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## THE CEYLON GOVERNMENT GAZETTE

අංක 13,387 — 1962 නොවැම්බර් 9 වැනි දින — 1962.11.9

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### PART I: SECTION (I)—GENERAL

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#### Appointments, &c., by the Governor-General

No. 449 of 1962

No. D 31/Rect.

#### ARMY—REGULAR FORCE—PROMOTIONS APPROVED BY HIS EXCELLENCY THE GOVERNOR-GENERAL

To be Major (Quartermaster) with effect from January 12, 1960:—

Captain (Quartermaster) SUPRAMANIAM DHARMERATNAM, C.A.S.C.

To be Temporary Majors with effect from the dates stated against their names:—

Captain SOMAWEERA DENNISTON NANAYAKKARA HAPUGALLE, C.A.C.—October 1, 1960.

Captain SUGATHAPALA CYRIL RANATUNGA, C.A.C.—October 1, 1960.

Captain CLARENCE OSCAR FOENANDER, C.A.M.C.—December 7, 1961.

To be Temporary Captains with effect from the dates stated against their names:—

Lieutenant NOLASCO EVARISTUS RANSFORD MARTYN, C.E.—October 21, 1960.

Lieutenant ERTRAM EDWARD DEVENDRA WIJENDRA, C.A.—April 1, 1961.

Lieutenant JOSEPH ASHTON ERNEST CASPERSZ, C.E.—April 1, 1961.

Lieutenant JOKULIYANAGE CLEMENT JOHN CABRAL, C.E.—April 1, 1961.

Lieutenant LIYANAGE GUNASOMA SIGERA, C.A.O.C.—May 1, 1961.

Lieutenant SHIRLEY WICKRAMASINGHE JAYASEKERA, C.A.O.C.—October 1, 1961.

Lieutenant MUTHAMERENNA HOWARD DHARMASIRI, C.A.O.C.—December 3, 1961.

Lieutenant DARNLEY STANISLAUS DE SOUZA, C.S.R.—April 1, 1962.

Lieutenant SINNATHAMBY ANANTHASUNTHARAM, C.L.I.—May 2, 1962.

Lieutenant DOUGLAS LYNDSEY WJESINGHA, C.E.—May 8, 1962.

Lieutenant GUSTINNA WADU UPASIRI, C.A.G.S.C.—July 2, 1962.

Lieutenant QUINTUS CHANDRA BATUWITAGE, C.A.S.C.—July 6, 1962.

To be Lieutenants with effect from the dates stated against their names:—

Second-Lieutenant SEBASTIAMPILLAI GNANAPRAGASAM, C.L.I.—March 23, 1962.

Second-Lieutenant PAYSTERUWELIYANARALAGE PETER CAMILUS CHRISTOPHER COORAY, C.S.R.—June 13, 1962.

Second-Lieutenant NANDADASA PEMASIRI NAGASINGHE, C.E.—June 13, 1962.

Second-Lieutenant LALIN THIRATH FERNANDO, C.S.R.—June 15, 1962.

Second-Lieutenant EASTIAMPILLAI IVOR NOVELLO, C.A.—June 15, 1962.

Second-Lieutenant SENA PALITHA DE SILVA, C.L.I.—June 15, 1962.

Second-Lieutenant KODAGODA WITHANAGE PREMANANDA GUNARATNE, C.A.—June 15, 1962.

By His Excellency's command,

N. Q. DIAS,  
Permanent Secretary,  
Ministry of Defence and External Affairs.

Colombo, October 28, 1962.

11—339

No. 450 of 1962

M. D. & E. A.—No. D39/A/Cer.

HIS EXCELLENCY THE GOVERNOR-GENERAL has been pleased, in terms of the regulations published in the *Ceylon Government Gazette* No. S.029 of January 26, 1934, to award the Efficiency Decoration (Ceylon) to the undermentioned officers of the Volunteer Force of the Army:—

*Home Guard Regiment.*

Captain GODFREY ARTHUR CHRISTIANZ.

*Ceylon Army Pioneer Corps.*

971 Captain MAHA AMARASINGHEGE JOSEPH DE ALWIS.

By His Excellency's command,

N. Q. DIAS,  
Permanent Secretary,  
Ministry of Defence and External Affairs.

Colombo, October 22, 1962.

11—320

No. 451 of 1962

M. D. &amp; E. A.—No. D39/B/Cer.

HIS EXCELLENCY THE GOVERNOR-GENERAL has been pleased, in terms of the regulations published in the *Ceylon Government Gazette* No. 8,029 of January 26, 1934, to award the Efficiency Medal (Ceylon) and/or clasps thereto, to the following personnel of the Volunteer Force of the Army:—

*Ceylon Army Medal Corps (Volunteers)*  
*Efficiency Medal*

1402 Lieutenant (Quartermaster) ERIC THEODOCIOS DE ALWIS.

919 S/Sgt. FERNANDO, NANDIKARAGE RICHARD.

*1st Clasp.*

727 C.S.M. JAYATILLEKE, WILFRED.

*2nd (Volunteer) Company, Ceylon Army Service Corps*  
*Efficiency Medal*

3014 Cpl. VAN ESTROP, CLIFFORD HUGO ST. CLAIR.

3032 W.O. I.I. WIJESINGHE, KIRI BANDARA.

*2nd (Volunteer) Battalion, The Ceylon Sinha Regiment*  
*1st and 2nd Clasps*

8 C/Sgt. MALGAMMANA, CYRIL RUFERT BERTRAM.

By His Excellency's command,

N. Q. DIAS,  
Permanent Secretary,  
Ministry of Defence and External Affairs.

Colombo, October 22, 1962.

