

# ශී ලංකා පුජාතාන්තික සමාජවාදී ජනරජයේ ගැසට් පතුය

අති විශෙෂ

අංක 1688/26 - 2011 ජනවාරි 14 වැනි සිකුරාදා - 2011.01.14

(රජයේ බලයපිට පුසිද්ධ කරන ලදී.)

# I වැනි කොටස: (I) වැනි ඡෙදය - සාමානා

# රජයේ නිවේදන

මගේ අංකය : IR/22/07/2006.

කාර්මික ආරාවුල් පනත 131 වැනි අධිකාරිය

131 වැනි අධිකාරිය වන සංශෝධිත කාර්මික ආරාවුල් පනතේ 4(1) වගන්තිය යටතේ 2009.06.05 දිනැති හා අංක 1604/30 දරන ශ්‍රී ලංකා පුජාතාන්තික සමාජවාදී ජනරජයේ අති විශෙෂ ගැසට් පතුයේ පුසිද්ධ කරන ලද 2009.05.28 දින දරන නියෝගයෙන් එක් පාර්ශ්වයක් වශයෙන් ඉඹුල්ගස්දෙනිය, මොරගොල්ල, අංක 02/52 හි ජේ. ඒ. වීරරත්න මහතා හා අනෙක් පාර්ශ්වය වශයෙන් කොළඹ 05, කිරුළ පාර, අංක 200 හි පිහිටි ශ්‍රී ලංකා ගමනා ගමන මණ්ඩලය අතර පවත්නා කාර්මික ආරාවුල බේරුම්කිරීමෙන් සමථයකට පත් කිරීම සඳහා යොමු කරන ලදුව, බේරුම්කරු විසින් මා වෙත එවා ඇති 2010.12.03 දිනැති පුදානය එම පනතේ 18(1) වගන්තිය යටතේ මෙයින් පුකාශයට පත් කරනු ලැබේ.

වී. බී. පී. කේ. වීරසිංහ, වැඩබලන කම්කරු කොමසාරිස් ජනරාල්.

2010 දෙසැම්බර් මස 31 වැනි දින, කම්කරු දෙපාර්තමේන්තුව, කොළඹ 05.

> ජේ. ඒ. වීරරත්න අංක 02/52, මොරගල්ල, ඉඹුල්ගස්දෙණිය.

> > ඉල්ලුම්කාර සේවක

බේරුම්කරන නඩු අංකය : ඒ 3288

සහ

ශී ලංකා ගමනා ගමන මණ්ඩලය අංක 200, කිරුළ පාර, කොළඹ 05.

වග උත්තරකාර සේවා යෝජක

පුධානය

ගරු කම්කරු සබඳතා සහ මිනිස්බල අමාත්‍ය අතාවුද සෙනෙවිරත්න මැතිතුමා විසින් ඉහත සඳහන් පාර්ශවයන් අතර පවත්නා කාර්මික ආරවුල බේරුම් කිරීමෙන් සමථයකට පත් කිරීම සඳහා ලංකාවේ වෘවස්ථාපිත අණපනත් වල 131 වන පරිච්ඡේදයේ 1956 පතිශෝධිත මුදණය වන කාර්මික ආරවුල් පනතේ 4(1) වගන්තිය යටතේ නියෝගයක් නිකුත් කරමින් එතුමාගේ අංක. අයි ආර්/22/07/2006 හා 2009.05.28 දිනත් දරන ලිපිය මගින් බේරුම්කරු වශයෙන් මා පත් කරන ලද අතර, එකී ආරවුල සම්බන්ධයෙන් කම්කරු කොමසාරිස්ගේ අංක. අයි ආර්/22/07/2006 සහ 2009.05.03 දිනත් දරන ලිපිය මගින්

ඉහත කී කාර්මික ආරවුලට හේතු වී පවත්නා කාරණා වනුයේ

සීමාසහිත සබරගමුව බස් සමාගම විසින් 2004.09.10 වන දින සිට කියාත්මක වන පරිදි IV කළමණාකාර ධාවන තනතුරට උසස් කරනු ලැබූ ජේ. ඒ. වීරරත්න මහතා 2001.12.01 දින සිට එකී තනතුරේ වැඩ ආවරණය කිරීම සැලකිල්ලට ගෙන ඔහුගේ තනතුර 2001.12.01 දිනට පෙර දාතම් කිරීම සඳහා හිමිකම් ලබන්නේ ද යන්න හා එලෙස හිමිකම් ලබන්නේ නම්, ඔහුට ලැබිය යුතු වෙනත් සහනයන් කුමක්ද යන්න දක්වා ඇත.

