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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 2208/4 - 2020 දෙසැම්බර් මස 28 වැනි සඳුදා - 2020.12.28
No. 2208/4 - MONDAY, DECEMBER 28, 2020

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

My No: IR/COM/01/2017/186

In the Matter of an Industrial Dispute

THE INDUSTRIAL DISPUTES ACT, CHAPTER 131

THE award transmitted to me by the Arbitrator to whom the Industrial Dispute which has arisen between **Mr. A. W. Chandrasekara Banda, No. 372, Canel 39, Weraganthota** of the one part and **Sri Lanka Transport Board, No. 200, Kirula Road, Colombo 05** of the other part was referred by order dated 24.07.2018 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. 2082/54 dated 02.08.2018 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,
14th October 2020.

Between

Mr. A. W. Chandrasekara Banda,
No. 372, Canal 39,
Weragantota.

A/51/2018
IR/COM/01/2017/186

Of one Part

And

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

Of other Part



Award

1. The Honourable Minister of Labour and Trade Union 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, 62 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 24th July, 2018 and referred the dispute between the aforesaid parties to me for settlement by arbitration.

2. The matter in dispute between the aforesaid parties is -

“Whether the non-payment of the salary relevant to the post to Mr. A.W.Chandrasekara Banda who worked as a Senior Depot Inspector of the Ududumbara Depot of the Sri Lanka Transport Board from August 2015 is just and if not so, to what reliefs he is entitled.”

3. Mr. Gratien Silva, Representative appeared for the applicant, while Mr. J.S.Fernando, Attorney at Law, followed by Miss. Manil Abeyundara, State attorney appeared for respondent organization.

4. After a brief discussion, applicant desired to submit a sworn affidavit so that respondent could commence cross examination straight away. Applicants: affidavit filed is at pages 49, 50 and 51. He stated that-

* Presently he works as a conductor, but lately he is unfairly stopped from work, but did not specifically say what the nature of alleged offence, And whether suspended or dismissed from employment.

* That he duly received a letter of appointment, After an inquiry, In the arbitration. Case No. A/ 3527, was awarded a sum of Rs. 1,025,559.00 which the applicant accepted.

* Before accepting the money awarded, he filed a motion seeking an interpretation. But arbitrator did not make any change.

* The money he received was for the period up to August, 2015 and the present application is for the subsequent period.

Witness for the respondent - Mrs. T.M.Sriyakumari Tennekoon, Provincial Finance Manager - of Ceylon transport board, states that

* She works for the last 5 years, being in charge of Kandy Region, covering 7 depots, which include Ududumbara depot.

* She had seen the arbitrator's Award No. A/3537 marked RI, As per R 1(a) the applicant had been paid a sum of Rs. 1,025,559.00 by way of compensation, which is in relation to a grade 6 employee, who was appointed on 8th April, 2004 and cancelled on 14th April, 2004.

5. Findings

(a) Section 62 of the Wages Board's Ordinance stipulate as follows -

“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 anyway affected or modified to his detriment or whereby any liability of any employer is in anyway removed . or reduced, shall be null and void insofar as it purports to affect or modify any such right or to remove or reduce any such liability”

Terms and conditions of employment of workmen involved are covered by the decisions of the Wages Board for Motor Transport trade. When the applicant was reverted to the position of conductor his salary should not fall below the amount, He was entitled on resumption of duties as Senior Depot Inspector. What is necessary is to ascertain the monthly salary drawn as conductor and ascertain the difference between the higher post and the lower post, which forms the amount due.

(b) Both applicant as well as his representative, although made lengthy written submission, has failed to finish - most essential elements. i.e.

(1) The salary he drew as the senior depot Award
Inspector.

In view of the above finding, I grant no relief to the applicant. This is just and a fair award.

(2) The salaries the applicant drew from
September, 2015 to date.

8th September 2020

Without the basic information arbitrator, cannot grant any
relief.

P. NAVARATHNE,
Arbitrator.

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