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**The Gazette of the Democratic Socialist Republic of Sri Lanka**  
**EXTRAORDINARY**

අංක 2335/11 – 2023 ජුනි 06 වැනි අඟහරුවාදා – 2023.06.06  
No. 2335/11 – TUESDAY, JUNE 06, 2023

(Published by Authority)

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

My No.: IR/COM/05/2018/10.

**THE INDUSTRIAL DISPUTES ACT - CHAPTER 131**

THE award transmitted to me by the Arbitrator to whom the Industrial Dispute which has arisen between Road Development Authority Engineers' Association, Engineering Services Division, 4th Floor, Maganeguma Mahamadura, Battaramulla of the one part and Road Development Authority, Maganeguma Mahamadura, Denzil Kobbekaduwa Mawatha, Koswatta, Battaramulla of the other part was referred by order dated 20.02.2023 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. 2141/71 dated 19.09.2019 for Settlement by Arbitration is hereby published in terms of Section 18(1) of the said Act.

B. K. PRABHATH CHANDRAKEERTHI,  
Commissioner General of Labour.

Department of Labour,  
Colombo 05,  
23rd May 2023.



## IN THE MATTER OF INDUSTRIAL DISPUTE

Between

Road Development Authority Engineers Association  
Engineering Services Division  
4th Floor, "Maganeguma Mahamedura"  
Battaramulla.

*of the one part*

REF No.: IR/COM/05/2018/10

CASE No.: A/97/2019

And

Road Development Authority  
"Maganeguma Mahamedura"  
Denzil Kobbekaduwa Mawatha  
Koswatte, Battaramulla

*of the other part*

## AWARD

The Honorable Minister of Labour and Trade Union Relations 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 Act, No. 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 11th September 2019 and referred the dispute between the aforesaid parties to me for settlement by arbitration.

The matter in dispute between the aforesaid parties is,

"whether the below mentioned 50 engineers who had worked on contract basis at the Road Development Authority have been caused injustice in their confirmation of service by being confirmed in service with effect from 29.09.2017 without considering their date of appointment and if so what reliefs they are entitled."

Engineers referred hereto :

- |                               |                             |
|-------------------------------|-----------------------------|
| 1. K.D.I.U. Kannangara        | 2. Y.B.P. Shantha           |
| 3. S.A.A.K.K Subasinghe       | 4. M.R Udaya                |
| 5. H.R.L.Premadasa            | 6. M.F.A. Najath            |
| 7. T.D.H. M. Hemanthi         | 8. K.Kunanesan              |
| 9. M.Inparaj                  | 10. D.G.S.R. Amarasena      |
| 11. N .H.M.S.Kusumsiri        | 12. C. S. Punchihewa        |
| 13. K.K. Thennakoon           | 14. R.S.B.R. Appuhami       |
| 15. M.D.L. Gunawardhane       | 16. M.M .T.D.B. Wilgamuwa   |
| 17. H.M.C.T.B. Herath         | 18. G.A.D.I Wimaladharma    |
| 19. W.W.P.W.M.R.U.A Gopallawa | 20. S.M.L.R.S.K Sandanayake |
| 21. W.M.W.G.D.S. Wasala       | 22. N.M. W.A.S. Nishshanka  |
| 23. A.H.M.C.P. Kumara         | 24. R.M.P.N Rathnayake      |
| 25. M.D. Serasinghe           | 26. W.K.J. Chamara          |
| 27. R.W.W.U. Nuwansiri        | 28. W. J.M.P. Kumara        |
| 29. I.G.P.C. Iluppella        | 30. H.M.A. Weerasinghe      |

- |                              |                            |
|------------------------------|----------------------------|
| 31. D.M.S.L. Dhanapala       | 32. P. J. Wijayarathne     |
| 33. A.A.Gunawardhane         | 34. A.C.P.R. Antony        |
| 35. R.M.Thilakarathne        | 36. E.L.A.I.Jayawardena    |
| 37. J.N.Meegahage            | 38. S.P. Kuruppuarachchi   |
| 39. M.A.S .K. Mallawarachchi | 40. M.L.W.D. Premarathne   |
| 41. M.D.M.I.N. Dissanayake   | 42. S.U.Sampath            |
| 43. O.K.C. Kumara            | 44. E.P.N .Karunarathne    |
| 45. G.A.U.Perera             | 46. B.M.S.D. Bandaranayake |
| 47. D.Paranawithana          | 48. A.W.C.Chamikara        |
| 49. G.S.Galappaththi         | 50. P.M.A.K.Udayakantha    |

Mr. Gretien Silva Representative appeared for the applicant union. Miss. Gangani Ukwaththage, state attorney appeared for the respondent Road Development Authority.

Evidence by applicant witness, filed a sworn affidavit along with documents, namely Erabaddage pushpika Nuwan Karunarathne is seen at pages 84 up to 112. Documents filed marked A1 to A9. Whereas evidence tendered by respondent witness is seen at pages 123 to pages 137. Documents marked and filed bear numbers R 1 to R10

#### Observations and Findings.

Road development Authority is a statutory body and terms conditions of its staff are governed by legislative provisions under Shop and Office Employees Act, Wages Boards Ordinance, Employees Provident Fund Act, Employees Trust Fund Act, Payments of Gratuity Act and Industrial Disputes Act.

Being a statutory entity, its financial administration comes under the control and guidance of Management Services Department, under Ministry of Finance, with decide on cadre position, In determining cadre requirements such need are carefully analyzed and decisions taken, dependent on government policy concerning projects, At times ad-hoc recruitments are made and manpower taken in on temporary contracts subject to permanency in the event of vacancies that surface within the approved cadre. Once staff on temporary contracts has been made permanent, it's not the policy to grant permanency with retrospective effect.

However in evidence it came to light that the applicants in question have employed and most of the benefits granted to permanent hands except the vehicle permit.Iam of the opinion that this class of employees deserve grant of such permit as they need to run about in different terrain, day and night, as engineers.

#### AWARD

I have analyzed evidence comprehensively and feel that no change is necessary at the present movement considering the state policy adopted hitherto.

This is Just and a Fair Award

P. NAVARATNE,  
Arbitrator.

On 20th February, 2023.

EOG 06-0027.