Compulsory Retirement as A 2. According to A 2 his pension was reduced by 50%. The Applicant further said by reducing his pension by 50% , The Respondent has violated Circular 16/96.

Therefor he prayed for relief for the loss incurred by him with effect from 19.11.1997. During cross examination , the Applicant stated as follows.

He said the document marked X 2 which he received from the bank confirming him a Grade 4 officer of the bank with effect from 03.10.2013.

The responded disputed X2 by comparing with the original document in Applicant's personal file marked as R 01

The salary scale shown in X 2 exceeded what is shown in R 01. whereas X2 was a computer print out and whereas in 1997 bank used typewriting. Further heading of X 2 also was different from R01. Respondent suggested that X 2 was a fraudulent document made by the Applicant.

It was revealed that the Document marked as A 03 by the Applicant was confirmed as a fraudulent document by R 08 issued by the Public Petition Committee.

The Respondent made a complaint to the Fraud Bureau, in respect of the document A3, marked by the Applicant.

The Applicant said he did not ask for a Compulsory retirement, but he requested to be re-instated.

According to R 13 it was revealed that the Applicant has threatened his manager.

The Applicant was transferred to, Badulla, Kegalle, Matale and Kollupitiya Branches due to his rowdy behavior.

The Applicant was terminated as per the Charge Sheet marked R 13.

During the RE - Examination, the Applicant stated as follows.

When the Applicant was sent on Compulsory Retirement, he has worked for 20 years. The Applicant was sent Compulsory Retirement by letter dated 27.09.2002, marked A 2.

By A 2 he was granted 50% of the pension. The case filed by the Applicant, Re 03/236/98 has been rejected by the Labour Tribunal.

Human Resources Officer in his evidence stated as follows :

The applicant was recruited to the Respondent Bank as a minor employee in 1978.

He was promoted to Grade 5 in 1990 .

The witness stated that there is no documentary evidence that the Applicant was promoted to Grade 4 from Grade 5.

By document marked R 17, the Applicant has accepted the voluntary retirement. According to R3, it was the Applicant who requested Compulsory Retirement.

The Applicant was interdicted after an inquiry held after handing over a Charge Sheet marked R 13. Charge sheet contained serious charges such as, threatening and insulting to the management, rowdy behavior inside the branch, disobeying orders of the management, making wrong entries in the Ledger etc. ,

The former Legal Officer of the bank, Mr. Abubakar Mohamed Vice confirmed that he did not issue the document marked X 4.

Ms. Ayesha Samanmali Kumari, Manager, Termination branch stated that the Applicant's pension has been properly calculated and presently his pension stands as Rs.52,669.01 per month.(R -33)

Both parties have filed written submission.

After taking into totality of evidence, I have come to following conclusion.

- (a) The Respondent has acted fairly towards the Applicant granting him a pension on humanitarian grounds whereas the Applicant has acted maliciously towards the Respondent Bank.

For the reasons aforesaid I dismiss the case with no relief to the Applicant.

I consider this award is just and equitable

KAPILA M. SARATHCHANDRA,
Arbitrator.

20th April, 2021.

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My No. : IR/COM/01/2017/236.

THE INDUSTRIAL DISPUTES ACT CHAPTER 131

The award transmitted to me by the Arbitrator to whom the Industrial Dispute which has arisen between Mr. L. P. Jayasundera, 14/3, Isurupura, Kesbewa, Piliyandala of the one part and LRDC Service (Private) Ltd, 28/10, Kirimandala Mawatha, Nawala, Rajagiriya of the other part was referred by Order dated 06.06.2019 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. 2127/27 dated 13.06.2013 for Settlement by Arbitration is hereby published in terms of Section 18(1) of the said Act.

B. K. PRABATH CHANDRAKEERTHI,
Commissioner General of Labour.

Department of Labour,
Colombo 05,
20th April, 2021.

Ref. No. IR/COM/01/2017/236.

