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EXTRAORDINARY

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No. 1976/20 - WEDNESDAY, JULY 20, 2016

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PART I : SECTION (I) — GENERAL
Government Notifications

My No. : IR/10/05/2009.

In the matter of Industrial Dispute

THE INDUSTRIAL DISPUTES ACT, CHAPTER 131

Between

THE award transmitted to me by the Arbitrator to whom the Industrial Dispute which has arisen between Mr. P. H. Payagala, No. 150/15, Seruwila Road, Belummahara, Mudungoda of the one part and Janashakthi Insurance PLC, No. 55/72, Vauxhall Lane, Colombo 02 of the other part was referred by order dated 19.11.2009 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. 1629/32 dated 27.11.2009 for Settlement by Arbitration is hereby published in terms of Section 18(1) of the said Act.

Mr. P. H. Payagala,
No. 150/15, Seruwila Road,
Belummahara,
Mudungoda.

Party of the First Part.

Case No. A-3307

and

Janashakthi Insurance PLC.,
No. 55/72,
Vauxhall Lane,
Colombo 02.

Party of the Second Part.

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

AWARD

Department of Labour,
Labour Secretariat, Colombo 05,
11th July, 2016.

The Honourable Minister of Labour Relations and
Manpower Athauda Seneviratne, do by virtue of the powers

Ref No. : IR/10/05/2009.



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, No. 14 of 1957, 62 of 1957, 4 of 1962 and 39 of 1968 (read with Industrial Disputes - Special Provisions) Act, No. 37 of 1968 hereby appointed me as the Arbitrator by his order dated 19th November 2009 and referred the dispute between the aforesaid parties for settlement by arbitration.

The statement of the matter in dispute between the aforesaid parties is as follows :

“Whether any injustice was caused to Mr. P. H. Payagala in consequent of demoting him to the post of Portfolio Manager and transferring to the Wattala Branch of Janashakthi Insurance PLC with effect from 29.10.2008 by the company while he was serving in the post of its Assistant District Sales Manager since 15th December, 2001 and if any injustice was caused, to what relief he is entitled from the said Company.”

Appearances :

Party of the First Part

Party of the First Part is absent and unrepresented.

Party of the Second Part :

Mr. Chamil Wickramasinghe - Attorney-at-Law appears on behalf of the Party of the Second Part.

Mrs. T. M. N. S. Basnayaka - Senior Human Resources Executive represents on behalf of the Janashakthi Insurance PLC.

Both Parties have been noticed and their respective statements were filed of record. Thereafter, the Party of the First Part commenced his Evidence in Chief and while, the Cross Examination was proceeding his services had been terminated and he had filed an application in the Labour Tribunal No. 02, Colombo - Case No. 2/167/2011.

In the circumstances the case was laid by.

In order to ascertain the present position of the said Labour Tribunal Case, Colombo Parties were noticed to be present on 18th April, 2016. On the day in question the Party of the First Part was absent and unrepresented. However, the Party of the Second Part informed the Court, that the matter had been settled between them in the Labour Tribunal on or about, 19th March 2012.

There is therefore, no dispute subsisting. This has been confirmed by the proceedings filed of record, of the said Labour Tribunal dated 29.02.2012 and the order was signed by Honourable R. A. P. C. Ranatunga President and Additional Magistrate.

In the premises, this matter had been frustrated and it has no force or avail in law.

And as such I make no Award.

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

Arbitrator.

At Colombo.

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