

IN THE COURT OF APPEAL OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF SRI LANKA

The Hongkong and Shanghai
Banking Corporation Limited,
of No. 01, Queen's Road Central,
Hongkong,
carrying on business in Sri Lanka
at No.24, Sir Baron Jayathilake
Mawatha,
Colombo 01.
Petitioner

CASE NO: CA/WRIT/74/2018

Vs.

1. W. J. D. Seneviratne,
Minister of Labour, Trade Union
Relations and Sabaragamuwa
Development,
Labour Secretariat,
Narahenpita,
Colombo 05.

- 1A. Ravindra Samaraweera,
Minister of Labour, Trade Union
Relations,
Labour Secretariat,
Narahenpita,
Colombo 05.
- 1B. Dinesh Gunawardhana,
Minister of Skills Development,
Employment and Labour
Relations,
Ministry of Skills Development,
Employment and Labour
Relations,
7th Floor, Labour Secretariat,
Colombo 05.
2. S. A. Nimal Sarnatissa,
Secretary,
Ministry of Labour, Trade Union
Relations and Sabaragamuwa
Development,
Labour Secretariat,
Narahenpita,
Colombo 05.
- 2A. D. M. Sarath Abayagunawardana,
Secretary,
Ministry of Skills Development,
Employment and Labour
Relations,
7th Floor, Labour Secretariat,
Colombo 05.

3. A. Wimalaweera,
Commissioner General of
Labour,
Department of Labour,
Colombo 05.
 4. S. Kariyawasam,
Arbitrator,
No.75, Melpitiya,
Matale.
 - 4A. P. Mahadeva,
No.K77, Torrington Flats,
Torrington Avenue,
Colombo 05.
 5. Chamira Wijethilake,
No.50, Buller's Lane,
Colombo 07.
- Respondents

Before: Mahinda Samayawardhena, J.
Arjuna Obeyesekere, J.

Counsel: Nihal Fernando, P.C., with Rohan Dunuwille,
Sankha Karunaratna and Rhadeena de Alwis
for the Petitioner.

Shaheeda Barrie, S.S.C., with A. Jayathilleke,
S.C., for the 1st-3rd Respondents.

Navin Marapana, P.C., with Uchitha
Wickremasinghe for the 5th Respondent.

Argued on: 23.07.2020

Decided on: 17.09.2020

Mahinda Samayawardhena, J.

This case is connected to CA/WRIT/284/2017 in which the Judgment was delivered today.

The issue in both matters is identical, the only differences being the names of the 5th Respondent employee, the date of the complaint made by the employee to the Commissioner General of Labour, the date of filing the Labour Tribunal application, and the date of referral of the dispute for settlement by arbitration.

Both matters were argued together and all parties agreed to abide by the decision delivered in CA/WRIT/284/2017.

Vide the Judgment delivered in CA/WRIT/284/2017 today.

Accordingly, the decision of the Minister to refer the matter for arbitration is quashed by certiorari and the application of the Petitioner is allowed with costs.

Judge of the Court of Appeal

Arjuna Obeyesekere, J.

I agree.

Judge of the Court of Appeal