11—322

## Appointments, &c., by the Public Service Commission

No. 452 of 1962

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

A. 237/62.

Mr. A. O. WEERASINGHE, C.C.S., to act as Additional Director of Health Services (Administration) with effect from August 1, 1962, to September 30, 1962.

A. 57/59.

Mr. B. R. DEVARAJAN, C.C.S., to act as Salt Commissioner with effect from June 1, 1962, until further orders.

A. 299/62.

Mr. C. GAMAGE, C.C.S., Assistant Secretary, Ministry of Defence and External Affairs, to act, in addition to his duties, as Director, Government Tourist Bureau, during the period September 8, 1962, to September 22, 1962.

A. 113/60.

Mr. V. P. A. PERERA, C.C.S., to act as Additional Government Agent for the Administrative District of Co'ombo, to function under the direction of the Government Agent in authority over the said District, with effect from June 1, 1962, until further orders.

A. 8/62.

Mr. V. C. GUNATILLEKE, Advocate, to be a Crown Counsel in the Department of the Attorney-General, with effect from July 14, 1962.

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

Office of the Public Service Commission,  
P. O. Box 500, Galle Face Secretariat,  
Colombo 1, November 5, 1962.

11—495

## Appointments, &c., by the Judicial Service Commission

No. 453 of 1962

### SUMMARY OF APPOINTMENTS MADE BY THE JUDICIAL SERVICE COMMISSION

Name of Officer	New Appointment	Effective Date of New Appointment	Remarks
Mr. S. S. KULATILLEKE	Additional Magistrate etc., Gampaha	From 25th October, 1962, till order is delivered in M. C. Gampaha Case 57473/A	In addition to his other duties
Mr. MOHAMED HUSSEIN	Officer in the Ceylon Judicial Service	From 22nd June, 1962	Until further orders
Mr. J. SENATHIRAJAH	Officer in the Ceylon Judicial Service	From 22nd July, 1962	Until further orders
Mr. A. T. BASNAYAKE	Additional District Judge etc., Gampaha	1st to 4th November, 1962	During absence of Messrs D. H. DE S. GUNAWARDENE, A. D. J. GUNAWARDENE and S. D. JAYASUNDERE
Mr. J. J. DAVID	Additional District Judge etc., Batticaloa	31st October to 4th November, 1962	During absence of Mr. B. G. S. DAVID
Mr. N. M. A. WICKREMASOORIYA	Additional District Judge etc., Tangalla	29th October to 2nd November, 1962	During absence of Mr. K. C. E. DE ALWIS
Mr. H. D. RATNATUNGA	Additional District Judge etc., Tangalla	3rd November, 1962	During absence of Mr. K. C. E. DE ALWIS
Mr. J. AMARASINGHE	Additional District Judge etc., Tangalla	1st November, 1962	During absence of Mr. K. C. E. DE ALWIS
Mr. C. L. DE SILVA	Additional Magistrate etc., Balapitiya	31st October and 1st November, 1962	During absence of Mr. D. E. DHARMASEKERA
Mr. V. CANAGASABAI	Additional District Judge etc., Point Pedro	12th and 13th November, 1962	During absence of Mr. V. M. CUMARASWAMY
Mr. K. RATNASINGHAM	Additional District Judge etc., Point Pedro	7th to 11th November, 1962	During absence of Mr. V. M. CUMARASWAMY
Mr. H. A. JAYAWICKREMA	Additional District Judge etc., Anuradhapura	8th to 11th November, 1962	During absence of Mr. C. V. UDALAGAMA
Mr. A. C. KANAGASINGHAM	Additional District Judge etc., Trincomalee	1st November, 1962	During absence of Mr. M. M. ABDUL CADER
Mr. F. P. SENARATNE	Additional District Judge etc., Anuradhapura	12th to 14th November, 1962	During absence of Mr. C. V. UDALAGAMA
Mr. F. S. PAUL	Acting President, Rural Court, Mannar	12th November, 1962	During absence of Mr. K. SINNATHAMBY
Mr. M. A. E. B. PERERA	Acting President, Rural Court, Dewamedi Hatpattu etc.	2nd, 7th and 8th November, 1962	During absence of Mr. T. B. WETTEWA

Name of Officer	New Appointment	Effective Date of New Appointment	Remarks
Mr. P. V. SENATHIRAJAH	Acting President, Rural Court, Vavuniya North etc.	2nd November, 1962	During absence of Mr. V. SOMASUNDERAM
Mr. A. W. A. EMMANUEL	Acting President, Rural Court, Dewamedi Hat-pattu etc.	10th and 12th to 14th November, 1962	During absence of Mr. T. B. WETTEWA
Mr. M. WICKREMATUNGA	Acting President, Rural Court, Morawak Korale etc.	30th and 31st October, and 2nd November, 1962	During absence of Mr. S. G. PIERIS
Mr. M. A. E. B. PERERA	Acting President, Rural Court, Weudawili Hat-pattu etc.	1st November, 1962	During absence of Mr. T. L. J. HADGIE
Mr. V. P. ABEYWICKREMA	Acting President, Rural Court, Udukinda etc.	5th November, 1962	During absence of Mr. P. B. HERAT

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

Office of the Judicial Service Commission,  
P. O. Box 573,  
Colombo, 1st November, 1962.

11—416

### Other Appointments, &c.

No. 454 of 1962

#### APPOINTMENTS BY THE HONOURABLE THE MINISTER OF JUSTICE

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

No. AI. 2/1/62.

Mr. J. P. P. HEMACHANDRA, to be, an Inquirer for Maththegoda Kahatuduwa Peruwa, Colombo District, with effect from 12th October, 1962.