- (02) මෙම ආරවුල සම්බන්ධයෙන් බේරුම්කරණය විසින් ඉහත කී පාර්ශවයන්ගෙන් පුථම පුකාශ හා දෙවන පුකාශ ලබාගත් අතර, මෙම ආරවුල 2010.10.08 වන දින බේරුම්කරණය හමුවේ කැඳවූ අවස්ථාවේ දී ඉහත සඳහන් කාර්මික ආරවුල සමථයකට පත් කර ගැනීමට ඇති හැකියාව සළකා බැලීමේ දී එකී ආරවුලට පාදක වී ඇති ඉල්ලුම්කාර ජේ. ඒ. වීරරත්න යන අයට වගඋත්තරකාර ශී ලංකා ගමනා ගමන මණ්ඩලය විසින් ලබා දී ඇති IV වන ශේණියේ පත්වීමට අදාලව 2001.12.01 දින සිට 2004.12.01 දින දක්වා වැටුප් පරිවර්ථනය කිරීමෙන් ඉල්ලුම්කරුට නොගෙවා ඇති වේතනය වශයෙන් ගෙවිය යුතුව ඇති රු.3982/- ක මුදල වගඋත්තරකාර ශීී ලංකා ගමනා ගමන මණ්ඩලය ඉල්ලුම්කරු ගෙවීමටත් එකී මුදල භාරගෙන මෙම ආරවුල සමථයකට පත් කර ගැනීමටත් ඉල්ලුම්කරු එකඟ බවත් මෙම දෙපාර්ශවය පුකාශ කරමින් නඩු කාර්ය සටහනට අත්සන් තබන ලද අතර බේරුම්කරණය විසින් පුධානය නිකුත් කල පසු පුධානය දිනයේ සිට මසක් ඇතුළත ඉහත කී රු. 3982/- ක මුදල ඉල්ලුම්කරුට ගෙවීමටත්, වගඋත්තරකාර ශීූ ලංකා ගමනා ගමන මණ්ඩලය එකඟවන ලදී. ඒ අනුව ඉල්ලුම්කරුගේ නමට ඉහත කී රු. 3982/-ක මුදල වෙනුවෙන් නිකුත් කල චෙක්පතක් වගඋත්තරකාර මණ්ඩලය විසින් ඉල්ලුම්කරුට ලි.ප. තැපෑලින් යැවීමට ද වගඋත්තරකාර මණ්ඩලය එකඟ වීමෙන් මෙම ආරවුල සමථයකට පත් කරන ලදී.
- (03) ඉහත කී සමථය අනුව මෙම පුධානයේ දින සිට මසක් ඇතුලත රු.3982/- ක මුදලක් චෙක්පතක් මගින් වගඋත්තරකාර මණ්ඩලය විසින් මෙහි ඉල්ලුම්කරුට ගෙවිය යුතු ලෙසට වගඋත්තරකාර ශී් ලංකා ගමනා ගමන මණ්ඩලයට මෙයින් නියෝග කරමි.

මෙම පුධානය සාධාරණ සහ යුක්ති සහගත පුධානයක් ලෙස මම සලකමි.

> පී. දනන්සූරිය, බේරුම්කරු.

2010 දෙසැම්බර් මස 03 වැනි දින, කොළඹ දී ය.

01-647

My No: CI/1557/2003

#### THE INDUSTRIAL DISPUTES ACT CHAPTER 131

The award transmitted to me by the Arbitrator to whom the Industrial Dispute which has arisen between Anthar Viswavidyalaeeya Vurutheeya Samithi Maha Sammelanaya. Student Affairs Division. University of Peradeniya' Peradeniya / Inter University Services and Trade Union Medical Faculty. University of Sri Jayawardanapura.

Gangodawila. Nugegoda / Sri Lanka Nidahas Sevaka Sangamaya. Maintenance Division. University of Colombo. Colombo 03 / Swadeena Podu Sewaka Sangamaya. University of Kelaniya. Kelanlya / Inter University Sub-Warden Union. University of Moratuwa. Moratuwa / Peradeniya Viswavidyalaeeya Lipikaru Ha Samanthara Shreni Sewa Sangamaya. Accounts Division. University of Kelaniya, Kelaniya of the one part and University Grants Commission. No. 20. Ward Place. Colombo of the other part was referred by order dated 16/12/2010 made 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.1361/33 dated 07/10/2004 for settlement by arbitration is hereby published in terms of section 18(1) of the said Act.

V. B. P. K. Weerasingha, *Acting* Commissioner General of Labour.

Department of Labour Labour Secretariat Colombo 05. 31st December 2010.

