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THE CEYLON GOVERNMENT GAZETTE

අංක 13,309 — 1962 සැප්තැම්බර් 21 වැනි සිකුරාදා — 1962.9.21

No. 13,309 — FRIDAY, SEPTEMBER 21, 1962

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PART I: SECTION (I)—GENERAL

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Appointments, &c., by the Governor-General

No. 392 of 1962

No. D197/Rect.

ARMY—REGULAR FORCE—TRANSFER AND APPOINTMENT APPROVED BY HIS EXCELLENCY THE GOVERNOR-GENERAL

Transfer

TRANSFER to the Ceylon Signal Corps with effect from August 22, 1962:—

Temporary Major CECIL THEODORE CALDERA, C.L.I.

Appointment

To act as Commanding Officer, Ceylon Signal Corps, with effect from August 22, 1962:—

Temporary Major CECIL THEODORE CALDERA, C.S.C.

By His Excellency's command,

M. W. F. ABEYAKOON,
Acting Permanent Secretary,
Ministry of Defence and External Affairs.

Colombo, September 14, 1962.

9—791

No. 393 of 1962

No. D/VF/18/A.

ROYAL CEYLON VOLUNTEER NAVAL FORCE—PROMOTIONS APPROVED BY HIS EXCELLENCY THE GOVERNOR-GENERAL

To be Lieutenants, with effect from July 1st, 1962—

Sub-Lieutenant W. M. N. DE SILVA, R.Cy.V.N.F.

Sub-Lieutenant V. A. J. MENDIS, R.Cy.V.N.F.

Sub-Lieutenant L. L. A. PEIRIS, R.Cy.V.N.F.

Sub-Lieutenant K. L. A. FERNANDO, R.Cy.V.N.F.

By His Excellency's command,

M. W. F. ABEYAKOON,
Acting Permanent Secretary,
Ministry of Defence and External Affairs.

Colombo, 12th September, 1962.

9—794

Appointments, &c., by the Public Service Commission

Commission

No. 394 of 1962

THE Public Service Commission has been pleased to order the following appointments:—

A55/62.

Messrs. W. RAJENDRA, S. J. VEDANAYAGAM, H. E. W. SOLOMONS and M. B. J. SILVA, Senior Assessors, Department of Inland Revenue, to act as Assistant Commissioners in the same Department with effect from 14th June, 1962, 14th June, 1962, 17th July, 1962, and 17th July, 1962, respectively.

Messrs. T. L. V. PERERA and L. O. DE SILVA, Assessors, Department of Inland Revenue, to act as Senior Assessors in the same Department with effect from 14th June, 1962.

Messrs. A. L. J. DE S. WIJERATNA and V. SUPPIAH, Assessors, Department of Inland Revenue, to act as Senior Assessors in the same Department for a period of one year from 17th July, 1962.

IMPORTANT NOTICE

IT is hereby notified that in view of the Public Holiday on Wednesday, September 26, 1962, all Notices and Advertisements for publication in the *Ceylon Government Gazette* of September 28, 1962, should reach the Government Press not later than 12 noon on Saturday, September 22, 1962.

Government Press,
Colombo, September 14, 1962.

BERNARD de SILVA,
Government Printer.

Mrs. K. SIRIWARDENA and Messrs. C. DE A. GOONAWARDENE, D. D. M. WAIDYASEKERA and P. KARALASTINGHAM, Assistant Assessors, Department of Inland Revenue, to attend to the duties of Assessors in the same Department, from 14th June, 1962, 14th June, 1962, 17th July, 1962 and 17th July, 1962, respectively.

Messrs. R. O. GANESHANATHAN and T. RATNASUNDARAM, Assistant Assessors, Department of Inland Revenue, as Assessors in the same Department with effect from February 6, 1962.

Mr. A. C. S. PERERA, Assistant Assessor, Department of Inland Revenue, to act as an Assessor in the same Department with effect from February 24, 1962.

N. P. WIJEWERATNE,
Secretary,
Public Service Commission.

Office of the Public Service Commission,
P. O. Box 503, Galle Face Secretariat,
Colombo 1, September 17, 1962.