In the Matter of an Industrial Dispute

Between

Mr. L. P. Jayasundera,
No. 14/3, Isurupura,
Kesbewa,
Piliyandala.

and

Case No. A/62/2019

of One Part

and

LRDC Services (Private) Ltd.,
28/10, Kirimandala Mawatha,
Nawala,
Rajagiriya.

of Other Part

THE AWARD

The Honourable Minister of Labour Relations and Trade Union 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 Act, 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 6th June, 2019 and referred the following dispute to me for settlement by arbitration.

The matter in dispute between the aforesaid parties are :-

Whether Mr. L. P. Jayasundara who worked as the Personnel Manager of LRDC Services (Private) Ltd from 10.02.2011 to 29.09.2011 is entitled for the Telephone Allowance and Travelling Allowance for the relevant period of service and if so to what relief he is entitled.

Appearance :

Mr. L. P. Jayasundera appeared for himself

Mr. A. P. Kulasinghe, Senior Regional, Manager appeared for LRDC Services (Private) Limited.

Parties filed their Statements

At the inquiry the parties agreed for the following settlement.

The Respondent, LRDC Services (Private) Limited paid a sum of Rupees Fifty Thousand (Rs. 50,000/-) to Mr. L. P. Jayasundera, the Party of the First Part as full and final payment.

In the circumstances I make no Award.

KAPILA MANAWASINGHE SARATHCHANDRA,
Arbitrator.

15th February, 2021.

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My No. : IR/COM/03/2018/68.

THE INDUSTRIAL DISPUTES ACT CHAPTER 131

THE award transmitted to me by the Arbitrator to whom the Industrial Dispute which has arisen between **H. V. L. Kumarasiri, No. 61/1, Dalada Canal Road, Kehel Ella, Welikemulla, Badulla** of the one part and **Ceylon Petroleum Storage Terminals Limited, Nimawa, Kolonna** of the other part was referred by order dated 03.05.2019 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. 2122/43 dated 09.05.2019 for Settlement by Arbitration is hereby published in terms of Section 18(1) of the said Act.

B. K. PRABATH CHANDRAKEERTHI,
Commissioner General of Labour.

Department of Labour,
Colombo 05,
07th April, 2021.

Ref. No. : IR/COM/03/2018/68.

In the Matter of an Industrial Dispute

Between

Mr. H. V. L. Kumarasiri,
No. 61/1, Dalada Canal Road,
Kehel Ella,
Welikemulla.

Case No. A/51/2019

of the One Part

and

Ceylon Petroleum Storage Terminals Ltd.,
Nimawa,
Kolonnawa.

of the Other Part

THE 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 Enactments of Ceylon (1956 revised edition) as amended by Act, Nos. 14 of 1957, 62 of 1957, 4 of 1962 and 39 of 1968 read with Industrial Disputes (Special Provisions) Act, No. 37 of 1968 appointed me by his order dated 03rd May, 2019 and referred the dispute between the aforesaid parties to me for settlement by arbitration.
2. The matter in dispute between the aforesaid parties is –
“Whether Mr. H.V.L. Kumarasiri working as a Security Assistant (C4) at Ceylon Petroleum Storage Terminals Limited has been caused Injustice by not being promoted to Grade B4 and if so to what relief he is entitled.”
3. Initially, Mr. K.Piyasena Perera, appeared on behalf of the applicant, but later applicant himself appeared. On behalf of the respondent Organization, the Legal Officer, Mrs. Sujeewa Kumarasinghe represented.
4. Applicant, H.V. L. Kumarasiri, Security Asst, stated that
 - He joined the Organization, as Security Asst. Grade C4 with effect from 20th May, 1996 and by mistake had claimed extra hours of overtime. Management detected and after an inquiry, was placed in a lower grade and transferred to Kolonnawa.

- Having explained about his domestic problems, asked for a station closer home and was attached to Haputhale.
- He appealed to consider his plight, seeking restoration of the grade, for financial advantage, but management did not re-consider.
- He is required to continue giving evidence further, but failed to appear on 07th Jan 2021 and 16 Feb 2021. When case was re-fixed for 16th Mar. 2021, he tendered a letter withdrawing his application for relief.

Award

Since the applicant had withdrawn his application, the grant of relief prayed for does not arise.

P. NAVARATNE,
Arbitrator.

22nd March, 2021.

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