## Between

1. Anthar Visvavidyaleeya Vurtheya Samithi Maha Sammelanaya, Student Affairs Division, University of Peradeniya, Peradeniya 2. Inter University Services and Trade Union, Medical Faculty, University of Sri Jayawardanapura, Gangodawila, Nugegoda. 3. Sri Lanka Nidahas Sevaka Sangamaya, Maintenance Division, University of Colombo, Colombo 03. 4. Swadeena Podu Sevaka Sangamaya, University of Kelaniya, Kelaniya. 5. Inter University Sub Wardens Union, University of Moratuwa, Moratuwa. 6. Peradeniya Visvavidyaleeya Lipikaru Ha Samanthara Sreni Seva Sangamaya. Accounts Division, University of Kelaniya, Kelaniya.

of the one part

and

University Grants Commission, No.20, Ward Place, Colombo 07

of the other part

Case No. A-3069

#### **AWARD**

- Ol The Honourable Minister of Labour Relations and Foreign Employment 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, 62 of 1957, 4 of 1962 and 39 of 1968 read with Industrial Disputes (Special Provisions) Act, No 37 of 1968 appointed me as the Arbitrator by his order dated 22<sup>nd</sup> September 2004 and referred the dispute between the aforesaid parties to me for settlement by arbitration.
- 02. The matter in dispute between the aforesaid parties is:

"Whether the non-granting of the three (3) increments which were extended to some grades in the Non-Academic staff in terms of the Circular No. 705 of 25.03.1997 and the Circular No. 730 of 06.05.1998 issued by the University Grants Commission based on the B.C Perera Salary Commission Report 1995 to other grades in the said staff is justified and if not, to what relief they are entitled".

- 03. Mr. Pradeep Silva, Attorney-at-Law appeared for the applicant Unions while Mr. Gomin Dayasiri, Attorney-at-Law assisted by Mrs. Manoli Jinadasa, Attorney-at-Law appeared for the Respondent Commission, UGC.
- 04. At the outset, parties agreed to confine the inquiry to written submissions and proceeded accordingly. Later on Applicant Unions filed an affidavit and they fielded two witnesses as well. They were -
  - (a) Lionel Malwaththage, and
  - (b) P. Nandasiri Perera

Also, Applicants marked documents Al to A8 in their affidavit.

Applicant Unions submitted in their written, as well as in oral evidence that the respondent failed to remove the anomalies emerged as a result of salary revision made by B.C Perera Salaries Commission. Briefly applicants stated that -

 B.C. Perera Salaries Commission - 1995 has recommended that the group which includes Medical Laboratory Technologist (MLTs), Dental Therapists and others be placed three incremental steps higher on the relevant salary scale.

- Subsequently, by letter dated 18<sup>th</sup> March, 1997 signed by Mr. B.C. Perera who was also the Secretary, Ministry of Finance and Planning issued a list comprising of 54 categories in the technical grades who should be placed on 3 incremental steps higher in the relevant salary scales and that the UGC to take action accordingly.
- Then the UGC issued a Circular bearing No. 705 dated 25.03.1997 and another Circular bearing No. 730 dated 06.05.1998 as an amendment to the Circular No. 705.
- Salary Codes of A-04(a), A-04(c), and A-04(d) and from A-05-A-15 belong to the non-academic, non executive grades in the University System. Technical Grades in the system have also been assigned the salary codes from A-05-A-9 on par with the clerical and allied grades.
- All technical grades in the University System have been classified under the D-Code in the Schemes of Recruitment in which Technicians (Technical Officers), Dental Nurses/Nurses, Pharmacists, etc. have been classified.
- Since then representations were made by various categories of staff requesting that said 03 increments paid to Technical Grades be extended to them as well. Hence, the UGC appointed a Committee in 1997 under the Chairmanship of Prof. L.L. Ratnayake to examine the appeals made in this regards and to make recommendations. The Committee submitted the report in March 1999.
- Subsequent to a decision made by the Cabinet of Ministers at its meeting held on 12.05.1999 the Department of Management Services (DMS) with the assistance of senior officials in the UGC and the Ministry of Public Administration, Home Affairs and Plantation Industries, looked into the salary anomalies and payment of allowances and other related issues in the University System, submitted its report dated 11.08.1999 under the heading "Report on salary Anomalies, Payment of Allowances and other issues in the University System". Among other things, the dispute of 3 increments has been dealt with by this Management Services Committee in their Report.

- Paragraph 4.8 of the DMS report had referred to the recommendations of the sub-committee appointed under the Chairmanship of Prof. Ratnayake. However, the DMS has not accepted the recommendation of that Sub-Committee to grant 3 increments to all and has recommended to stop payment of 3 increments made to 57 categories until such time those who are entitled to this payment are properly identified.
- Accordingly on the recommendation made in the DMS reports, the Higher Educational Institutions were informed by Commission Circular No.750 of 27.08.1999 that 3 increments granted in terms of Commission Circular No. 705 and 730 should not be continued in the salary conversion as a committee under the Chairmanship of Prof. Jiffry has been appointed to identify the Technical grades which are entitled to the 3 increments.
- Thereafter in October 1999 Sri Lanka Technical Officers filed a case bearing No. C.A. 987/99 before the Court of Appeal citing the UGC, Secretary, Ministry of Finance and Planning Director General National Budget of the General Treasury as respondents.