9-802

Appointments, &c., by the Judicial Service Commission

No. 395 of 1962

SUMMARY OF APPOINTMENTS MADE BY THE JUDICIAL SERVICE COMMISSION

Name of Officer	New Appointment	Effective Date of New Appointment	Remarks
Mr. N. SIVAGNANASUNDRAM	.. Additional District Judge, Point Pedro	From 8th September, 1962, to deliver judgment in D. C., Point Pedro Case 6169 and to hear till completion D. C., Point Pedro Cases 6371, 6491, 6557 and 7113	In addition to his other duties
Mr. K. SINNATHAMBY	.. Additional Magistrate, etc., Vavuniya	From 5th September, 1962, to hear till completion M. C., Vavuniya Cases 56269, 36275, 36374, 36274 and 36276	In addition to his other duties
Mr. J. N. C. TIRUCHELVAM	.. Additional Municipal Magistrate, etc., Colombo	7th September, 1962 ..	During absence of Mr. D. W. K. LADDUWABETTY
Mr. A. M. M. THARIR	.. Additional Magistrate, etc., Galle ..	8th to 10th September, 1962	During absence of Messrs. B. S. C. RATWATTE and M. HUSSEIN
Mr. S. P. WIJAYATILAKE	.. Additional District Judge, Kandy at Matale, etc.	8th to 11th September, 1962	During absence of Mr. A. O. S. DISSANAYAKE
Mr. C. C. SOMASEGARAM	.. Additional Magistrate, etc., Jaffna	12th to 17th September, 1962	During absence of Mr. W. A. WALTON
Mr. J. J. DAVID	.. Additional Magistrate, etc., Batticaloa	From 20th October, 1962, to hear till completion M. C., Batticaloa Case 3110	—
Mr. L. V. R. DE JACOLYN	.. Additional Magistrate, etc., Avissawella	15th September, 1962 ..	During absence of Mr. J. G. L. SWARIS
Mr. H. A. JAYAWICKREMA	.. Additional District Judge, etc., Anuradhapura	12th and 21st September, 1962	During absence of Mr. C. V. UDALAGAMA
Mr. J. AMARASINGHE	.. Additional District Judge, etc., Tangalla	13th September, 1962 ..	During absence of Mr. K. C. E. DE ALWIS
Mr. N. M. A. WICKRAMASOORIYA	.. Additional District Judge, etc., Tangalla	12th and 13th September, 1962	During absence of Mr. K. C. E. DE ALWIS
Mr. F. S. PAUL	.. Additional Magistrate, etc., Mannar	9th and 10th September, 1962	During absence of Mr. K. SINNATHAMBY
Mr. F. S. PAUL	.. Acting President, Rural Court, Mannar	10th and 11th September, 1962	During absence of Mr. K. SINNATHAMBY
Mr. D. C. WIJESINGHE	.. Acting President, Rural Court, Dehigampal Korale, etc.	14th and 15th September, 1962	During absence of Mr. A. B. ALUWIHARE
Mr. A. W. A. EMMANUEL	.. Acting President, Rural Court, Dewameddi Hatpattu, etc.	12th and 13th September, 1962	During absence of Mr. T. B. WETTEWEA
Mr. B. P. PIYASENA	.. Acting President, Rural Court, Wellaboda Pattu, etc.	6th to 8th and 10th September, 1962	During absence of Mr. C. G. L. DE ALWIS

Office of the Judicial Service Commission,
P. O. Box 573,
Colombo, 13th September, 1962.

N. A. DE S. WIJESKERA,
Secretary,
Judicial Service Commission.

9-639

Other Appointments, &c.

No. 396 of 1962

APPOINTMENTS BY THE HON. MINISTER OF JUSTICE

THE Hon. the Minister of Justice has, under section 120 of the Criminal Procedure Code (Cap. 20) appointed—

No. INQ/L 1/3/57.

Mr. CHRISTY DE CROOS, to be an Inquirer for Negombo Town, Colombo District, with effect from August 11, 1962, until the resumption of duties by Mr. L. P. E. KARUNARATNE.

No. INQ/L 1/1/62.

Mr. L. A. GANEPOLA, to be an Inquirer for Kāndawela, Katana area, Colombo District, with effect from August 12, 1962, until the resumption of duties by Mr. M. JUSTIN DE SILVA.

No. INQ/L 2/3/58.

Mr. P. D. L. GUNAWARDENA, to be an Inquirer for Galpata area, Kalutara District, with effect from August 9, 1962, until the resumption of duties by Mr. T. D. J. AUSADARATNE.

No. INQ/L 2/1/62.

Mr. M. D. S. JAYAWARDENA, to be an Inquirer for Wadduwa Division, Panadura District, with effect from August 17, 1962, until the resumption of duties by Mr. H. A. P. WIJESKERA.

No. INQ/L 3/6/62.

Mr. L. A. R. M. ANSARI, to be an Inquirer for Yatinuwara Gangapalatha Korale, Kandy District, with effect from August 18, 1962, until the resumption of duties by Mr. D. M. ABYSEKERA.

No. INQ/L 3/5/62.

Mr. I. L. R. PUNCHIBANDARA, to be an Inquirer for Meda Dumbara Dakunupalata Korale, Kandy District, with effect from August 21, 1962, until the resumption of duties by Mr. M. MOHOTTY.

No. INQ/L 9/2/57.

Mr. E. YATHAVARAYAR, to be an Inquirer for Delft, Kayts, Jaffna District, with effect from August 16, 1962, until the resumption of duties by Mr. K. RAMANATHAN.

No. INQ/L 11/1/57.

Mr. E. B. FELDANO, to be an Inquirer for Pesali Division, Mannar District, with effect from August 13, 1962, until the resumption of duties by Mr. J. V. FELDANO.

No. INQ/L 11/1/57.

Mr. K. K. MAPPILLAI MARIKKAR, to be an Inquirer for Erukulampiddy, Mannar District, with effect from August 25, 1962, until the resumption of duties by Mr. K. K. S. HABREBU MOHAMED.

No. INQ/L 18/2/62.

Mr. R. B. MULLEGAMA, to be an Inquirer for Yatipalata Division, Badulla District, with effect from August 14, 1962, until the resumption of duties by Mr. H. H. N. SILVA.

No. AI 9/1/57.

Mr. JOHN SUBRAMANIAM SELLIAH ANANTHAM, to be an Inquirer for Delft Division, Jaffna District, with effect from July 16, 1962, while acting in the post of Divisional Revenue Officer for the said division.

No. AI 14/9/51.

Mr. D. M. DINGIRIBANDA, to be an Inquirer for Wenda Korale, Kurunegala District, with effect from August 11, 1962, until a permanent appointment is made.

