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The Gazette of the Democratic Socialist Republic of Sri Lanka
EXTRAORDINARY

අංක 2054/30 - 2018 ජනවාරි මස 16 වැනි අඟහරුවාදා - 2018.01.16
No. 2054/30 - TUESDAY, JANUARY 16, 2018

(Published by Authority)

PART I : SECTION (I) — GENERAL
Government Notifications

My No. IR/15/30/2009.

THE INDUSTRIAL DISPUTES ACT, CHAPTER 131

THE award transmitted to me by the Arbitrator to whom the Industrial Dispute which has arisen between Samastha Lanka Eksath Sevaka Sangamaya, No. 103, P. S. Perera Mawatha (Opposite Shalawa), Mampe, Piliyandala of the one part and Mahaweli Authority of Sri Lanka, No. 500, T. B. Jayah Mawatha, Colombo 10 of the other part was referred by order dated 03.12.2010 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. 1684/23 dated 14.12.2010 for Settlement by Arbitration is hereby published in terms of Section 18(1) of the said Act.

A. WIMALAWEERA,
Commissioner General of Labour.

Department of Labour,
Labour Secretariat, Colombo 05.
15th January, 2018.

1A—G 26953 - 14 (01/2018)

This Gazette Extraordinary can be downloaded from www.documents.gov.lk

In the matter of Industrial Dispute

Between

Samastha Lanka Eksath Sevaka
Sangamaya
No. 103, P. S. Perera Mawatha,
(Opposite Shalawa),
Mampe,
Piliyandala

Case No. A/3368

of the one Part.

and

Mahaweli Authority of Sri Lanka,
No. 500, T. B. Jayah Mawatha,
Colombo 10.

of the other Part.



AWARD

01. The Honourable Minister of Labour and 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 by his order dated 03.12.2010 and referred the dispute between the aforesaid parties to me for settlement by Arbitration.

The matter in dispute between the aforesaid parties is :-

02. “Whether any injustice was caused to Mr. A. Rajapaksha who was in service under the Mahaweli Authority of Sri Lanka as the Assistant Director (Personnel Administration) due to non backdating the said post to 11.09.2002 by the Authority and if an injustice was caused, to what relief Mr. A. Rajapaksha is entitled”

Applicant was represented by Mr. P. L. S. Perera of Samastha Lanka Eksath Sevaka Sangamaya and Mr. Tyugo Anthony Attorney at Law, while respondent Organization was represented by Mrs. Prasanga Aillpperuma, Attorney at Law.

To expedite resolution of the matter in dispute, applicant was requested to submit a sworn affidavit, in order to cross examination the applicant subsequently, After days of cross examination, Applicant on 18th July, 2013 submitted in open court, the following proposals -

- (a) That he does will not wish to obtain the services of the Samastha Lanka Eksath Sevak Sangamaya and

- (b) That in *lieu* of the matter in dispute the backdating of the post of Asst. Director (Personnel Administration) w. e. f. 11.11.2002 substitute appointing him a Resident Manager w. e. f. 11.09.2002 and pay up arrears of salaries applicable thereto.

Lawyer for the respondent vehemently objected to the proposed Amendments in that, the matter in issue had been argued for 09 days and evidence of the witnesses are yet to be heard, and if acceded to the request of the applicant. It could be disastrous for the respondent.

Since the last day of hearing *i. e.* 18th July 2013, there had been no submission from the applicant for the last four years.

In the circumstances, I concede that the applicant had lost interest in proceeding with the case. Besides, the arbitrator is not mandated to modify or amend the matter in dispute stipulated in the reference as well as the legal personality who applied for relief, in this instance the Samastha Lanka Eksath Sevaka Sangamaya. No relief as such is granted.

This is just and a fair award.

P. NAVARATNE,
Arbitrator.

07th November, 2017.

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