The said case was settled among the parties without a determination being made by the Court.

The Trade Unions launched a token strike on 17.07.2003 and a continuous strike from 12.08.2003 to 01.09.2003 regarding several demands. Rectification of salary anomaly arisen as a result of granting of 3 increments approximately to 60 categories of employees was one of their major demands. This strike was called off on 30.08.2003 after signing an agreement between the Ministry of Tertiary Education and Training, UGC and the Trade Unions.

Respondent, the UGC did not place any oral evidence, but only marked 4 documents Rl to R4, to substantiate their positions. Initially, Respondents submitted to Court that UGC acted purely on the recommendations of the Salaries Commission. No weightage was given to new facts presented by parties, while making written submissions, as they contravened the concepts of natural justice.

#### A. A Misdirection

B.C. Perera Salaries Commission in determining the salaries of University employees states as follows - vide para.

6.18

"The level of remuneration of the middle level technical group in the present structure is lower than that of the clerical and allied grades. In the public service, it has been accepted that technical officers, considering the qualifications and training required at recruitment, be placed higher than the clerical and allied services group." The position .....

Having stated so, the Salaries Commission recommended a salary structure as shown in Table 6.7 of the Report, wherein it further stated-

"Having considered the representations made by the technical officers, we recommend that these groups, which include Medical Laboratory Technologists (MLTs), Dental Therapists and others be placed three incremental steps higher on the relevant salary scales."

Based on the Salaries Commission recommendation, UGC commenced implementation of the provisions of the Salaries Commission Report. UGC issued circulars to the relevant parties identifying the Technical personnel, per circular No. 705 of 25.03.1997 and Circular No. 730 of 06.05.1998.

Incidentally Secretary, Ministry of Finance and Planning writes to the Secretary, Ministry of Education and Higher Education that grades listed in his directive of 18.03.1997 be considered as Technical grades and be placed 3 increments higher than the clerical and allied grades.

However, the statement as para 6.18 of Salaries Commission Report, , quoted above has not been adequately substantiated and lacks evidential value.

Besides, employees of the University Grants Commission, as well as in the Universities are not Public Servants.

The observations of the Salary Commission are a misrepresentation.

In consequence and as a result of Salary Commission recommendation a service anomaly had emerged.

# B. Findings of the Special Committee Chaired by Prof. L.L. Ratnayake

UGC thereafter appointed a Committee to examine the applications made by certain categories of staff who were denied the 3 additional increments as stipulated under Table 6.7 of the Salaries Commission Report. The Committee comprised of following personnel-

Chairman - Prof. L.L. Ratnayake, (Dean, Faculty of Engineering, University of Moratuwa.)

Members-

Mr. N.K. Dayaratne (Additional Commissioner-General of Labour)

Mr. N.W.S.W.S. De Silva, (Registrar, The Open University of Sri Lanka). Mr. M.A. Munidasa, (Additional Secretary - Human Resources, UGc.)

Mrs. A.R. Siriwardene, Secretary to the Committee, (SAS, Administration, UGC)

Altogether 15 Trade Unions had made written submissions. They were -

(1) Sri Lanka Universities Technical Officers Association. (2) Sri Lanka Visvavidyaleeya Lipikara ha Karmika Seva Sangamaya. (3).Lanka Visvavidyalaya Eksath Sevaka Sangamaya. (4) Anthar Visvavidyalaya Vurthiya Samithi Maha Sammelanaya. (5) Anthar Visvavidyalaya Jathika Sewaka Sangam Samithi Samuluwa. (6) Sri Lanka Karmika Sewa Sangamaya. (7) Rajaye Podu Sewaka Sangmaya. (8) Jathika Sewaka Saangamaya. (9) Anthar Viswavidayala Vidyagara Sahayaka Bala Mandalaya (10) Sri Lanka Nidahas Sewaka Sangamaya. (11) Inter University Sub-Wardens Union. (12) Sri Lanka Visvavidyalaya Pusthakala Sahakara Niladaarenge Sangamaya. (13) Union of Employees of the University of Sri Lanka. (14) University Grants Commission Employees Union. (15) Sri Lanka Technical Officers' Union.