No. AI. 9/1/53.

Mr. S. RATNASABHAPATHY, to be an Inquirer for Allaipiddy Division, Jaffna District, with effect from 18th October, 1962, until a permanent appointment is made.

No. AI. 9/9.

Mr. S. KANAGARATNAM, to be an Inquirer for Jaffna Division in Jaffna District, with effect from 18th October 1962, until a permanent appointment is made.

No. AI. 20/1/61.

Mr. W. C. SAMARASINGHE, to be an Inquirer for Three Korales, Dehigampal Korale and Mapitigama Ruwanwella area, Ratnapura District, with effect from 23rd October, 1962, until a permanent appointment is made.

No. AI. 21/2/61.

Mr. S. M. PIYADASA, to be an Inquirer for the D. R. O's Division of Bintenna Pattu, Monaragala District, with effect from 1st January, 1961, while holding the post of D. R. O., Bintenna Pattu.

No. INQL. 6/1/62.

Mr. J. P. GURUSINGHE, to be an Inquirer for Pitigala, Elpitiya and Opatha Vidane Aratchie's Division, Bentara Walalawiti Korale, Galle District, with effect from 20th September, 1962, until the resumption of duties by Mr. H. A. D. DHARMARATNE.

No. INQL. 9/1/57.

Mr. N. SELVADURAI, to be an Inquirer for Kayts, Anatalivu, Eluvathivu Divisions, Jaffna District, with effect from 1st October, 1962, until the resumption of duties by Mr. K. VYTHIALINGAM.

No. INQ/L. 14/5/62.

Mr. J. M. DINGIRI BANDA, to be an Inquirer for Nikawa, Gampaha Korale, Kurunegala District, with effect from 9th October, 1962, until the resumption of duties by Mr. H. M. HEEN BANDA.

No. INQL. 18/4/62.

Mr. P. B. RATNAYAKE, to be an Inquirer for Kandukara Korale, Badulla District, with effect from 23rd October, 1962, until the resumption of duties by Mr. W. B. HINGURUKADUWA.

No. INQL. 21/3/62.

Mr. K. NALLAINADAN, to be an Inquirer for Wewagam Pattu area, Amparai District, with effect from 3rd October, 1962, until the resumption of duties by Mr. K. M. ABEYSINGHE.

No. AI. 9/3/62.

Mr. S. KANAGARATNAM, to be an Inquirer for Urumpirai Division, Jaffna District, with effect from 18th October, 1962, until a permanent appointment is made.

No. AI. 3/5/57.

Mr. A. B. EKANAYAKE, to be an Inquirer for Palis Pattu East and West Korale, Kandy District, with effect from 16th October, 1962, until a permanent appointment is made.

No. AI. 3/10/62.

Mr. C. B. MADAWELA, to be an Inquirer for Gamata Palata Korale, Kandy District, with effect from 16th October, 1962, until a permanent appointment is made.

No. AI. 3/2/54.

Mr. J. M. MOHOTTI, to be an Inquirer for Medasiya Pattu area, Kandy District, with effect from 16th October, 1962, until a permanent appointment is made.

No. AI. 3/9/62.

Mr. I. L. PUNCHI BANDARA, to be an Inquirer for Wendaruwa Korale, Kandy District, with effect from 16th October, 1962, until a permanent appointment is made.

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

Ministry of Justice,  
Colombo, 2nd November, 1962.

11—575

No. 455 of 1962

No. J. 79/59.

#### APPOINTMENTS BY THE HONOURABLE MINISTER OF JUSTICE

Mr. K. C. E. DE ALWIS to be a Children's Magistrate for the judicial division of Batticaloa, with effect from 5th November, 1962, while holding the office of Additional Magistrate of the said judicial division.

Mr. S. D. JAYASUNDERE to be a Children's Magistrate for the judicial division of Tangalla, with effect from 5th November, 1962, while holding the office of Magistrate of the said judicial division.

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

Ministry of Justice,  
Colombo, 1st November, 1962.

11—391

No. 456 of 1962

**APPOINTMENTS BY THE HONOURABLE MINISTER OF JUSTICE****Justice of the Peace and Unofficial Magistrate**

(1) Mr. A. D. DE SILVA, to be a Justice of the Peace and Unofficial Magistrate, for the judicial district of Balapitiya.

**Justice of the Peace**

(2) Mr. M. B. PUSSELLA, to be a Justice of the Peace for the judicial district of Kurunegala.

(3) Mr. W. A. BENETTE SILVA, to be a Justice of the Peace for the judicial district of Balapitiya.

(4) Mr. H. M. P. SARATHCHANDRA, to be a Justice of the Peace for the judicial district of Kandy.

(5) Mr. I. N. W. WIJESINGHE, to be a Justice of the Peace for the judicial district of Kurunegala.

(6) Mr. P. R. NAVARATNE, 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, 5th November, 1962.  
11—514

No. 457 of 1962

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

No. 73/1/13 (MF).

Mr. F. W. RATNASARA, to be attached to the Ministry of Industries, Home and Cultural Affairs, with effect from September 17, 1962, and to act as Office Assistant to the Government Agent in authority over the Administrative District of Kurunegala with effect from September 19, 1962.

No. 74/2/210 (MF).

Mr. A. A. RATNAYAKE, to be attached to the Hambantota Kachcheri with effect from September 17, 1962.

Mr. T. BHAGAVADAS, to be attached to the Ministry of Industries, Home and Cultural Affairs, with effect from September 17, 1962.

No. 74/2/64 (MF).

