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No. 1912/28 - WEDNESDAY, APRIL 29, 2015

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PART I : SECTION (I) — GENERAL Government Notifications

My No. : IR/21/09/2011.

Ref No. : IR/21/09/2011.

THE INDUSTRIAL DISPUTES ACT (CHAPTER 131)

THE award transmitted to me by the Arbitrator to whom the Industrial Dispute which has arisen between **Jathika Sevaka Sangamaya, No. 416, Kotte Road, Pita-Kotte** of the one part and **Cinnamon Grand Hotel, No. 77, Galle Road, Colombo 03** of the other part was referred by order dated 10.06.2014 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. 1869/31 dated 02.07.2014 for Settlement by Arbitration is hereby published in terms of Section 18(1) of the said Act.

HERATH YAPA,
Commissioner of Labour.

Department of Labour,
Labour Secretariat,
Colombo 05,
21st April 2015.

In the matter of Industrial Dispute

Between

Jathika Sevaka Sangamaya,
No. 416,
Kotte Road,
Pita-Kotte
(*Party of the First Part*)

And

Cinnamon Grand Hotel,
No. 77,
Galle Road,
Colombo 03
(*Party of the Second Part*)

Case No: A 3564



AWARD

The Honourable Minister of Labour Relations Gamini Lokuge, do 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 Act, Nos. 14 of 1957, 4 of 1962 and 39 of 1968 (read with Industrial Disputes – Special Provisions) Act, No. 37 of 1968 hereby appointed me on 10.06.2014 to be the Arbitrator and referred the above said dispute to me for settlement by Arbitration.

Statement of matter in dispute:

The matter in dispute between the aforesaid parties is:

"Whether the employees of the Cinnamon Grand Hotel have been caused injustice by being punished in accordance with the disciplinary practice implemented with effect from 01.01.2010, and if so, to what reliefs they are entitled".

Appearances:

Party of the First Part:

Mr. Joseph Leon Arulanandan Arulvasagam-Representative.

Mr. Majuwan Kankanamlagea Hemapala represents for the *Jathika Sevaka Sangamaya - (Parent Union)*

Mr. Honnanthara Arachchige Roshana Sarath Philip, the President of the Cinnamon Grand Hotel - Jathika Sevaka Sangamaya - *(Branch Union)*.

Party of the Second Part:

Mr. Chameel Perera Attorney-at-Law appears for the Party of the Second Part.

Mr. Sujeeva Cooray - Director Human Resource and Vice President John Keels Hodings PLC represents Cinnamon Grand Hotel.

Both Parties stated, above have submitted their respective statement that has lead to the dispute in terms of the Regulation 21(1) of the Industrial Dispute Regulation, 1958. Thereafter, Written Submissions were ordered on the Preliminary Objection made by the Party of the Second Part regarding jurisdiction of Court.

After, having analysed both the Statements and Written Submissions thereto, it is clearly discerned that there is no dispute between the parties. This fact was explained in detail and the end result was that the party of the First Part consented to settle the dispute reserving the right, if any, to make a fresh complaint.

There is, therefore, no dispute in existence now.

I make no Award.

I consider this Award as just and equitable in the circumstances.

T. EDMUND SANTHARAJAN,
Arbitrator.

At Colombo,
Dated 16th March, 2015.

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