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The Gazette of the Democratic Socialist Republic of Sri Lanka  
EXTRAORDINARY

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No. 1935/49 - FRIDAY, OCTOBER 09, 2015

(Published by Authority)

**PART I : SECTION (I) — GENERAL**  
**Government Notifications**

My No. IR/22/47/2011.

Ref No. : IR/22/47/2011.

**THE INDUSTRIAL DISPUTES ACT CHAPTER 131**

**In the matter of an Industrial Dispute**

*Between*

THE award transmitted to me by the Arbitrator to whom the Industrial Dispute which has arisen between Mr. S. M. Serasinghe, Sinhapaya, Pugalla, Kalugamuwa, Mr. R. M. Nandapala, No. 2/44, Wawuters Watta Housing Scheme, Welikanda, Kandy of the one part and National Housing Development Authority, No. 34, Sir Chittampalam A. Gardiner Mawatha, Colombo 02 of the other part was referred by order dated 20.06.2014 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. 1870/27 dated 09.07.2014 for Settlement by Arbitration is hereby published in terms of Section 18(1) of the said Act.

1. Mr. S. M Serasinghe,  
Sinhapaya,  
Pugalla,  
Kalugamuwa.
2. Mr. R. M. Nandapala,  
No. 2/44,  
Wawuters Watta Housing  
Scheme,  
Welikanda, Kandy.

Case No. - 3570

..... of the one part.  
*Party of the First Part*

and

National Housing Development  
Authority,  
No. 34, Sir Chittampalam  
A. Gardiner Mawatha,  
Colombo 02.

..... of the other part  
*Party of the Second Part*

M.D.C. AMARATHUNGA,  
Commissioner of Labour.

Department of Labour,  
Labour Secretariat, Colombo 05.  
02nd September 2015.



## AWARD

The Honourable Minister of Labour and Labour Relations Gamini Lokuge, 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 of 1957, 4 of 1962 and 39 of 1968 (read with Industrial Disputes - Special Provisions) Act, No. 37 of 1968 - hereby appointed me as the Arbitrator by his order dated 20.06.2014 and referred the dispute between the aforesaid parties to me for settlement by Arbitration.

The matter in dispute between the aforesaid parties is :

“Whether Mr. S. M. Serasinghe working at National Housing Development Authority who was appointed to the Acting post of Assistant Accountant - Grade (VI) of the Puttalam District Office and Mr. R. M. Nandapala who was appointed to perform the duties of the post of Assistant Accountant - Grade (VI) at the Nuwara -Eliya District Office have been caused injustice by not being confirmed in those posts from their dates of appointment to those posts, and if such injustice has been caused, to what reliefs each of them is entitled.”

## Appearance :

Party of the First Part :

Mr. Ranjan Athapattu, Attorney-at-Law appeared for the Party of the First Part.

Namely Mr. S. M. Serasinghe and Mr. R. M. Nandapala (Employees)

Party of the Second Part :

Ms. Kawshalya Burnadus, Attorney-at-Law along with Mr. Dhanushka Malinda Jayalath Attorney-at-Law represented on behalf of National Housing Development Authority.

Both Parties stated above have duly submitted their respective statements :

Thereafter, the Party of the First Part was asked to commence the proceedings and while it was in process the Court urged the Parties to explore a settlement.

The table indicating settlement description is found, overleaf page ‘3A’

**Table depicting Settlement entered into on 25.06.2015**

(Period from 2012 to May 2015)

<i>Name</i>	<i>Date of acting post of Assistant Accountant and Station</i>	<i>Date confirmed in (post having Promoted to Grade VI) i. e. Post of Assistant Accountant</i>	<i>Date of settlement proposal at Departmental level</i>	<i>Number of increments entitled</i>	<i>Amount of increment and Special allowances</i>	<i>Net total amount entitlement &amp; acknowledgement</i>	<i>Date of payment and District</i>	<i>Voucher Number and its date /cheques number and its date</i>
Mr. S. M. Serasinghe	03.10.2007 Puttalam District	24.01.2012	on 25.05.2015	Four (4)	Rs. 41,245/-+ Rs. 7,811/-= Rs. 49,056/- deducted EPF 8% (Rs. 49,056/- (Rs. 3,924.48)	Rs. 45,131.52	08.06.2015 at Kurunegala District	No. 06/28 08.06.2015  No. 558460 08.06.2015 Bank of Ceylon Kurunegala
Mr. K. M. Nandapala	30.10.2009 Nuwara-Eliya District	24.01.2012	On 25.05.2015	Two (2)	Rs. 25,550/-+ Rs. 5,329/- Rs. 30,879/- deducted EPF 8% (Rs. 30,879/- Rs. 2,470.32)	Rs. 28,408.68	08.06.2015 at Kandy District	06/20 No. 300836 08.06.2015  Bank of Ceylon Super Grade Kandy

Thereafter, both Parties have engaged in the negotiation process and tentatively came to an amicable settlement on 26th March, 2015. However, the Court in its wisdom thought it prudent that the settlement should be worked out at the Departmental Level - as regards the payments due to the employees (the Party of the First Part) - on 25th June, 2015.