Mr. T. BHAGAVADAS, to act as Office Assistant to the Government Agent in authority over the Administrative District of Vavuniya with effect from September 24, 1962.

No. 73/1/26 (MF).

Mr. A. A. RATNAYAKE, to act as Office Assistant to the Government Agent in authority over the Administrative District of Moneragala, with effect from September 27, 1962, until further orders.

L.D.—B. 129/47.

**THE CEYLON (CONSTITUTION) ORDER IN COUNCIL, 1946****Order under section 61**

ORDER made by the Public Service Commission under section 61 of the Ceylon (Constitution) Order in Council, 1946.

Colombo, October 31, 1962.

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

**ORDER No. 149**

1. The powers specified in Column I of the Schedule hereto are hereby delegated to the officer or officers of the Department of the Food Commissioner specified in the corresponding entry in Column II of that Schedule, subject to the following conditions:—

- Those powers shall be exercised according to such instructions as may be issued from time to time by the Public Service Commission;
- Any person dissatisfied with the decision made by an officer other than the Food Commissioner and Director of Food Supplies under any power delegated to such officer under this Order may appeal therefrom to the Food Commissioner and Director of Food Supplies; and
- In any case where the Public Service Commission decides that any power of punishment delegated to such officer shall be exercised by the Public Service Commission, such officer shall not exercise that power in that case.

No. 74/2/210 (MF).

Mr. W. B. C. SENERAT-NANDEVA, to be attached to the General Treasury with effect from October 4th, 1962, until further orders.

No. 74/2/72 (MF).

Mr. W. M. KARUNARATNE, to act as Deputy Controller of Immigration and Emigration with effect from October 5, 1962.

No. 74/2/133 (MF).

Mr. C. GAMAGE, to act temporarily as an Assistant Secretary, Ministry of Local Government and Housing with effect from October 5th, 1962, until further orders.

No. 74/2/37 (MF).

Mr. P. PERERA, to act in a post of Assistant Controller of Establishments, General Treasury, with effect from October 6, 1962, until further orders.

H. S. AMERASINGHE,  
Secretary to the Treasury.

Ministry of Finance,  
Colombo, October 30, 1962.

11—373

No. 458 of 1962

THE Honourable the Minister of Industries, Home and Cultural Affairs has appointed Mr. UKWATTEGE RANJIT WIJITUNGE to be a Notary Public throughout the judicial division of Colombo and to practise as such in the English language.

11—277

No. 459 of 1962

THE Honourable the Minister of Industries, Home and Cultural Affairs has appointed Mr. TUPPARI BARBER DE SILVA to be a Notary Public throughout the judicial division of Galle and to practise as such in the English language.

11—295

**Government Notifications**

G.—G. O. No. L. 91

M/A. L. I<sup>n</sup> & P. No. J. 258.

IT is hereby notified that the Governor-General has been pleased, on the advice of the Honourable the Minister of Agriculture, Land, Irrigation and Power to appoint, under the provisions of section 19 (1) of the Land Acquisition Act, (Chapter 460), Professor E. O. E. Pereira and Mr. P. F. Fernando to be for a period of 3 years with effect from 1st November, 1962, Valuer Members of the Board of Review, for the purpose of hearing appeals in the manner therein provided.

By His Excellency's command,

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

Governor-General's Office,  
Colombo, 3rd November, 1962.

11—524

No. C. 13/49.

**THE CEYLON (CONSTITUTION) ORDER IN COUNCIL, 1946****Order under section 61**

ORDER made by the Public Service Commission under section 61 of the Ceylon (Constitution) Order in Council, 1946.

Colombo, October 31, 1962.

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

**ORDER No. 149**

1. The powers specified in Column I of the Schedule hereto are hereby delegated to the officer or officers of the Department of the Food Commissioner specified in the corresponding entry in Column II of that Schedule, subject to the following conditions:—

- Those powers shall be exercised according to such instructions as may be issued from time to time by the Public Service Commission;
- Any person dissatisfied with the decision made by an officer other than the Food Commissioner and Director of Food Supplies under any power delegated to such officer under this Order may appeal therefrom to the Food Commissioner and Director of Food Supplies; and
- In any case where the Public Service Commission decides that any power of punishment delegated to such officer shall be exercised by the Public Service Commission, such officer shall not exercise that power in that case.

2. Nothing in this Order shall be deemed or construed to derogate from, or to affect in any other way, the right of appeal to the Public Service Commission conferred by section 61 of the Ceylon (Constitution) Order in Council, 1946.
3. This Order shall have effect notwithstanding anything in Order No. 83 dated October 1, 1955, and published in *Gazette* No. 10,847 of October 7, 1955.
4. The Order No. 112 dated July 23, 1958, and published in *Gazette* No. 11,465 of August 1, 1958, in so far as it relates to the Price Control Department (Food) and the Order No. 94 dated May 16, 1957, and published in *Gazette* No. 11,119 of May 24, 1957, as amended subsequently, are hereby revoked.

