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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1890/6 - 2014 නොවැම්බර් මස 24 වැනි සඳුදා - 2014.11.24

No. 1890/6 - MONDAY, NOVEMBER 24, 2014

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PART I : SECTION (I) — GENERAL

Government Notifications

My No. : CI/981/2002.

Ref. No. : CI/981/2002.

THE INDUSTRIAL DISPUTES ACT CHAPTER 131

In the matter of an Industrial Dispute

THE interpretation of the award No. A 3231 dated 10.07.2012 made by the arbitrator under Section 34 of the Industrial Disputes Act, regarding the Industrial Dispute existing between Industrial and General Workers Union, No. 513-2/1, Elvitigala Mawatha, Colombo 05 of the one part and State Engineering Corporation of Sri Lanka, No. 130, W. A. D. Ramanayaka Mawatha, Colombo 03 of the other part which was published in the Government *Gazette Extra Ordinary* No. 1772/32 dated 23.08.2012 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,
11th November, 2014.

Between

Industrial and General Workers Union,
No. 513-2/1, Elvitigala Mawatha,
Colombo 05.

of the One Part

Case No. A/3231

And

State Engineering Corporation of
Sri Lanka,
No. 130, W. A. D. Ramanayaka Mawatha,
Colombo 03.

of the Other Part

Interpretation of the Award,

The Commissioner of Labour (Labour Relations) requested an interpretation of the order made by me on 10th July, 2012.



Whereas in the said order it was stated that the party of the first part (8 applicants) be paid arrears of salary inclusive of salary increments, and promotions which are rightfully due to them on the ground that they have fulfilled the requirements of the Public Administration Circular Nos. 16/94 of 10.05.1994, 16/94(i) of 30.05.1994 and 16/94(ii) of 04.07.1994 with effect from 1st May, 1994.

Whereas the Applicants submitted to the Hon. Magistrate Court Fort in Case No. 76163 that the Applicants be paid the salary arrears and increments due to them.

Whereas the settlement arrived in the Hon. Magistrate Court Fort 26 Applicants agreed to accept the calculation of arrears of salary offered by the Respondent except the Applicants F. A. Weerasinghe and P. D. Ratnayake.

Whereas the respondent submitted that they are liable to grant promotions under the Arbitration Award only if the Applicants have necessary qualifications according to the Public Administration Circular, and since those 2 applicants were refused promotions as they were lacking the necessary qualifications.

But the position of the said 2 Applicants were that according to the Arbitration Award Promotion should be granted to them as treated that they have fulfilled the necessary qualification.

Whereas when the Award was made that the mind of the Arbitrator was to pay the arrears of salaries and other increments to the applicants in accordance with the Public Administration Circular. If the Public Administration Circular requires certain qualifications to be fulfilled the Applicants should adhere to that.

Wherefor the said 2 applicants F. A. Weerasinghe and P. D. Rathnayake should be given increments, promotions as at 01.05.1994 as per the Public Administration Circular provided that they have fulfilled the necessary qualifications.

KAPILA M. SARATHCHANDRA,
Arbitrator.

01st October, 2014

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