D. J. R. GUNAWARDENA,
Acting Permanent Secretary to the
Ministry of Justice.

Ministry of Justice,
Colombo, September 5, 1962.
9-633

No. 397 of 1962

APPOINTMENTS BY THE HONOURABLE MINISTER OF JUSTICE

Justices of the Peace

No. AJ 2/8/57.

1. Mr. J. F. DEVAPURA, to be a Justice of the Peace for the Judicial District of Colombo.

2. Dr. H. A. RAHAMAN, to be a Justice of the Peace for the Judicial District of Galle.

3. Mr. L. R. UKKUBANDA, to be a Justice of the Peace for the Judicial District of Kegalle.

4. Mr. M. K. M. BUHARI HADJIAR, to be a Justice of the Peace for the Judicial District of Kegalle.

5. Mr. S. K. S. PERERA, to be a Justice of the Peace for the Judicial District of Kegalle.

D. J. R. GUNAWARDENA,
Acting Permanent Secretary to the
Ministry of Justice.

Ministry of Justice,
Colombo, 17th September, 1962.
9-790

No. 398 of 1962

No. D. 32/Rect.

ROYAL CEYLON NAVY—OFFICERS' PROMOTIONS

To be Lieutenants (S) with effect from July 1, 1962—

Sub-Lieutenant (S) R. S. JAYATILEKE, R.Cy.N.

Sub-Lieutenant (S) P. M. THAMBUGALA, R.Cy.N.

M. W. F. ABEYAKOON,
Acting Permanent Secretary,
Ministry of Defence and External Affairs.

Colombo, 12th September, 1962.
9-796

No. 399 of 1962

THE following appointments in the Ceylon Civil Service were effected on the dates notified below:—

No. 74/2/2 (MF).

Mr. I. O. K. G. FERNANDO has been appointed to act as Assistant Secretary, Ministry of Transport and Works, with effect from 29th August, 1962, until further orders.

No. 74/2/210 (MF).

Mr. J. J. RAJANAYAGAM attached to the General Treasury, with effect from 27th August, 1962, until further orders.

Mr. N. B. M. SENEVIRATNE to be attached to the Ministry of Industries, Home and Cultural Affairs, with effect from 29th August, 1962.

H. JINADASA,
Acting Secretary to the Treasury.

Ministry of Finance,
Colombo, September 15, 1962.
9-751

No. 400 of 1962

THE Honourable the Minister of Commerce, Trade, Food and Shipping has been pleased to appoint Mr. H. S. WANASINGHE, C.C.S., Acting Deputy Collector and Landing Surveyor of Customs to be in addition to his other duties, Assistant Controller of Imports and Exports, with effect from 1.8.62.

K. ALVAPPILLAI,
Permanent Secretary to the Ministry of Commerce,
Trade, Food and Shipping.

Colombo, 11th September, 1962.
9-745

Government Notifications

G.-G. O. No. O. 437/56.

HIS Excellency the Governor-General has been pleased to accept on behalf of Her Majesty The Queen the Letter of Credence of His Excellency Mr. Hsieh Ke-hsi accrediting him as Ambassador Extraordinary and Plenipotentiary of the People's Republic of China to Ceylon.

By His Excellency's command,

S. J. WALPITA,
Secretary to the Governor-General.

Governor-General's Office,
Colombo, 15th September, 1962.
9-759

THE MOTOR TRANSPORT ACT, No. 48 OF 1957

Order under Section 25 (1)

BY virtue of the powers vested in me by sub-section (1) of section 25 of the Motor Transport Act, No. 48 of 1957, I, Michael Paul de Zoysa Siriwardene, Minister of Labour and Nationalised Services, do by this Order approve the proposed acquisition of the immovable property specified in the Schedule hereto for the purposes of the business of the Ceylon Transport Board.

M. P. DE Z. SIRIWARDENE,
Minister of Labour and Nationalised Services.
Colombo, August 29, 1962.

SCHEDULE

1. An allotment of land in extent approximately 2.5 perches situated in the Balangoda Bazaar area, within the U. C. limits of Balangoda, Kadawatte and Meda Korale D. R. O's Division, Ratnapura District, Sabaragamuwa Province.

2. Bounded on the north, east and west by remaining part of same land.

Bounded on the south by irrigation channel and U. C. power house.

3. Particulars of allotment to be acquired are as follows:—

Name of land: Mahakumbura.

Description: Bare land.

Extent: Approximately 2.5 perches.

Names and addresses of claimants: S. R. Elapatha

Kumarihamy, Alpitiya, Godakawela.

A. F. Mo'amure, Ratnapura.

T. Velupillai, Old Road, Balangoda.

9-817

THE MOTOR TRANSPORT ACT, No. 48 OF 1957**Order under Section 25 (1)**

BY virtue of the powers vested in me by sub-section (1) of section 25 of the Motor Transport Act, No. 48 of 1957, I, Michael Paul de Zoysa Siriwardene, Minister of Labour and Nationalised Services, do by this Order approve the proposed acquisition of the immovable property specified in the Schedule hereto for the purposes of the business of the Ceylon Transport Board.

M. P. DE Z. SIRIWARDENE,
Minister of Labour and Nationalised Services.

Colombo, September 14, 1962.

SCHEDULE

An allotment of land bearing assessment No. 64/395 in extent approximately 3 roods, situated in Chilaw, within the Urban Council limits of Chilaw, Pitigal Korale North D. R. O's Division, Chilaw District, North-Western Province.

2. Bounded on the north, east and south by remaining portion of the same land.

Bounded on the west by Puttalam-Chilaw P. W. D. road.

