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## The Gazette of the Democratic Socialist Republic of Sri Lanka

### EXTRAORDINARY

අංක 1840/26 - 2013 දෙසැම්බර් මස 10 වැනි අඟහරුවාදා - 2013.12.10  
No. 1840/26 - TUESDAY, DECEMBER 10, 2013

(Published by Authority)

## PART I : SECTION (I) — GENERAL

### Government Notifications

*My No.* : IR/13/15/2009.

*Ref. No.* : IR/13/15/2009.

#### THE INDUSTRIAL DISPUTES ACT (CHAPTER 131)

THE award transmitted to me by the Arbitrator to whom the Industrial Dispute which has arisen between D. Jayasena de Silva, Palliyapitiya, Rathgama / L. D. Ratnapala, 2nd Mile Post, Pituwala, Elpitiya of the one part and Sri Lanka Transport Board, No. 200, Kirula Road, Colombo 05 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) and published in the *Gazette* of the Democratic Socialist Republic of Sri Lanka Extraordinary No. 1681/8 dated 22.11.2010 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,  
29th November, 2013.

#### In the matter of Industrial Dispute

BETWEEN

- (1) D. Jayasena de Silva,  
Palliyapitiya,  
Rathgama.
- (2) L. D. Ratnapala,  
2nd Mile Post,  
Pituwela, Elpitiya.

of the One part

Case No. A - 3348  
12th, September 2013

and

Sri Lanka Transport Board,  
No. 200, Kirula Road,  
Colombo 05.

of the Other Part



### THE AWARD

The Honourable Minister of Labour Relations and productivity promotions by virtue of the powers vested in him by Section 4(1) of the Industrial Dispute Act No. 43 of 1950 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 the Arbitrator by his order dated 10th November 2010 and referred the following disputes to me for settlement by arbitration.

The matter in dispute between the aforesaid parties is ; -

- (1) Whether Messrs D. Jayasena de Silva and L. D. Ratnapala who were attached to the Galle Depot which is managed under the Sri Lanka Transport Board are entitled to receive arrears of salary for the period of interdiction of their service from 20.10.2004 to 01.06.2005 and if so entitled, what should be the quantum of payment so due and ;
- (2) Whether any injustice was caused to Messrs. D. Jayasena de Silva and L. D. Ratnapala due to transfer of them to the Elpitiya Depot from the Galle Depot is justified and if not justified, to what relief each of them is entitle.

Appearances : Mr. K. D. S. Jayawickrema appeared for the Applicants Mr. Janaka Samarasinghe, State Counsel instructed by Nishani Thenabadu Attorney-at-Law appeared for the Respondent.

The First Statement and an additional statement were filed on behalf of the Respondent Sri Lanka Transport Board and a

Replication was also filed on behalf of the Applicants and the parties were given time if they could arrive at an amicable Settlement.

The Parties were not in a position to arrive at a Settlement and the matter was fixed for Inquiry where the Applicants got the opportunity to give evidence and was cross examined and a relevant official of the Respondent gave evidence and was cross examined and on behalf of the Parties certain documents were marked.

Having considered the evidence and marked documents presented by the Parties and being satisfied with the Applicants' portion it is ordered that the 01st and 02nd Applicants Messrs D. Jayasena de Silva and L. D. Ratnapala are entitled to receive arrears of Salary for the period of interdiction of their services from 20.10.2004 to 01.06.2005 ie. Rs. 59409.23 for the 01st Applicant D. Jayasena de Silva and Rs. 56509.23 for the 02nd Applicant L. D. Ratnapala and the same shall be settled completely within Fourteen (14) days from the Publication of this Order in the Government Gazette.

And also it is ordered to cancel the transfers from Galle Depot to Elpitiya Depot of the said Applicants with immediate effect if the transfers are still in force.

JAYANTHA DE SILVA,  
Arbitrator.

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