Also 16 Trade Unions had made oral submissions:

(1) Sri Lanka Universities Technical Officers Association. (2) Sri Lanka Visva Vidyalaya Lipikaru ha Karmika Seva Sangamaya. (3) Anthar Visvavidyalaya Jathika Sevaka Samithi Maha Sangamaya. (4) Jathika Sevaka Sangamaya (5) Anthar Visvavidyalaya Jathika Sevaka Sangam Samithi Samuluwa. (6) Anthar Visvavidyalaya Sahayaka Bala Mandalaya (7) Sri Lanka Nidahas Sevaka Sangamaya. (8) Inter-University Sub-Wardens Union. (9) Lanka Visvavidyalaya Eksath Sevaka Sangamaya. (10) Sri Lanka Karmika Sevaka Sangamaya (11) Rajaya Podu Sevaka Sangamaya (12) Sri Lanka Visvavidyalaya Pusthakala Sahakara Niladaringe Sangamaya... (13) Union of Employees of the University of Sri Lanka. (14) University Grants Commission Employees Union. (15) Sri Lanka Technical Officers Union. (16) University Executive Officers Association.

The deliberations and materials placed before the Committee and representations made by the Trade Unions established that-

(a) Salaries of parallel technical grades in the University Services have not been lower than that of the clerical and allied grades as reported in the paragraph 6.18 at folio 68 of the Salaries Commission Report. Therefore, issue 7(a) did not exist in the University System and it was only a misconception.

- (b) The Committee examined the position of "MLT and others" referred to in Table 6.7 at folio 73 of the Salaries Commission Report and observed that "others" referred along with MLT's should also possess equal or nearly equal qualification and other service conditions. Therefore, the Committee noted that the other Technical grades so far identified in the University system to grant three increments are not comparable with MLTs and others referred to in the Salaries Commission Report. Accordingly, the issue 7(b) is only a misjoining. of facts in relation to University and Public Service disregarding the reality.
- (c) Any doubt regarding the interpretation given by the Committee for the word "others" the UGC may clarify with the relevant authorities.

Para 7(b) states - Whether the Technical Grades in the University System referred to in under Table 6.7 at folio 73 of Salaries Commission Report is comparable with the ML Ts and others in the Public Service.

# C. Analysis of Technical duties and functions of some technical personnel

In view of the conflicting situation, lists of duties of those who are said to be performing Technical functions were examined - The following reveal that some of them, do not perform any of the technical function and do not require any technical knowledge or qualifications to perform their assigned duties:-

## Field Supervisors

Marking labour check roll and taking morning muster -Assisting farm manager planning cultivation programs -Managing labour gangs -Implementation of cultivation programs successfully using labour Gang -Reporting to Manager about the performance of labourers: their attitude, punctuality, skills, leadership, commitment etc. - Care and maintenance of equipment and tools (sprayers, Grass cutters, chain saws and also other tools such as hoes, alavango, etc.) used by laboures - Maintaining record: activities undertaken by the labourers gang, performance of labourers, yield records, other cultivation problems such as pests and diseases, agrochemicals applied -Any other duties assigned by the Farm Manager. Supervision of care and maintenance of special equipment such as tractors, water pumps -Supervision of care and maintenance of structures (plant houses, sheds) and buildings -Assisting farm manager in supervision of watchers and security guards-Informing farm manager about any missing items or theft in the allocate units - Assisting farm manager and technicians in conducting training programs for undergraduate students and others - Informing farm manager about the progress of the units and labour allocated - Attending training programs.

# Farm Supervisor (Lower Grade & Higher Grade)

Supervising the farm cultivation - Supervising the farm harvest - Supervising the staff who work at the farm - Ensuring the staff who work at the farm - Ensuring the fertilizers to the plants at the farm - Ensuring the water facilities - Responsibility for the farm product sale- Other related work on request of *Dean* / Agriculture and Head/Crop Science

# පොත් බඳින්නා (මුදුණාල) පහළ ශේණීය

පුස්තකාල පාඨකයින්ට පරිහරණය කිරීම සඳහා භෞතික වශයෙන් නුසුදුසු තත්ත්වයේ පවත්නා පොත් නැවත බැඳීම හෝ අළුත්වැඩියා කිරීම -- මේ සඳහා මාසිකව ලබා දෙන ඉන්ඩෙන්ට් ලැයිස්තු වලට අදාල පොත්වල බැඳුම් කටයුතු / අළුත්වැඩියා කිරීම් හා ගිල්ඩින් කටයුතු නිම කොට අදාල දිනයට ලබා දීම -- සුළු පරිමාණයෙන් බැඳීම් කටයුතු නිම කිරීමට ඇති පොත් / වාර සඟරා අළුත් වැඩියා කිරීම -- නව පුවේශයන් ලබා ගැනීමේදී සාමානා මට්ටමෙන් බැඳ නිම කොට ඇති පොත්, පුස්තකාලයේදී දීර්ඝ කාලීන පරිහරණය සඳහා සුදුසු වන අයුරින් ඝන බැම්මෙන් බැඳ නිම කිරීම -- විශ්ව විදහාලයේ විභාග පුශ්න පතු ලබා දෙන උපදෙස් මත බැඳ නිම කිරීම -- වුස්තකාල අංශයෙහි මාසික / තෙුමාසික / වාර්ෂික වාර සඟරා ලබා දෙන උපදෙස් පරිදි බාණ්ඩ වශයෙන් බැද ගිල්ඩන් කටයුතු නිම කිරීම -- ඉහත සඳහන් රාජකාරි කටයුතු වලට පරිබාහිරව පුස්තකාලයාධිකාරී විසින් ඔබ වෙත පවරන පොත් බැඳීමේ අංශයට අදාල සියළුම රාජකාරී කටයුතු --