3. Particulars of allotment to be acquired are as follows:—

Name of land: Sinhapura Estate (part of).

Description: Bare land.

Extent: Approximately 3 roods.

Name and address of claimant: L. Kadirgaman Pillai, 91, Barnes Place, Colombo 7.

9—816

THE BOARD OF INDIAN IMMIGRANT LABOUR

IT is hereby notified that the Honourable the Minister of Labour and Nationalised Services has been pleased in terms of section 9 (1) of the Indian Immigrant Labour Ordinance (Chapter 111) to appoint Mr. N. L. A. de Mel, to be a member of the Board of Indian Immigrant Labour for a period of three years with effect from 1st September, 1962.

V. S. M. DE MEL,
Permanent Secretary,
Ministry of Labour and Nationalised Services.

Colombo, 18th September, 1962.

9—752

CORRECTION**The Wages Boards Ordinance**

IN the notification appearing on page 2232 of Part I Section (I) —(General) of the *Ceylon Government Gazette* No. 13,272 of August 24, 1962, the sixth name under "representatives of Employers" should read as "Mr. D. C. R. Goonawardena" and not as appearing therein.

9—655

No. T. 7/564.

THE INDUSTRIAL DISPUTES ACT, CHAPTER 131

THE Award transmitted to me by the Arbitrator to whom the industrial dispute which had arisen between the United Port Workers' Union and Mr. P. Veeravagu, the Proprietor of Messrs. Veeravagu & Co., Trincomalee, was referred under section 3 (1) (d) of the Industrial Disputes Act, Chapter 131, as amended by the Industrial Disputes (Amendment) Acts, Nos. 14 and 62 of 1957 and No. 4 of 1962, for settlement by arbitration, is hereby published in terms of section 18 (1) of the said Act.

N. L. ABEYWIRA,
Commissioner of Labour.

Department of Labour,
Colombo, 11th September, 1962.

This is an Award under section 17 of the Industrial Disputes Act. An industrial dispute between the United Port Workers' Union, 32, 2nd Rohini Lane, Colombo 11 (hereinafter referred to as the "Union") and Mr. P. Veeravagu the proprietor of Messrs. P. Veeravagu & Co., 244, Inner Harbour Road, Trincomalee (hereinafter referred to as the "Company") has been referred to me by the Minister of Labour and Nationalised Services by a letter dated 27th July, 1962, for settlement by arbitration under section 4 (1) of the Industrial Disputes Act (Chapter 131) of the Legislative Enactments of Ceylon (Revised Edition 1956) as amended by Industrial Disputes (Amendment) Acts, Nos. 14 of 1957, 62 of 1957 and 4 of 1962.

According to the statement of the Commissioner of Labour dated 27th July, 1962, the matter in dispute between the

parties is whether the non-employment of the following employees is justified and to what relief they are entitled:—

1. K. D. Richard,
2. M. Gnanapragasam,
3. K. S. Thambu,
4. S. Thambipillai,
5. S. Sahaivam,
6. P. Nadarajah,
7. A. Lazarus,
8. K. Subramaniam, and
9. M. H. A. Siddique.

The inquiry was held on the 4th, 9th, 10th, 15th, 17th, 20th and 21st of August, 1962. The Union was represented by Mr. P. B. Tampos in his capacity as a Union Official and Mr. Advocate Karalasingham while the company was represented by Mr. G. E. Chitty, Q.C. with Mr. Advocate Arunapalam instructed by Mr. Neminathan.

The dispute had led to a strike among the employees of the company and spread to other employees resulting in complete paralysis of all port activities. This was the situation when the dispute was referred to me for settlement by arbitration and in view of the urgency of the matter and the need for expedition, I decided to dispense with the requirements of Regulations 22 and 23 relating to the calling of statements and answers from the parties to the dispute.

The subject matter of the arbitration is the non-employment of 9 persons by Messrs. Veeravagu & Co. as from the 25th of June, 1962. The evidence in the case, the documents marked as well as the evidence of Richard all show that the non-employment is no more than the suspension of the 9 persons arising out of an incident which took place on the 24th of June. The notice of suspension issued to all nine persons is in identical terms and reads as follows:—

"At evening muster yesterday the 24th instant you used indecent language against the firm because some new men had been taken to act as winchmen. You also prevented the workers from going to work under the very eyes of the Proprietor, with the result that no work was done during the evening shift yesterday.

You are therefore suspended from work with effect from today (25.6.1962). Please forward within the next three days your explanation of your conduct referred to above."

The notice of suspension is clearly in the nature of an interim order preparatory to a final decision being taken. There has been no dismissal of any kind, summary or otherwise and the 9 persons are still in the employ of the company though under suspension. The employer, having made an interim order, has for certain reasons beyond his control, not been able to make it the subject of a further determination as to whether the persons concerned should be held to have been exonerated or deserved to be imposed any punishment. The workers declared a strike which was called off on the same day as a result of the Labour Officer's intervention, followed by a conference in his office at which the parties agreed to the suspension of the 9 persons being looked into by the Labour Officer. Before the Labour Officer completed his investigations for the purpose of making recommendations for a settlement of the dispute a further strike was called involving the employees in the entire port of Trincomalee. Subsequently negotiations were conducted by the Labour Department and the Hon. Minister of Labour took a decision to refer the dispute to me for settlement by arbitration. It will therefore be seen that the employer has had no opportunity of taking any follow-up action arising out of his original notice to suspend the employees and to ask for their explanations regarding their conduct on the 24th of June. It has also to be borne in mind that the subsequent arrangement made by consent as between the Union and the Company to have the matter looked into by the Labour Officer took away the necessity on their part to tender their explanations as required by the notices of suspension.

