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No. 1787/32 – THURSDAY, DECEMBER 06, 2012

(Published by Authority)

## PART I: SECTION (I) – GENERAL

### Government Notifications

My No.: IR/10/13/2009.

#### THE INDUSTRIAL DISPUTES ACT, CHAPTER 131 OF THE LEGISLATIVE ENACTMENTS OF CEYLON (1956 REVISED EDITION)

##### Order under Section 4(1)

The interpretation of the award No. A 3318 dated 11.03.2011 made by the Arbitrator under Section 34 of the Industrial Disputes Act regarding the Industrial Dispute existing between Mrs. M. I. M. J. Samarawickrama, No. 1499/1, Katukurunda Road, Kottawa, Pannipitiya of the one part and Tea Small Holdings Development Authority, No. 70, Parliament Road, Pelawatta, Battaramulla of the other part which was published in the *Government Gazette Extraordinary* No. 1709/5 dated 06.06.2011 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,  
29th day of November 2012.

In the matter of an Industrial Dispute between

Mrs. M. I. M. J. Samarawickrama, No. 1499/1, Katukurunda Road, Kottawa, Pannipitiya

of the One Part

Case No. A/3318 and

Tea Small Holdings Development Authority, No. 70, Parliament Road, Pelawatta, Battaramulla

of the Other Part

#### Interpretation of the Award

The Commissioner of Labour (Labour Relations) requested an interpretation of the order made by me on 11th March, 2012.

Whereas in the said order it was stated that Mrs. M. I. M. J. Samarawickrema be paid arrears of salary increments due for the period 01.01.2003 to 01.09.2008 in respect of the Agricultural Economist Post held by Mrs. M. I. M. J. Samarawickrema.

Whereas the Respondent submitted to the Hon. Magistrate Court, Kaduwela in Case No. 37459 that the Applicant was paid the salary arrears and increments due to her for the Post of Agricultural Economist held by her.

Whereas by said Award the Arbitrator has come to a conclusion that the Respondent Authority has acted unjustly and unfairly towards the Applicant, Mrs. M. I. M. J. Samarawickrema without granting due promotion and even ignoring the Supreme Court directive.

Whereas it was concluded by the Arbitrator as for the said Award the Applicant's present position should be backdated to 1st January, 2003 (the day in which an irregular appointment was given to an another person as Assistant General Manager (Services)).

In the circumstances the said Award should be interpreted as follows:

The Applicant Mrs. M. I. M. J. Samarawickrema is entitled to backdate her Appointment, the Post of Manager, Grade III (Planning and Monitoring) to 01.01.2003 and be paid salary arrears and increments due to the said Post for the period 01.01.2003 to 01.09.2008 by the Respondent Tea Small Holding Authority.

KAPILA M. SARATHCHANDRA,  
Arbitrator.

12th November 2012.

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