# සෝදුපත් කියවන්නා

පොත් කර්තෘ / ගණුදෙනුකරුගෙන් ලැබී පරිගණක ගත කරන ලද මුදුණ ඇනවුමේ මුල් පිටපතට හා වැඩපතෙහි සඳහන් විස්තර අනුව නිවැරදි දැයි බැලීම, එනම් මූලික පුමාණය, සැලසුම අකුරු වර්ග / අකුරු පුමාණය, චිතු යෙදීම ඒ ඒ අදාල මුදුණ වැඩය අනුව තිබේදැයි බැලීම. (ගණුදෙනුකරුගේ අදහස / දල සටහන පිළිබඳ අවබෝධය) -- අනතුරුව පිටපතට අදාල සිංහල / ඉංගුිසි දෙමළ අක්ෂර විනාහසය, වචන යෙදීම, වාවහාරය ගැලපීම නිවැරදි දැයි සොයා බැලීම. (භාෂාව පිළිබඳ පරිනත දැනුම) -- ජාතෳන්තර පිළිගත් සෝදුපත් ලකුණු කරන කුම අනුව ඒවා නිවැරදිව සලකුණු කරමින් සෝදුපත් කියවීම. (සෝදු පත් ලකුණු කිරීමේ භාෂාව පිළිබඳ දැනුම) -- සියළුම භාෂා නිවැරදි කිරීම් වලදී පිලිගත් ශබ්ද කෝෂ, වාාකරණ නීතිරිති බුද්ධිමතුන්ගේ මතය අනුව කටයුතු කිරීම. (තොරතුරු /අර්ථ පිළිබඳ විශ්වකෝෂ / ශබ්දකෝෂ, වහාකරණ පොතපත පිළිබඳ පරිචය) --මූලික මාධා සම්පුදායන් රකිමින් රටේ සාමානා නීතිය උල්ලංඝනය කරන හා පහත් හැඟීම් අවුස්සන දැ ඉවත් කර දැමීම. (ශී ලංකාවේ මාධා සදාචාරය පිළිබඳ අවබෝධය) -- බුද්ධිමය දේපල පනත, පුකාශන නීති රීති, ජාතික ලේඛනාරක්ෂක අණපනත් හා නීතිරීති කඩ නොවන පරිදි තිබේදැයි බැලීම. (ශී ලංකාවේ මුළිත මාධා නීතිරීති දැනුම) -- මුදිත පරිගණක සෝදුපත් හා මුදුණය යන්නු

සෝදුපත් යන අංශවලදී ඒ අවශාතා අනුව කටයුතු කිරීම. (පෙර මුදුණ අංශයේ සිට පසු මුදුණ අංශය දක්වා සාමානා දැනුම) -- සෑම විටම මුදුණ තත්ත්වය උසස් කිරීමට යෝජනා ඉදිරිපත් කිරීම හා අඩුපාඩු පිළිබඳව පරීක්ෂාකාරී වීම. -- යම් අපැහැදිලි අවස්ථාවකදී වැඩපතෙහි සටහන් පිළිබඳව ගැටළුවකදී කෙලින්ම මුදුණාලයාධ පතිගෙන් විමසීම.