The matter which arises for my determination therefore is whether the interim order of suspension was justified in the circumstances or not.

It will be useful now to examine the nature of the incident which led to the issue of suspension notices. The background to the incident which took place on the 24th evening was the objection taken by Richard and others to 3 outsiders being taken to act as winchmen. According to the company Richard acting on the strong suspicion that certain outsiders were going to be mustered went up to the muster clerk and protested to him that if outsiders were going to be mustered as winchmen, the permanent men would not go for work. The muster clerk assured him that the normal procedure would be followed namely that permanent men would be mustered first and temporary men taken only if the number of permanent men was found inadequate to meet the requirements of the evening shift. Richard was in no mood to listen to the muster clerk as he had come with the set purpose of making trouble. The Proprietor was called in at this stage but Richard in the meantime directed his attention to warning gangs not to muster. On the instructions of the Proprietor the muster clerk called

out the names of the Tindal and then the names of the permanent men. Only the Tindal and two of the permanent men mustered but the rest were prevented from going to work by Richard and others. The muster clerk then proceeded to muster two temporary gangs and at this stage although previously there had been sporadic outbursts of abuse, shouting and grumbling, there was general concerted abuse of the company and the proprietor in the most objectionable terms. Richard and the 8 others who were the chief union men had taken their positions at the head of the crowd of 125 to 150 workers who were present on that occasion, and though not standing in one bunch were not far from each other and were easily seen and heard by the proprietor and those conducting the muster. The police were telephoned to and when they arrived on the scene the crowd began to disperse.

The union's position, on the other hand, is that whatever incident took place on the 24th evening was purely and simply a protest against the company having mustered three outsiders to act as winchmen which was directly contrary to the normally accepted practice of taking temporary personnel only provided permanent men are not sufficient to meet the requirements of the work involved. It was contended that the order in which employees were mustered was first Tindals, then winchmen and finally labourers. On this occasion, Richard, one of the Committee members of the Union Branch came 5 minutes after muster commenced and on being informed by the workers that 3 outsiders had been mustered to act as winchmen lodged a protest with the muster clerk against outsiders being taken for work in that way. The muster clerk informed him that he was acting on the proprietor's instructions. Richard then asked him to stop the muster and went to the union office which was half a mile away. Balachandran, the muster clerk in turn went to proprietor's office to report what had transpired. Mr. Victor Rajamannar, the Union Secretary, came to the place of muster followed later by Richard and having verified what had happened advised the workers not to go for work. Thereupon the workers dispersed and the mustering of the temporary gangs took place. The police were called on the scene in order to afford protection to the temporary workers from possible molestation by the permanent workers.

On the 25th May Mr. V. Veeravagu questioned Richard and a few others in his office, recorded something which they refused to sign as they were not read over and suspended them from work. The workers made immediate representations to the Labour Officer and suspension notices were later in the evening read and explained to Richard and the other 8 workers in the presence of union officials by the Labour Officer and handed over, Richard's notice alone being retained in the Labour Office.

The issue which arises for decision is whether in fact there was a disturbance at muster on the 24th evening at which Richard and others used indecent language against the company and the proprietor and prevented workers from going to work. It is common ground that whatever the nature of the incident, the motive which actuated it was the recruitment of 3 outsiders to act as winchmen. The union contended that the mustering of the 3 outsiders took place at the very commencement after Tindal Kalirajah's name was called and that it was only consistent with the usual order in which the various categories of employees are mustered not only in this company but in all others operating in the Port. It was also the union's position that the mustering of labour gangs would be to no purpose if winchmen are not available. The Company's position in regard to this was that no outsiders were, in fact, mustered for work and that Richard's protest was based purely on a suspicion that outsiders were going to be taken on to act as winchmen. There is nothing in the evidence led by the Company to show that even after two temporary gangs were mustered, outsiders were taken to act as winchmen. I cannot accept the Company's story that Richard came ready to create trouble with an imaginary grievance and refused to accept the assurance of the muster clerk that temporary men would be recruited only if necessary after the permanent gangs were mustered. One would think that the normal human reaction in such a situation would be wait and see whether the assurance would be implemented before making an issue of it. It is in evidence that this matter was raised by the Union along with other demands at the Conference held in the Labour Office on the very next day and it was agreed that permanent winchmen would be given work in the first instance and if more winchmen are needed the requirements would be met from the permanent labour who have acted earlier as winchmen before giving work to temporary winchmen. There would have been no necessity to enter into such an agreement if in fact there had been no divergence from such an arrangement. The wording of the suspension notice is very significant. "At evening muster yesterday the 24th instant you used indecent language against the firm, because some new men had been taken to act as winchmen." It was argued for the employer that this was a lawyer's summary of the facts and not as it were an indictment prepared by the Attorney-General. The notice, nevertheless, contains an important statement of fact and it is only the employer who can be regarded as the repository of that knowledge namely that the motive for the abuse and the prevention of workers from going to work was that new

men had been taken to act as winchmen. The evidence and the probabilities in the matter are confirmed by the employer's own admission in the notice that the disturbance was caused by the fact that new men had been taken to act as winchmen.