SCHEDULE

I

1. The power to make appointments (whether permanent or temporary) to the following posts in the Department of the Food Commissioner, being posts with an initial salary of less than Rs. 4,080 per annum —

- (a) Assistant Food Controller .. .. .
- Legal Assistant .. .. .
- Preventive Officers—Grade I .. .. .
- Preventive Officers—Grade II .. .. .
- Transport Superintendent .. .. .
- Transport Officer .. .. .
- Assistant Transport Officer .. .. .
- Wharf Assistants .. .. .
- Food and Price Control Inspectors .. .. .
- Grain Surveyor .. .. .
- Supervisor .. .. .
- Investigating Officer .. .. .
- Inspector of Foodstuffs .. .. .
- Storekeepers .. .. .
- Assistant Storekeepers .. .. .
- Stores Assistants (Temporary) .. .. .
- Assistant Shroffs (Temporary) .. .. .
- Stenographers (Temporary) .. .. .
- Typists (Temporary) .. .. .
- Telephone Operators .. .. .
- Inspector of Works (Temporary) .. .. .
- Chief Workshop Foreman .. .. .
- Preventive Officer, Chalmers Granaries .. .. .
- (b) Clerks (Temporary) .. .. .
- Tally Clerks (Temporary) .. .. .
- Clerks Records (Temporary) .. .. .
- Head Foreman .. .. .
- Assistant Foreman .. .. .
- Patrol Foreman .. .. .
- Mechanical Foreman .. .. .
- Gate Checkers .. .. .
- Binders .. .. .
- Mechanics .. .. .
- Assistant Mechanics .. .. .
- Motor Car Drivers .. .. .
- Drivers .. .. .
- Cleaners .. .. .
- Tinker .. .. .
- Blacksmiths .. .. .
- Carpenters .. .. .
- Electricians .. .. .
- Conservancy Kangany .. .. .
- Conservancy Labourers .. .. .
- Garden Labourers .. .. .
- Labourers .. .. .
- Matron .. .. .
- Watchers .. .. .
- Peons .. .. .
- Cycle Orderlies .. .. .
- Warehouse Supervisor (Temporary) .. .. .
- Fumigating Machine Operator .. .. .
- Labourers (Temporary) .. .. .

II

The Food Commissioner and Director of Food Supplies  
 The Deputy Director of Food Supplies  
 The Deputy Food Commissioners  
 The Deputy Food Controllers

The Food Commissioner and Director of Food Supplies  
 The Deputy Director of Food Supplies  
 The Deputy Food Commissioners  
 The Deputy Food Controllers  
 The Assistant Food Controllers  
 The Office Assistant

2. The power to reprimand, or reprimand severely, or to impose a fine not exceeding one week's pay on the holder of any of the following posts in the Department of the Food Commissioner:—

- Members of Grade II of the Executive Clerical Class and of the General Clerical Class of the General Clerical Service
- Members of the Quasi Clerical Service
- Translators Grade II .. .. .
- Clerks (Temporary) .. .. .
- Tally Clerks (Temporary) .. .. .
- Clerks Records (Temporary) .. .. .
- Storekeepers .. .. .
- Assistant Storekeepers .. .. .
- Stores Assistant (Temporary) .. .. .
- Typists .. .. .
- Typists (Temporary) .. .. .
- Telephone Operators .. .. .
- Binders .. .. .
- Head Foreman .. .. .
- Assistant Foreman .. .. .
- Patrol Foreman .. .. .
- Mechanical Foreman .. .. .
- Gate Checkers .. .. .

I	II
Motor Car Drivers .. .. .	The Food Commissioner and Director of Food Supplies
Drivers .. .. .	The Deputy Director of Food Supplies
Cleaners .. .. .	The Deputy Food Commissioners
Mechanics .. .. .	The Deputy Food Controllers
Assistant Mechanics .. .. .	The Chief Accountant
Peons .. .. .	The Accountants
Peons (Temporary) .. .. .	The Assistant Food Controllers
Cycle Orderlies .. .. .	The Office Assistant
Tinker .. .. .	
Carpenters .. .. .	
Fumigating Machine Operator .. .. .	
Blacksmiths .. .. .	
Electricians .. .. .	
Conservancy Kangany .. .. .	
Conservancy Labourers .. .. .	
Garden Labourers .. .. .	
Labourers .. .. .	
Labourers (Temporary) .. .. .	
Matron .. .. .	
Watchers .. .. .	
Watchers (Temporary) .. .. .	
Stenographers .. .. .	
Stenographers (Temporary) .. .. .	
Shroffs .. .. .	
Assistant Shroffs (Temporary) .. .. .	

3. The power to dismiss, reprimand, reprimand severely, or punish with a fine not exceeding one week's pay or with suspension, stoppage, reduction or deferment of increment for a period not exceeding one year, on any ground other than on the ground of conviction, the holder of any of the following posts in the Department of the Food Commissioner, being posts, the pensionable emoluments of which do not exceed Rs. 2,700 per annum or the non-pensionable emoluments of which do not exceed Rs. 3,180 per annum or being temporary monthly paid posts the emoluments of which do not exceed Rs. 3,180 per annum :—

Preventive Officers—Grade I .. .. .	
Preventive Officers—Grade II .. .. .	
Transport Officer .. .. .	
Assistant Transport Officer .. .. .	
Wharf Assistants .. .. .	
Chief Workshop Foreman .. .. .	
Food and Price Control Inspectors .. .. .	
Investigating Officer .. .. .	
Grain Surveyor .. .. .	
Supervisor .. .. .	
Inspector of Foodstuffs .. .. .	
Storekeepers .. .. .	
Assistant Storekeepers .. .. .	
Stores Assistant (Temporary) .. .. .	
Assistant Shroffs (Temporary) .. .. .	
Stenographers (Temporary) .. .. .	
Clerks (Temporary) .. .. .	
Tally Clerks (Temporary) .. .. .	
Clerk Records (Temporary) .. .. .	
Typists (Temporary) .. .. .	
Telephone Operators .. .. .	
Head Foreman .. .. .	
Assistant Foreman .. .. .	
Patrol Foreman .. .. .	
Mechanical Foreman .. .. .	
Gate Checkers .. .. .	
Binders .. .. .	
Mechanics .. .. .	
Assistant Mechanics .. .. .	
Motor Car Drivers .. .. .	
Drivers .. .. .	
Cleaners .. .. .	
Tinker .. .. .	
Blacksmiths .. .. .	
Carpenters .. .. .	
Electricians .. .. .	
Conservancy Kangany .. .. .	
Conservancy Labourers .. .. .	
Garden Labourers .. .. .	
Labourers .. .. .	
Labourers (Temporary) .. .. .	
Matron .. .. .	
Watchers .. .. .	
Watchers (Temporary) .. .. .	
Peons .. .. .	
Peons (Temporary) .. .. .	
Cycle Orderlies .. .. .	
Fumigating Machine Operator .. .. .	
Warehouse Supervisor (Temporary) .. .. .	