#### මුදුණාල සහයක

මුදුණාලයේ දෛනික කාඩ්පත් (Daily Work Norm Card) මගින් ලැබෙන වැඩ විස්තර ගොණුකර දෛනික වාර්තා සකස් කර මුදුණාලයාධිපති මගින් ලේඛකාධිකාරි, මූලාපාධිකාරි, නී/උපකුලපති, අධාක්ෂක - මෙහෙයුම් වෙත යැවීම තුලින් මුදුණාලයේ වැඩ සම්බන්ධ දිනපතා වාර්තාව මගින් (Daily Report) ඉහල පරිපාලනය දැනුවත් කිරීම -- මුදුණ අංශයන්ට ලැබෙන ඇනවුම් ඇස්තමේන්තු කිරීම හා නිමවීමෙන් පසු පිරිවැය ගණනය කර මුදල් අභාන්තර විගණන / පීඨාධිපතිවරුන්ට / ලේඛාකාධිකාරි / නි. උපකුලපති යැවීමට මාසික පිරිවැය වාර්තාව (Monthly Cost Report) සැකසීම. -- මුදුණාලයේ එදිනෙදා සැපයීම් අඛන්ඩව ලබාදීමට සුළු මුදල් (Petty Cash Book) අගුමය පවත්වාගෙන යාම. -- යන්තු වල නඩත්තු සේවා / කියාවිරහිත වීම් සම්බන්ධව අදාල නියෝජිත ආයතන සමග සාකච්ඡා කිරීම. හැකි ඉක්මනින් කාර්මිකයෙකු ගෙන්වා ගැනීම හෝ විශාල අළුත්වැඩියා සඳහා මිල ගණන් ගෙන්වා ගැනීම -- නිතර ඉහල යන මුදුණ අමුදුවා වියදම් අනුව Costing System එක යාවත්කාලීන කිරීම -- රු. 50,000/- ට අඩු යන්නු අළුත්වැඩියාව සඳහා මිල ගණන් 3 ක් කැඳවා ජොෂ්ඨ සහකාර මූලාාධිකාරී (මුදුණාලය) අනුමැතියෙන් ඉටුකරවා ගැනීම. -- මුදුණාල නිෂ්පාදන අමුදුවා වියදම්, අතිකාල වියදම් පිළිබඳව මාසික වාර්තාව පිළියෙල කිරීම තුලින් දෛනික වියදම් පිළිබඳව මුදුණාලයාධිපති දැනුවත් කිරීම. -- ඇස්තමේන්තු කිරීමේදී පිරිවැය පිළිබඳ අදාල පීඨ දැනුවත්කර අවශා වූවහොත් වියදම් අඩු කිරීමට කටයුතු කිරීම. -- CERC වහාපෘතිය යටතේ ඉටු කරන සියලුම මුදුණ වැඩ වල මිල ගණන් සැකසීම, ලිපි ගණුදෙනු කිරීම් හා විස්තර ලබාගෙන ජොෂ්ඨ සහකාර මූලපාධිකාරි (මුදුණාලය) මගින් අනුමැතිය ගෙන උපකුලපතිතුමියගේ අනුමැතියට Director / CERC හරහා යැවීම. -- කෑලි කුමයට ගෙවීමේ කාඩ්පත් පරීක්ෂා කිරීම හා එහි නිරවද¤තාවය සොයා බලා ගෙවීමට සූදානම් කිරීම හා අදාල විස්තර ලේඛන ගත කිරීම. -- සියලුම පෙර මුදුණ, මුදුණ හා පසු මුදුණ අංශවලට ගොස් නිෂ්පාදන තත්ත්වය, අඩුපාඩු සොයා බැලීම හා යන්නු වල තත්ත්වය දැන ගැනීම -- වැඩ පිළිබඳව දෛනික වැඩ මිනුම් වාර්තාව පිළියෙල කිරීමේදී සිදුවන අඩුපාඩු වල නිරවදාහතාවය සොයා බලා මුදුණාලයාධිපතිතුමාට වාර්තා කිරීම. -- මුදුණාලයාධිපති පවරන විශේෂ රාජකාරි කටයුතු වල යෙදීම.

# D. Absence of Technical qualiafications, no bar for entry

'Furthermore at the level of recruitment to various categories of employments, minimum qualifications have been stipulated by the UGC which are enumerated herein:—

Foreman Machine/Composing/Binding)., For internal Applicants.

University employees With at Least ten years experience

in the relveant branch of a university press Viz machine minding, composing or binding. Note: preference will be given to charge hands of the University press, and those with experience in the distribution or press work and Labour supervision.

# For external applicants

(1) G.C.E. (Ord. Level) exam in six subjects at not less than two sitting and atleast ten years experience in the relevant branch of a printing press Viz. machine minding composing or binding

#### Book Binder (Press)

- (a) G.C.E. (Ord. Level) exam in six subjects at not less than two sittings with Sinhala Tamil / English language or Literature and Arithmetic/ Commercial Arithmetic / Mathematics and who have been successfully followed a course in binding in a recognized institute with not less than eight years experience in a relevant field in a large printing establishment or
- (b) Pass in 8<sup>th</sup> standard or higher examination with not less than 12 years experience in a relevant field in a large printing establishment.

Besides, effective 1st January, 1988, Government established a Sri Lanka Printing Service - vide Gazette Extraordinary No. 486/7 of 28 December 1987 covering all categories and grades of employees involved in Printing work at the Government Press, which deals mainly printing of publications and exclusively the printing of Govt. Gazettes, legal documents, all govt. publications and notifications including Parliamentary proceedings. Inter alia - the particular gazette notification states that -

- The grading of the staff into different categories and the salary with incremental scales attached to the posts;
- Cadre requirements and absorptions;
- Recruitment procedure and conditions of recruitment;
- Determination of seniority and efficiency bars;
- Pension Rights, etc.

