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The Gazette of the Democratic Socialist Republic of Sri Lanka  
EXTRAORDINARY

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No. 1946/3 - MONDAY, DECEMBER 21, 2015

(Published by Authority)

**PART I : SECTION (I) — GENERAL**

**Government Notifications**

My No. IR/10/64/2009

Ref No. : IR/10/64/2009

**THE INDUSTRIAL DISPUTES ACT CHAPTER 131**

**In the matter of an Industrial Dispute**

*Between*

THE award transmitted to me by the Arbitrator to whom the Industrial Dispute which has arisen between Retired Employees including Mrs. Soma Wijesuriya, No. 34, Manthrimulla Road, Attidiya, Dehiwala of the one part and Ceylon Petroleum Corporation, No. 609, Dr. Danister De Silva Mawatha, Colombo 09, Ceylon Petroleum Storage Terminals Ltd, Nimawa, Kolonnawa of the other part was referred by order dated 06.06.2012 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. 1761/20 dated 08.06.2012 for Settlement by Arbitration is hereby published in terms of Section 18(1) of the said Act.

1. Retired Employees including  
Mrs. Soma Wijesuriya,  
No. 34, Manthrimulla Road,  
Attidiya,  
Dehiwala

and

Case No. A/3450

..... of *The one part.*

and

1. Ceylon Petroleum Corporation,  
No. 609, Dr. Danister de Silva,  
Mawatha,  
Colombo 09.
2. Ceylon Petroleum Storage,  
Terminals Ltd, Nimawa,  
Kolonnawa.

..... of *the other part*

M.D.C. AMARATHUNGA,  
Commissioner of Labour.

Department of Labour,  
Labour Secretariat, Colombo 05.  
09th December 2015.



### THE AWARD

The Honourable Minister of Labour 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 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 6th June 2012 and referred the following disputes to me for settlement by arbitration.

The matter in dispute between the aforesaid parties are :-

Whether unjust has been caused to the Retired Employees including Mrs. Soma Wijesuriya who had been in service during the period from 1997 to 2002 in A5, A6 and A7 Grades in the Ceylon Petroleum Corporation by the non-payment of salary revisions made after their retirement in respect of 1997-2002 and if so, who are the responsible employers and who are entitled, to what amounts what periods”

#### *Appearance*

Mr. Leon Joseph,  
Representative appeared for the Party of the First Part

Ms. Ridma Kuruvita, State Counsel, and Subashini Disanayake,  
Attorney-at-Law appeared for the 1st Respondent

Mr. Sarath Karunaratne, Attorney-at-Law appeared for the 2nd Respondent

Parties filed their 1st Statements

The Preliminary Objection raised by the 1st Respondent was rejected and the matter was fixed for the inquiry

At the inquiry the parties agreed for the following settlement.

The 1st Respondent, Ceylon Petroleum Corporation as per the board decision dated 09.07.2015 agreed to make following payments :

- a. A sum of Rs. 3.2 Million among 58 retired employees
- b. And parallel to this a sum of Rs. 10.6 million among 157 retired employees
- c. The 1st Respondent stated that they have no liability to make payment to the following employees who worked and retired for China Bay and Lanka Marie services namely ;
  - a. S. Sivaghanam
  - b. W. M. C. B. Wijesinghe
  - c. A. Gunaweera

The 1st Respondent also stated that he has no liability to make any payment to following employees who were not employed by them.

- d. Sunil Katha
- c. A. A. Jayasena
- f. N. A. Hemachandra
- g. Godalawatte
- h. R. H. Samarasinghe

The Second Respondent stated that they will make payments to the 23 employees as agreed upon as a final settlement.

In the circumstances I make no order.

KAPILA M. SARATHCHANDRA,  
Arbitrator.

19th November 2015.  
01-301