The Food Commissioner and Director of Food Supplies  
 The Deputy Director of Food Supplies  
 The Deputy Food Commissioners  
 The Deputy Food Controllers

I

II

4. The power to reprimand, or reprimand severely, impose a fine not exceeding one week's pay or, suspend, stop, reduce or defer for a period not exceeding one year the increment of the holder of any of the following posts in the Department of the Food Commissioner, being posts the pensionable emoluments of which exceed Rs. 2,700 per annum, but do not exceed £ 690 or Rs. 9,360 per annum, or the non-pensionable emoluments of which exceed Rs. 3,180 per annum but do not exceed £ 690 or Rs. 9,360 per annum or being temporary monthly paid posts the emoluments of which exceed Rs. 3,180 per annum but do not exceed £ 690 or Rs. 9,360 per annum :—

Assistant Food Controllers	..	..
Legal Assistant	..	..
Grain Surveyor	..	..
Investigating Officer	..	..
Transport Superintendent	..	..
Transport Officer	..	..
Chief Workshop Foreman	..	..
Assistant Transport Officer	..	..
Inspector of Works (Temporary)	..	..
Wharf Assistants	..	..
Inspector of Foodstuffs	..	..
Translators Grade II	..	..
Preventive Officer, Chalmers Granaries	..	..
Food and Price Control Inspectors	..	..

The Food Commissioner and Director of Food Supplies.  
The Deputy Director of Food Supplies  
The Deputy Food Commissioners  
The Deputy Food Controllers

11-498

NOTIFICATION

No. PR/AF/19.

IT is hereby notified for general information that Mr. T. D. Buchanan, having returned to the island, resumed duties as Honorary Consul of Peru at Colombo on 29th October, 1962, relieving Mr. K. Sivapragasam who was in charge of the Consulate during his absence.

Colombo, 1st November, 1962,

11-426

N. Q. DIAS,  
Permanent Secretary,  
Ministry of Defence and External Affairs.

THE REGISTERED STOCK AND SECURITIES ORDINANCE

BY virtue of the powers vested in me by section 4 of the Registered Stock and Securities Ordinance (Chapter 420), I, Charles Percival de Silva, Minister of Finance, do by this Order direct that, of the sum of five hundred million rupees for the raising of which by way of loan authority has been given by the Appropriation Act, No. 30 of 1962, the sum specified in the Schedule hereto shall be raised in Ceylon in the mode and upon the terms and conditions specified in that Schedule.

Colombo, November 5, 1962.

C. P. DE SILVA,  
Minister of Finance.

Schedule

1. The sum of money to be raised shall be Rupees Twenty-five million only and it shall be raised by way of—
  - (a) a 5-7 year loan issued at par, and
  - (b) a 21-25 year loan issued at par.
2. Each of the two loans shall be raised by the creation and issue of registered stock only.
3. The rate of interest payable shall—
  - (a) in the case of the 5-7 year loan, be 3½ per centum per annum, and
  - (b) in the case of the 21-25 year loan, be 4¼ per centum per annum.
4. The dates in each year on which the half-yearly interest on each of the two loans shall be payable, shall be the fifteenth day of May and the Fifteenth day of November.
5. A half-yearly appropriation out of the Consolidated Fund of Ceylon as a contribution to the Sinking Funds to be established for the purpose of redeeming each of the two loans shall—
  - (a) in the case of the 5-7 year loan, be made at the rate of 5 per centum per annum and such contribution shall commence on the Fifteenth day of November, 1963, and
  - (b) in the case of the 21-25 year loan, be made at the rate of 3 per centum per annum and such contribution shall commence on the Fifteenth day of November, 1963.
6. The date of redemption of the stock shall—
  - (a) in the case of the 5-7 year loan, be the Fifteenth day of November, 1969, and
  - (b) in the case of the 21-25 year loan, be the Fifteenth day of November, 1987.

Provided, however, that the Government shall have the option of redeeming at par the stock—

- (a) in the case of the 5-7 year loan on such date subsequent to the Fourteenth day of November, 1967, and
- (b) in the case of the 21-25 year loan on such date subsequent to the Fourteenth day of November, 1983.

as may be appointed by the Minister of Finance by notification published not less than six months prior to that date, in the Gazette and in at least two newspapers circulating in Ceylon.

## PROSPECTUS

The Lists will be opened on November 15, 1962, and will be closed on December 15, 1962, or earlier if the loans are fully subscribed

## CEYLON GOVERNMENT LOANS

Issue of Rs. 25,000,000

3½ per cent. Loan, 1967/69 " B " Series—Issued at par—Repayable at par

4¼ per cent. Loan, 1983/87 " G " Series—Issued at par—Repayable at par

The Central Bank of Ceylon, on behalf of the Government of Ceylon, invites applications for the following loans:—

- (a) 3½ per cent. Loan repayable at par on November 15, 1969, but the Government will have the option of repayment at par on such date subsequent to November 14, 1967, on giving six months' notice.
- (b) 4¼ per cent. Loan repayable at par on November 15, 1987, but the Government will have the option of repayment at par on such date subsequent to November 14, 1983, on giving six months' notice.