I cannot equally accept the union's story that all that transpired at the evening muster on the 24th of June was a peaceful and legitimate protest against the company having mustered 3 outsiders as winchmen. If that were so, the Management has been responsible for a complete invention to do away with 9 persons who had served the employer satisfactorily and against whom but for this incident the employer had had no cause for complaint. Richard himself has admitted that Veeravagu had treated them well and they had absolutely no grievance or animosity against him. It is difficult to believe that the employer would have turned against these men, 5 of whom are winchmen whose work was valuable to him and whose absence would have put him to considerable expense and caused damage to equipment and goods for which he would have been financially liable. I see no reason why the testimony of Balachandran, Rajaratnam, Ganesh and Kalraj should not be accepted in regard to the abuse which took place, but here again I accept the story of the abuse in exactly the way the charge has been made out in the suspension notice, namely that indecent language was used against the Firm in general and not against the proprietor in person. It was argued for the employer that the company is a one-man company in order to show that the abuse of the company necessarily meant abuse on the proprietor. One must, however, recognise the distinction between abuse directed against the company and abuse directed against the proprietor and in as much as Richard had no personal grievance or animosity against the proprietor, his abuse as well as that of the other 8 persons was the unfortunate and no doubt unnecessary expression of their resentment and anger against the management.

As to the other part of the charge it is clear from the position that the Union took up from the very beginning that workers were advised not to go for work since outsiders had been recruited as winchmen. It was the union's contention in regard to this matter which was not refuted by the other side that the 24th of June was a Sunday and the workers had already worked one shift in the morning so that it was entirely a matter of option whether they should undertake a second shift or not.

From a full consideration of all the circumstances involved, I hold that a *prima facie* case existed and that the action taken to suspend the 9 persons was justified. As I said earlier the subject matter of this arbitration is whether or not this action ab initio to suspend the 9 persons was justified. It would be beyond my competence and outside my terms of reference to determine what would be a fair punishment for the offence committed in as much as the employer had only taken an interim measure and has not had an opportunity to take a final decision regarding the matter.

It may well be that after having gone into all the circumstances the employer may decide not to impose any punishment at all and I have no right to pre-judge what he in his discretion and in the exercise of his prerogative might deem fit to do.

I order that the 9 persons mentioned in the reference should within 10 days of the publication of this Award in the *Government Gazette* forward by registered post, to the Manager, P. Veeravagu & Co., 244, Inner Harbour Road, Trincomalee, their replies to the letters dated 25.6.62 by which their explanations were called for in regard to the conduct at evening muster on 24.6.62, and that the employer should give his decision within 10 days thereafter.

I hope that the employer would take into account the findings I have recorded above and arrive at a fair and equitable decision.

E. S. APPADURAI,
Arbitrator.

31.8.62.
9-642

L. D.—B. 17/62

THE CONTROL OF INSURANCE ACT, No. 25 OF 1962

Order under Section 1

BY virtue of the powers vested in me by section 1 of the Control of Insurance Act, No. 25 of 1962, I, Tikiri Bandara Ilangaratne, Minister of Commerce, Trade, Food and Shipping, do by this order appoint the 1st day of November, 1962, as the date on which the aforesaid Act shall come into operation.

T. B. ILANGARATNE,
Minister of Commerce, Trade, Food and Shipping.

Colombo, 14th September, 1962.
9-659/1

L. D.—B. 17/62

THE CONTROL OF INSURANCE ACT, No. 25 OF 1962

THE Minister of Commerce, Trade, Food and Shipping has, under section 76 of the Control of Insurance Act, No. 25 of 1962, read with section 12 of the Interpretation Ordinance (Chapter 2), appointed with effect from 1st November, 1962, the Director of Commerce, to be the Controller of Insurance in addition to his own duties.

K. ALVAPILLAI,
Permanent Secretary,
Ministry of Commerce, Trade, Food and Shipping.
Colombo, 14th September, 1962.

9—659/2

Miscellaneous Departmental Notices

THE CEYLON STATE MORTGAGE BANK

AT a meeting held on the 31st July, 1962, the Board of Directors of The Ceylon State Mortgage Bank resolved specially and unanimously—

- (a) that a sum of Rs. 13,513.55 is due from Mr. Don Robert Ediriwickrema of "Bridge View", Tangalla, on account of principal and interest up to 10.7.1962 and further interest at 7 per centum per annum on the sum of Rs. 2,967.89 and 6% on the sum of Rs. 9,543.97 from 11.7.1962 till date of payment on Bonds Nos. 469 dated 9.11.1954 attested by Derrick Koch, N. P., and 74 dated 13.12.1956 attested by E. F. de Silva, N. P.
- (b) in terms of section 62 (1) of the Ceylon State Mortgage Bank Ordinance (Cap. 398 of Legislative Enactments of 1956) that Mr. Arthur Balasuriya, Auctioneer of Matara, be authorised and empowered to sell by public auction all that allotment of land called Karagahawa ta marked Lot D in the Survey Plan hereinafter referred to together with the trees, plantations and buildings standing thereon bearing Assessment Nos. 045/1, 3 and 5, Hambantota Road, situated at Tangalla within the Urban Council limits of Tangalla in West Giruwa Pattu of Hambantota District, Southern Province, containing in extent twenty perches (OA. OR. 20P.) according to Survey Plan thereof bearing No. 80 made by J. D. S. Wijesekera, Licensed Surveyor, and filed of record in case No. 5237/Partition of the District Court of Tangalla, mortgaged to this Bank as security by Mr. Don Robert Ediriwickrema by Bonds Nos. 469 dated 9.11.1954 attested by Derrick Koch, N. P., and 74 dated 13.12.1956 attested by E. F. de Silva, N. P., for the recovery of the sum of Rs. 13,513.55 due under the said bond together with interest at 7 per cent. per annum on the sum of Rs. 2,967.89 and 6 per cent. on the sum of Rs. 9,543.97 from 11.7.1962 to date of sale and costs and monies recoverable under section 63 of the State Mortgage Bank Ordinance (Cap. 398 of Legislative Enactments 1956).

