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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1647/12 - 2010 අප්‍රේල් 01 වැනි බ්‍රහස්පතින්දා - 2010.04.01

No. 1647/12 - THURSDAY, APRIL 01, 2010

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

My No. : IR/09/06/2007.

In the Matter of the Industrial Dispute Between :

THE INDUSTRIAL DISPUTES ACT, CHAPTER 131

THE Award transmitted to me by the Arbitrator to whom the Industrial Dispute which has arisen between Mr. S. A. V. Gunaratne, No. 76, Pahala Kaluaggala, Hanwella of the one part and Lanka Ashok Leyland Limited, Panagoda, Homagama of the other part was referred by order dated 24.10.2008 under Section 4(1) of the Industrial Disputes Act Chapter 131 (as amended) and published in the Gazette of Democratic Socialist Republic of Sri Lanka Extraordinary No. 1574/3 dated 04.11.2008 for settlement by Arbitration is hereby published in terms of Section 18(1) of the said Act.

Mr. S. A. V. Gunaratne,
No. 76, Pahala Kaluaggala,
Hanwella

Applicant

Case No:
3262 and

Lanka Ashok Leyland Limited,
Panagoda,
Homagama

Respondent.

AWARD

W. J. L. U. WIJAYAWEERA,
Commissioner General
of Labour.

The Hon. Minister of Labour Relations and Manpower 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 (1958 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), has appointed me to be the Arbitrator by his order dated 24.10.2008 and referred the aforesaid dispute to me for settlement by Arbitration.

Department of Labour,
Labour Secretariat,
Colombo 05,
22nd March, 2010.

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The matter in dispute between the aforesaid parties are :-

“Whether the demand made from the Lanka Ashok Leyland Limited by Mr. S. A. V. Gunaratne who is employed as a casual employee of the Company since 03.07.1994 that he be made permanent in the service taking into account of his continuous service at the Company is justified and if justified, from which date he should be granted permanency in service.”

Appearances :

Mr. Dhanya Gunawardena Attorney-at-Law appeared for the Respondent with Mr. Manjula Perera, Administrative Executive for the Respondent . Mr. Newton Uswatte, Attorney-at-Law appeared for the workman. He was present.

Evidence was led by the Respondent and the letter of appointment issued to the workman by the Respondent making him permanent from 01.01.2010 was produced on 07.01.2010. discussions ensued for sometime on the letter of appointment issued to the workman making him permanent from 01.01.2010 and it was pointed out that there are certain areas where clarification was required from the Respondent.

It was agreed to make available on 3rd February, 2010 the decision of the Respondent in relation to the date from which the applicant was to be made permanent.

On 03.02.2010 it was observed that a motion has been filed by the workman stating that he is no longer interested in continuing the arbitration proceedings and the said arbitration proceedings be terminated forthwith. It is stated in this motion that this fact has been duly informed to the Respondent and also to his Legal Representative Mr. Newton Uswatta.

Mr. Dhanya Gunawardena Attorney-at-Law for the Respondent was present on 03.02.2010 along with Mr. Manjula Perera, Administrative Executive and confirmed the contents of the motion. The workman was absent.

In these circumstances I do not want to proceed further. I therefore make no award.

V. VIMALARAJAH,
Arbitrator.

On 19th February, 2010.

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