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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 2217/10 – 2021 මාර්තු 02 වැනි අඟහරුවාදා – 2021.03..02
2217/10 – TUESDAY, MARCH 02, 2021

(Published by Authority)

PART I: SECTION (I) – GENERAL

Government Notifications

My No.: IR/COM/04/2017/179.

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

THE award transmitted to me by the Arbitrator to whom the Industrial Dispute which has arisen between **16 employees including Mr. H.W.Sirinimal, No. 251/A, Yowun Mawatha, Molligoda, Wadduwa** of the one part and **Amico Exports Ltd, No.75/1, Kandawala Road, Rathmalana** of the other part was referred by order dated **24.07.2019** 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. 2135/16** dated **05.08.2019** 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.
10th February, 2021.



In the matter of Industrial Dispute

Between

Mr. H. W. Sirinimal Including & 16 others, No. 251/ A, Yowun Mawatha, Molligoda, Wadduwa.

of the one part

And

Amico Exports Ltd, No.75/1, Kandawala Road, Ratmalana.

of the other part

Case No:A/72/2019

Award

1. The Honourable Minister of Labour and Trade Union Relations by virtue of the powers vested in him by section 4 (I) of the Industrial Disputes Act, Chapter 131 of the Legislative Enactments of Ceylon (1956 revised edition) as amended by Acts 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 24th July, 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 the 16 employees mentioned below including Mr. H.W. Sirinimal have left this institution on voluntary resignation decision and if not whether they have been caused injustice and if such injustice had been caused, to what relief they are entitled.”

01	H.W. Sirinimal	09	S. Nandasena Silva
02	H. Mahindasiri	10	S. Ratnayake
03	H. Lasantha Perera	11	K.K. RanjithWijesiri
04	A.A.T. Kumararathna	12	W. Devika Silva
05	N. Gangoda	13	A.V.K. Kumara
06	L.P. Jayasiri	14	K.R. Fernando
07	Piumi Uresha Dilhani	15	S.P. Fernando
08	B. Malani	16	L.W.D.P. Gunathilaka

3. Mr. H.W. Sirinimal, one of the applicants was the spokesperson for the applicants. There was no representation from the respondent company,

The spokesmen stated that the respondent company maintained a private provident fund, which had been approved by the Commissioner General of Labour, and both parties contributed to the fund, but no interest has been added to the individual accounts, and requests that the full amount inclusive of the interest be recovered. All applicants submitted signed statements indicating the recoverable amounts, as they feel that department had filed action to recover a lesser amount.

4. Observations and findings

- a. Section 27 of the Employees Provident Fund Act, provide for the recovery of surcharge, arising from payment delay, there by workers are deprived from normal interest that accrue to the individual balances.
- b. Scanning through the papers in the file I noticed a copy of a judgment given by a Superior Court, ordering the respondent to pay up dues in 24 installment with in a period of two years. Case H.C. RA 53/2017 dated 25.10.2017.

5. Award

The District Labour Office is required to go through the papers submitted by the applicant and verify whether there is a shortfall in computation and recovery. Also the District Labour Office to check from relevant courts, whether moneys have been fully recovered, if not to peruse further action. Interest due, to be paid from the surcharge recoverable Action need to be taken under Employees Provident Fund and not under Industrial Disputes Act. This is just and an equitable award.

P. NAVARATNE
Arbitrator.

08th January, 2021.

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