T. VICTOR FERNANDO,
Manager,
Ceylon State Mortgage Bank.

Colombo, September 11, 1962.

9—606

THE CEYLON STATE MORTGAGE BANK

AT a meeting held on the 31st July, 1962, the Board of Directors of The Ceylon State Mortgage Bank resolved specially and unanimously—

- (a) that a sum of Rs. 17,466.08 is due from Mr. Bernard Aloysius Wanniarachchi Jayamanne of No. 18, Mosque Road, Negombo, on account of principal and interest up to 10.7.1962 and further interest at 5½ per centum per annum on the sum of Rs. 15,758.48 from 11.7.1962 till date of payment on Bond No. 167 dated 19.7.1957 attested by E. F. de Silva, N. P.
- (b) in terms of section 62 (1) of the Ceylon State Mortgage Bank Ordinance (Cap. 398 of Legislative Enactments of 1956) that Mr. Edwin V. Perera, Auctioneer of Negombo, be authorised and empowered to sell by public auction all that and those the two contiguous allotments of land called Talgahawatta and a portion of Delgahawatta, now forming one property and depicted in survey plan No. 7844, dated 2nd March, 1957, made by W. R. S. Fernando, Licensed Surveyor, together with the trees, plantations, buildings and everything standing thereon bearing assessment No. 18, Mosque Road, situated along Mosque Road in Third Division, Hunupitiya, within the Municipality and District of Negombo, Western Province, containing in extent one rood and two decimal seven five perches (OA. 1R. 2.75P.) according to the said survey plan No. 7844, mortgaged to this Bank as security by Mr. Bernard Aloysius Wanniarachchi Jayamanne by Bond No. 167 dated 19.7.1957, attested by E. F. de Silva, N. P., for the recovery of the

sum of Rs. 17,466.08 due under the said bond together with interest at 5½ per cent. per annum on the sum of Rs. 15,758.48 from 11.7.1962 to date of sale and costs and monies recoverable under section 63 of the State Mortgage Bank Ordinance (Cap. 398 of Legislative Enactments of 1956).

T. VICTOR FERNANDO,
Manager,
Ceylon State Mortgage Bank.

Colombo, September 11, 1962.

9—608

THE CEYLON STATE MORTGAGE BANK

AT a meeting held on the 31st July, 1962, the Board of Directors of the Ceylon State Mortgage Bank resolved specially and unanimously—

- (a) that a sum of Rs. 17,158.38 is due from the heirs of the late Mr. Rajasekera Niyangoda (deceased), and from Mrs. I. Niyangoda as administratrix of the Inestate Estate of the said Rajasekera Niyangoda, deceased, of 42, 5th Lane, Ramalana, on account of principal and interest up to 20.5.1962, and further interest at 5½ per centum per annum on the sum of Rs. 15,000 from 21.5.1962 till date of payment on bond No. 496 dated 8.9.1959; attested by E. F. de Silva, N. P.
- (b) in terms of section 62 (1) of the Ceylon State Mortgage Bank Ordinance (Cap. 398 of Legislative Enactments of 1956), that Mr. V. C. Perera, Auctioneer of Nuwara Eliya, be authorised and empowered to sell by public auction—
- (1) all that divided allotment of land marked lot 41 in plan No. 1141 dated 13th April, 1956, made by M. L. Theerthavelu, Licensed Surveyor, of all that allotment called Kandapolakale (being a part of Park Estate), together with the buildings and plantations thereon situated at Kandapola in Yawalata in Udakinda, now in Oypalata Korale, Walapone, in the District of Nuwara Eliya, Central Province; and containing in extent two roods and thirteen decimal five perches (OA. 2R. 13.5P.) according to the said survey plan No. 1141.
- (2) all that divided allotment of land marked lots 39, 40 and 42 in the said plan No. 1141 of all that allotment called Kandapolakale (being part of Park Estate), together with the buildings and plantations standing thereon situated at Kandapola aforesaid; containing in extent one acre and ten decimal one two perches (OA. OR. 10.12P.) according to the said plan No. 1141; and
- (3) all that divided allotment of land marked lot 43 in the said plan No. 1141 of all that allotment called Kandapolakale (being a part of Park Estate) situated at Kandapola aforesaid; containing in extent (exclusive of the path) one decimal four seven perches (OA. OR. 1.47P.) according to the said plan No. 1141, mortgaged to this Bank as security by the late Mr. Rajasekera Niyangoda (deceased), by bond No. 496 dated 8.9.1959, attested by E. F. de Silva, N. P., for the recovery of the sum of Rs. 17,158.38 due under the said bond together with interest at 5½ per cent per annum on the sum of Rs. 15,000 from 21.5.1962 to date of sale and costs and monies recoverable under section 63 of the State Mortgage Bank Ordinance (Cap. 398 Legislative Enactments of 1956).

T. VICTOR FERNANDO,
Manager,
Ceylon State Mortgage Bank.

Colombo, 11th September, 1962.