The allocation between the two loans will not be fixed, but the total amount to be subscribed will not exceed Rs. 25,000,000.

*Authority.*—The loans are raised on the authority of the Appropriation Act, No. 30 of 1962, and under the provisions of the Registered Stock and Securities Ordinance (Chapter 420).

*Purpose.*—The loans are raised by the Government of Ceylon to meet expenditure for the service of the financial year 1962–63; under Section 2 (1) (b) of the Appropriation Act, No. 30 of 1962.

*Form of Issue.*—The loans will be issued in the form of Registered Stock. (Leaflets containing the general conditions applicable to Registered Stock are available on application to the Department of Public Debt, Central Bank of Ceylon).

*Issue Price.*—The issue price is Rs. 100 per cent. payable in full at the time of application. The minimum holding is Rs. 100.

*Applications.*—Applications will be received by the Registrar of Public Debt, from November 15, 1962, and until the lists are closed. Applications must be on the proper form and must be accompanied by a remittance in full. Depositors of the Ceylon Savings Bank and Post Office Savings Bank may, by arrangement with these Institutions, forward their applications through these Institutions.

A commission of 1/16 per cent. on the nominal amount of subscription accepted will be allowed to bankers (including the Ceylon Savings Bank and the Post Office Savings Bank), recognised stock-brokers and brokers in respect of applications bearing their stamp. A negotiating fee of the same percentage on the amount of subscription accepted will be allowed to Proctors in respect of applications bearing their stamp.

*Payment for Stock.*—Payment should be made:—

- (a) by cheque drawn in favour of the Central Bank of Ceylon and crossed " On account of Ceylon Government Loans " and/or;
- (b) by surrender of holdings in the 3½% Loan 1957–62 repayable on November 15, 1962 (See below for details)—

*Payment by surrender of holdings in the 3½ per cent. Loan 1957–62.*—Where holdings in the 3½ per cent. Loan 1957–62 are tendered in payment for stock in the above loans, the application form should be accompanied by the relative scrip of that loan, duly discharged on the reverse together with the redemption warrant completed by the stockholder. On acceptance of the application, stock in the above loans at the rate of Rs. 100 of such stock for each Rs. 100 nominal of the 3½ per cent. Loan 1957–62 will be issued in the name of the applicant.

*Scrip.*—Stock Certificates will be issued after receipt and acceptance of the applications.

*Interest.*—Interest at the appropriate rates will be payable half-yearly on the 15th day of May and the 15th day of November in each year. The first payment of interest will be on the 15th day of May, 1963, and will be for the period commencing on the date on which the application is accepted up to and including the 14th day of May, 1963.

*Taxation.*—(i) *Stamp Duty.*—All documents used in the issue, transfer or redemption of the loans will be free from stamp duty.

(ii) *Income Tax.*—Interest to resident holders will be paid without deduction of income tax but resident holders liable to income tax should include such interest in their income tax returns. Deduction of tax at source will be made from holdings of non-residents. (Current rate of income tax is 33½ per cent. in the case of non-resident individuals, 39½ per cent. in the case of Hindu undivided families and 62 1/9 per cent. in the case of non-resident companies). Persons who are exempt from Ceylon income tax will be entitled to claim repayment of the tax deducted.

(iii) *Wealth Tax.*—Under Section 6 (1) (g) of the Personal Tax Act, No. 14 of 1959, investments in securities of the Government of Ceylon are excluded from the wealth of a person, and are thus exempt from Wealth Tax.

(iv) *Estate Duty.*—Government accepts in payment of estate duty such Ceylon Government stocks as may be prescribed. In the case of fully paid stock issued and repayable at par, the stock will discharge an amount of estate duty equal to the aggregate of its face value and the accrued interest thereon. In the case of stock not fully paid, or issued below par, or repayable at an amount other than par the amount of estate duty to be discharged per Rs. 100 nominal stock, together with accrued interest thereon, will be amount unced from time to time in the *Government Gazette*, but the amount to be discharged per Rs. 100 nominal stock will not be less than the amount originally subscribed or the amount repayable on maturity, whichever is less. The acceptance of any stock in lieu of cash for payment of estate duty is conditional on its being either (a) subscribed for by the deceased when first issued, or (b) purchased by the deceased not less than one year prior to date of death.

*Security.*—The loans are secured on the Consolidated Fund of Ceylon. A separate Sinking Fund will be established towards the redemption of each loan under the management of the Monetary Board of the Central Bank of Ceylon, who are the Trustees of the Sinking Funds. Half-yearly contributions to the two Sinking Funds will be commenced on the dates and at the rates mentioned below:—

- (a) 3½% Loan 1967–69 " B " Series : 5 per cent. per annum to commence on November 15, 1963, and
- (b) 4¼% Loan 1983–87 " G " Series : 3 per cent. per annum to commence on November 15, 1963.

*Public Debt.*—The present gross funded public debt of Ceylon is Rs. 1,893,167,245. The approximate market value of the accumulated sinking funds amounts to Rs. 354,370,044. The net funded public debt is thus Rs. 1,538,797,201.

*Application Forms.*—Application forms may be obtained at the Department of Public Debt, or at any Commercial Bank, Kachcheri, Post Office or at the Office of the Commissioner, National Savings Movement.

Department of Public Debt,  
Central Bank of Ceylon,  
Hemas Building,  
P. O. Box 1149,  
Colombo, November 5, 1962.