Most importantly, the Gazette notification specifies the educational and other qualifications required for various classes of employments. In particular, for the following, positions, no technical subjects are required at entry level and thereafter.viz -They are - Proof Readers, Computerized Typesetting cum Editing, Lino and Mono operators, Ludlow Operators, Compositors, and Binders

From above it is seen that no technical qualifications whatsoever are demanded for several such categories, at the time of recruitment and grading them into the technical categories is without substance.

# E. Dividing Line separating technical and non-technical

From the in-depth investigations, I have found that there are a vast number of employees in the University employments particularly (a) holding technical positions who had not passed any technical subjects at the recruitment, and (b) holding non-technical positions who had passed technical subjects.

In the circumstances, it is crystal clear that several lapses had occurred and it is difficult to draw a line separating the two-technical and others. There are hundreds of employees falling under these two categories. A question may be asked, if an employee with no technical qualifications could perform a technical assignment, then why this disparity. Is it the qualification or the job that should be the deciding factor?

# F. Implied terms of employment contract

With the introduction of the new salary scheme, the technical grades were granted 3 additional increments, placed above the clerical and allied categories, although some of them strictly speaking were not entitled to. However once granted, employees continue to enjoy such benefits and the new terms becomes *IMPLIED TERMS OF THEIR EMPLOYMENT CONTRACT*, and the legal protection afforded to them are under Sec. 70 of the Shop and Office Employees Act and Sec. 62 of the Wages Board Ordinance, which states as follows:-

Sec. 70 of the Shop and Office Employees Act

- "(1) The Provision of this Act shall be in addition to and not in substitution for or derogation of the provision of any other written law relating to the carrying on of any trade or business, or the employment of any person in any trade or business; and nothing in this Act shall be deemed or construed to permit the carrying on of any position or trade or the employment of any person in contravention of any position of any such other law.
- (2) Where any person employed in a shop or office was immediately prior to the appointed date entitled or becomes entitled on or after that date under or by virtue of any other law or under any contract, agreement, award or —, to any right, or privileges more favourable than those to which he would be entitled under this, nothing in this Act shall be deemed or constrained in any way to authorize or permit the employer to withhold, restrict or terminate such rights or

privileges.

(3) Any contract or agreement, whether make before or after the appointed dated, whereby any right conferred on may employee by or under this Act is in any way affected or modified to this detriment or whereby any liability imposed on any employer by or under this Act is in anyway removed or reduced, shall be null and void in so far as it purports to affect or modify any such right or to remove or reduce any such liability."

# Sec. 62 - Wages Board Ordinance

"Any contract or agreement, whether made before or after the date on which this Ordinance comes into operation whereby any right of any worker by or under this Ordinance is in any way affected or modified to his detriment or whereby any liability of any employer is in any way removed or reduced, shall be null and void in so far it purports to affect or modify any such right or to remove or reduce any such liability."

#### G. Effect of the unified Management Assistants Service

Government abolished the General Clerical Service, the Typists Service, the Stenographer's Service, the Book Keepers Service, Shroffs Service and the Store Keepers Service and formulated a unified 'Management Assistants Service' This unified service came into effect from 1 st January 2004 and the formula for absorption is contained in the Gazette notification bearing No. 1372/23 of 24th December 2004.

UGC and the Universities have continuously followed the rules and regulations of the State Sector and it is opportune to incorporate the clerical and allied grades, presently existing under the University administration and in lieu establish a Mid-Management grade.

## H. Objectives of a Salaries Commission

A salaries Commission should take a fair, reasonable and

practical view in fixing salaries and maintain a reasonable relativity in the salaries of different grades keeping in mind the qualifications, skills, intelligence, experience and ability required for the various classes and the nature of their duties and responsibilities.

In the final analysis based on the aforesaid observations and findings, I am satisfied that applicant Unions claim is reasonable. Therefore, the respondent University Grants Commission shall implement the following course of action -

- 1. those in the clerical and above grades to be absorbed into a Management Assistant grade in line with the Public Administration Circular, of 30.12.2004 which explains the contents of the Gazette Extraordinary No. 1372/23 of 24.12.2004.
- 2. the Management Assistants grade (A9 and above, covering non-executives) be merged with the existing Technical grade, thereby ensuring equal status, while removing the disparities. The new grade to be termed Management cum Technical grade.
- 3. Arrears of salaries due to be computed and paid within 45 days of publication of the Award in the Govt. Gazette. Also this award to be effective from the date of reference of this dispute, i.e. 22.09.2004.

This is just and an equitable award.

P. NAVARATNE, Arbitrator.

16th December, 2010

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