9—604

THE IRRIGATION ORDINANCE (CAP. 453)

IT is hereby notified that I, Nissanka Wijewardana, Acting Government Agent of Nuwara Eliya District, in the Central Province, have by virtue of powers vested in me by section 15 (i) (a) of the Irrigation Ordinance (Cap. 453), approved the resolution set out in the Schedule hereto.

N. WIJewardANA,
Acting Government Agent.

The Kachcheri,
Nuwara Eliya, 20th July, 1962.

Schedule

RESOLUTION

"This meeting of proprietors within the irrigable area of Wahugala Getahe irrigation work in the Nuwara Eliya District, Central Province, approve the scheme relating to that irrigation work prepared under Part V of the Irrigation Ordinance (Cap. 453).

9—570

THE IRRIGATION ORDINANCE (CAP. 453)

IT is hereby notified that I, Nissanka Wijewardana, Acting Government Agent of Nuwara Eliya District, in the Central Province, have by virtue of powers vested in me by section 15 (i) (a) of the Irrigation Ordinance (Cap. 453), approved the resolution set out in the Schedule hereto.

N. WIJEWARDANA,
Acting Government Agent,
Nuwara Eliya District.

The Kachcheri,
Nuwara Eliya, 20th July, 1962.

**Schedule
RESOLUTION**

"This meeting of proprietors within the irrigable area of Bandara Ela irrigation work in the Nuwara Eliya District, Central Province, approve the scheme relating to that irrigation work prepared under Part V of the Irrigation Ordinance (Cap. 453)".

9-569

**REGISTRATION OF PLACE OF WORSHIP FOR
SOLEMNIZATION OF MARRIAGES**

In pursuance of the provisions of Section 10 of the Marriage Registration Ordinance, Cap. 112, I, Annelly Mervyn Sigismund Perera, Registrar General of Ceylon, do hereby notify that the under-mentioned building, used as a place of public Christian worship, has been duly registered for the solemnization of marriages therein.

Number : 923.

Date of Registration : September, 1962.

Description : St. Jude's Church.

Situation : Keenawinna, Aluthkuru Korale North, Dunugaha-pattu.

Minister or proprietor or trustee : The Most Rev. Dr. Thomas Cooray, O.M.I.

Religious denomination on whose behalf the building is registered : Roman Catholic.

Registrar General's Office,
Colombo, September 5, 1962.
9-593

A. M. S. PERERA,
Registrar General.

PROCLAMATION

NOTICE is hereby given that as I am satisfied that there is a danger of rabies in rural area of Trincomalee District, the whole district outside the areas of Trincomalee Urban Council Limits, is hereby proclaimed from 1st October, 1962, under section 11 of the Rabies Ordinance (Chapter 476).

Any dog found in any public place or road or any places other than a private building, compound or garden within the said area of the Trincomalee District and not being tied or led shall be liable to be destroyed forthwith.

D. M. A. SPELDEWINDE,
Government Agent, Trincomalee District.

The Kachcheri,
Trincomalee, 21st September, 1962.
9-740

NOTICE

NOTICE is hereby given that danger of Rabies exist in Moneragala, Wellawaya, Wellassa and Bintenna Pattu Revenue Divisions of Moneragala District and the said Divisions are proclaimed under section 11 of the Rabies Ordinance Chapter 333 for a period of six months from September 1, 1962.

Any dog found in any public place or road or any other place other than a private building, compound or garden within the area proclaimed above, and not being tied up or led is liable to be destroyed forthwith.

S. D. SAPARAMADU,
Government Agent, Moneragala District.

The Kachcheri,
Moneragala, August 29, 1962.
9-824

NOTICE

NOTICE is hereby given that the areas declared infected in the Urban Council area, Nawalapitiya, in the Divisional Revenue Officer's Division of Udabulathgama, in the Kandy District of the Central Province, in accordance with the provisions of the Contagious Diseases (Animals) Ordinance (Amendment) Act, No. 33 of 1957, section 4, sub-section 1, (Chapter 327) and published in *Government Gazette* No. 13,263 of 17.8.1962, is free of "Foot and Mouth" diseases and is no longer an infected areas.

This declaration shall take effect from the date hereof.

ABEYARATNA BANDARANAYAKE,
Chief Government Veterinary Surgeon.

Office of the Chief Government
Veterinary Surgeon,
Peradeniya, 15th September, 1962.
9-760

NOTICE

IT is notified for general information that the Resthouses at Kankasanturai and Point Pedro are now re-opened for the use of the public.

T. S. THURAIAPPAH,
for Government Agent,
Jaffna District.

The Kachcheri,
Jaffna, September 14, 1962.
9-743/3

INTERRUPTION TO TRAFFIC

Eastern Division—Kalmunai District

BRIDGE No. 41/1—AKKARAI PATTU-SAGAMAM ROAD

IT is hereby notified that the above bridge will be closed for traffic for a period of two months from 1.10.62 for effecting repairs. The alternate route will be the Colombo-Ratnapura-Wellawaya-Batticaloa Road.

MELSON FERNANDO,
for Director of Public Works.

Public Works Department,
Colombo, 17th September, 1962.
9-785

INTERRUPTION TO TRAFFIC

Bridge No. 13/10 on Horana-Alutgama Road—Kalutara District

THE above bridge will be closed for vehicular traffic until further notice. The alternative route will be via Narthupana-Warakagoda Road.

A. C. PERERA,
for Director of Public Works.

Public Works Office,
Colombo, September, 14, 1962.
9-818

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