Accordingly, as per the table it is abundantly clear, that the payments due to the Party of the First Part were made affirmatively on 08.06.2015, Mr. S. M. Serasinghe has obtained his package at Kurunegala District, by Account Payee Cheque No. 558460 dated 08.06.2015 drawn on Bank of Ceylon, as net sum of Rupees Forty Five Thousand One Hundred and Thirty One and Cents Fifty Two only (Rs. 45,131.52) having deducted the E. P. F. of 8% amounting to Rs. 3,924.48. In the same manner, Mr. R. M. Nandapala, had received a net total of a sum of Rupees Twenty Eight Thousand Four Hundred and Eight and Cents Sixty Eight (Rs. 28,408.68) having deducted the E. P. F. of 8% amounting to Rs. 2,470.32 by Account Payee Cheque bearing Number - 300836, dated 08.06.2015 drawn on Bank of Ceylon Super Grade Kandy. Thus, Party of the First Part and the Party of the Second Part amicably settled the dispute between themselves.

Now, I make the Award that Mr. S. M. Serasinghe is entitled and he had acknowledged a total sum of Rupees Forty Five Thousand One Hundred and Thirty One and Cents Fifty Two only (Rs. 45,131.52) as full and final settlement of this dispute and whereas Mr. R. M. Nandapala is entitled and he had acknowledge a total sum of Rupees Twenty Eight Thousand Four Hundred and Eight and Cents Sixty Eight (Rs. 28,408.68) as full and final settlement of this case.

In the premises, I make that Mr. S. M. Serasinghe and Mr. R. M. Nandapala a specified sum of Award of Rs. 45,131.52 and Rs. 28,408.68 respectively which they had already been acknowledged on 08.06.2015 and this Award comes into effect as at 25th June, 2015 as per case record.

I consider this Award to be just and equitable in the circumstances.

T. EDMUND SANTHARAJAN.  
Arbitrator.

25th June, 2015,  
At Colombo.

10-933

My No. IR/20/04/2013.

**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 (on behalf of Mr. M. S. Silva) 12/2, Weera Mawatha, Sri Subuthipura, Battaramulla (Present Address - 259/9, Sethsiri Mawatha, Koswatththa, Thalangama) of the one part and Airport and Aviation Services (Sri Lanka) Ltd., Bandaranayake International Airport, Katunayake 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.

M.D.C. AMARATHUNGA,  
Commissioner of Labour.

Department of Labour,  
Labour Secretariat, Colombo 05.  
02nd September 2015.

No. : IR/20/04/2013.

**In the matter of Industrial Dispute**

*Between*

Inter Company Employees Union,  
(On behalf of Mr. M. S. Silva),  
No. 12/2, Weera Mawatha,  
Sri Subuthipura, Battaramulla.

Case No. A 3567

..... *of the one part.*

and

Airport and Aviation Services  
(Sri Lanka) Ltd.,  
Bandaranayake International  
Airport,  
Katunayaka.

..... *of the other part*

**AWARD**

The Honourable Minister of Labour and Labour Relations,  
do by virtue of the powers vested in him under 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 appointed me as the Arbitrator and referred the following dispute for arbitration by his order dated 10th June 2014.

The matter in dispute between the parties is

“Whether Mr. M. S. Silva employed at Airport and Aviation Services (Sir Lanka) Ltd. has been caused injustice by the deduction of two days salary, after holding a disciplinary inquiry against him with regard to an incident that has occurred at a personal wedding ceremony, and if so, to what reliefs he is entitled.”

Applicant's Union was represented by Mr. Janaka Adikari, Attorney at Law, while respondent Organization was represented by Mr. Lalith Dahanayake and Mrs. Harshani Sudarika, Attorney at law.

It revealed at the inquiry that applicant M. S. Silva, had used dirty words, and insulted a manager, having consumed

liquor, at a wedding held on 6th January 2012. The matter had been reported to the management and in consequence of a disciplinary inquiry, the applicant was fined 2 days wages.

Imposition of fine, is regulated by the Wages Boards Ordinance and the imposition of 2 days fine is inconsistent with legal provisions Firstly, a fine fund had not been established with the permission of the Commissioner of Labour, Secondly, the fine imposed exceeds 5% limit. Thus violating regulation 2(1) and (11) of Wages Board regulations.

Instantaneously the applicant tendered an apology to the management and management accepted, this plea In the circumstances, parties agreed to resolve the dispute and maintain *status quo*, to continue good will.

This is just and fair award.

P. NAVARATNE,  
Arbitrator.

22nd July 2015.

10-935