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අති විශේෂ EXTRAORDINARY

අංක 1789/12 – 2012 දෙසැම්බර් 17 වැනි සඳුදා – 2012.12.17

No. 1789/12 – MONDAY, DECEMBER 17, 2012

(Published by Authority)

PART I: SECTION (I) – GENERAL

Government Notifications

My No.: IR/10/108/2009.

THE INDUSTRIAL DISPUTES ACT, CHAPTER 131

The award transmitted to me by the Arbitrator to whom the Industrial Dispute which has arisen between Mrs. Kalawathi Sivalingam, No. 8/7, Shivan Kovil South Lane, Thirunel Vely, Jaffna of the one part and People's Bank, Peoples' Bank Head Quarters, Sir Chittampalam A. Gardiner Mawatha, Colombo 02 of the other part was referred by order dated 10.11.2010 made under section 4(1) of the Industrial Disputes Act, Chapter 131, (as amended) for settlement by Arbitration 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.
03rd December, 2012

In the matter of an Industrial Dispute

Between

Mrs. Kalawathi Sivalingam, No. 8/7, Shivan Kovil South Lane, Thirunelvely, Jaffna.

of the One Part

Case No.: A/3355

And

People's Bank, People's Bank Head Quarters, Sir Chittampalam A. Gardiner Mawatha, Colombo 02.

of the Other Part

The Award

The Honourable Minister of Labour Relations and Productivity Promotion 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 Acts, Nos. 14 of 1957, 4 of 1962 and 39 of 1968 (read with Industrial disputes-Special Provisions) Act, No. 37 of 1968 appointed me as arbitrator by his order dated 7th September, 2010 and referred the following dispute to me for settlement by arbitration.

The matter in dispute between the aforesaid parties are,

Whether any injustice was caused to Mrs. Kalawathi Sivalingam who was in the service of the Manager, People's Bank branch of Vavunia due to interdiction of her service without pay with effect from 02/03/2009 and failure to conduct of a disciplinary inquiry so far by the People's Bank and if any injustice was caused to what relief she is entitled.

Appearance

Mr. R. R. R. S. Thangarajah, Attorney At Law,
Appeared for the party of the First part

Mrs. Manoli Jinadasa, Attorney at Law
Appeared for the party of the Second part

Both parties filed their statements to the matter in dispute.

In the process of the hearing it was brought to the notice of the Tribunal by both parties as the Party of the First part has filed an application in the Labour Tribunal on 30th July 2012 seeking relief, reinstatement with full back wages and other benefits as her services were terminated by the respondent with effect from 2nd March 2009 by letter dated 19th April, 2012 after conducting a domestic inquiry. Whereas the respondent has filed the answer and the matter is fixed for the inquiry. Both parties had no objection to terminate the arbitration proceedings as there is a parallel inquiry being held in the Labour Tribunal in the light of the above Arbitration proceedings is hereby terminated.

In the circumstances I make no award.

Kapila M. Sarathchandra,
Arbitrator.

12th November, 2012.