O. B. GUNAWARDANA,  
Registrar of Public Debt.



Mr. Cecil Alfred Sidney Eustace Crispeyn a Notary authorized to practise in the English language throughout the judicial division of Kegalle has, under section 22 (1) of the Notaries Ordinance (Cap. 177), tendered his resignation from the office of Notary with effect from 15th September, 1962, and the Honourable Minister of Industries, Home and Cultural Affairs has accepted the resignation as from the said date.

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C/I. 140

**THE INDUSTRIAL DISPUTES ACT, CHAPTER 131,  
LEGISLATIVE ENACTMENTS, CEYLON (REVISED  
EDITION 1956)**

**Order under Section 4 (1)**

To: The President,  
Labour Tribunal III,  
11, Rosmead Place,  
Colombo 7.

WHEREAS an industrial dispute in respect of the matter specified in the statement of the Commissioner of Labour which accompanies this Order exists between the All-Ceylon Commercial and Industrial Workers' Union and Mr. T. S. Jinasena, the Proprietor of Messrs. Jinasena and Company, Hunupitiya Road, Colombo.

Now, therefore, I, Michael Paul de Zoysa Siriwardena, Minister of Labour and Nationalised Services, do, by virtue of the powers vested in me by section 4 (1) of the Industrial Disputes Act, Chapter 131 of the Legislative Enactments, Ceylon (Revised Edition 1956) as amended by the Industrial Disputes (Amendment) Acts, Nos. 14 of 1957, 62 of 1957 and 4 of 1962, hereby refer the aforesaid dispute to you for settlement by arbitration.

26th October, 1962. M. P. DE Z. SIRIWARDENA,  
Minister of Labour and Nationalised  
Services.

**THE INDUSTRIAL DISPUTES ACT, CHAPTER 131,  
LEGISLATIVE ENACTMENTS, CEYLON (REVISED  
EDITION 1956)**

In the matter of an industrial dispute  
between

The All-Ceylon Commercial and Industrial Workers' Union, 47,  
Dreberg's Avenue, Colombo 10,

and

Mr. T. S. Jinasena, Proprietor, Messrs. Jinasena and Company,  
P. O. Box 196, Hunupitiya Road, Colombo.

*Statement of matter in dispute*

The matter in dispute between the All-Ceylon Commercial and Industrial Workers' Union and Mr. T. S. Jinasena, the proprietor of Messrs. Jinasena and Company, Colombo, is whether the non-employment of Messrs. K. D. Piyasena, T. M. H. Peiris, G. W. Jamis and W. Gunadasa is justified and to what relief they are entitled.

Dated at Colombo, this 19th day of October, 1962.

N. L. ABEYWIRA,  
Commissioner of Labour.

11-400

W. 105/1162.

**THE INDUSTRIAL DISPUTES ACT, CHAPTER 131 OF  
THE LEGISLATIVE ENACTMENTS, CEYLON, (REVISED  
EDITION 1956)**

**Order under Section 4 (1)**

To: The President,  
Labour Tribunal IV,  
11, Rosmead Place,  
Colombo 7.

WHEREAS an industrial dispute in respect of the matter specified in the statement of the Commissioner of Labour which accompanies this Order exists between the Wathu Kamkaru Samithiya and the Superintendent of Halpe Group, Thummodera.

Now, therefore, I, Michael Paul de Zoysa Siriwardena, Minister of Labour and Nationalised Services, do, by virtue of the powers vested in me by section 4 (1) of the Industrial Disputes Act, Chapter 131 of the Legislative Enactments of Ceylon (Revised Edition 1956) as amended by the Industrial

A 3

Disputes (Amendment) Acts, Nos. 14 of 1957, 62 of 1957 and 4 of 1962, hereby refer the aforesaid dispute to you for settlement by arbitration.

26th October, 1962.

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

**THE INDUSTRIAL DISPUTES ACT, CHAPTER 131  
LEGISLATIVE ENACTMENTS, CEYLON (REVISED  
EDITION 1956)**

In the matter of an industrial dispute

between

Wathu Kamkaru Samithiya, No. 28, Muhandiram's Lane,  
Colombo 11,

and

The Superintendent, Halpe Group, Thummodera.

*Statement of matter in dispute*

The matter in dispute between the Wathu Kamkaru Samithiya and the Superintendent, Halpe Group, Thummodera, is whether the non-employment of Muthiah Palaniyandy is justified and to what relief he is entitled.

Dated at Colombo, this 20th day of October, 1962.

N. L. ABEYWIRA,  
Commissioner of Labour.

11-398

No. C/I. 115.

**THE INDUSTRIAL DISPUTES ACT, CHAPTER 131 OF  
THE LEGISLATIVE ENACTMENTS, CEYLON  
(REVISED EDITION 1956)**

THE Award transmitted to me by the Industrial Court constituted for the purpose of settling the industrial dispute between the Times Sevaka Sangamaya and Times of Ceylon Limited, Colombo, which was referred by Order dated January 1, 1962, made under section 4 (2) of the Industrial Disputes Act, Chapter 131, of the Legislative Enactments, Ceylon (Revised Edition 1956) as amended by the Industrial Disputes (Amendment) Acts, Nos. 14 of 1957, 62 of 1957 and 4 of 1962 and published in *Ceylon Government Gazette* No. 12,885 dated January 26, 1962, for settlement by an Industrial Court, is hereby published in terms of section 25 (1) of the said Act.

R. L. GUNASEKERA,  
Acting Commissioner of Labour.

Department of Labour,  
Colombo, 2nd November, 1962.

Industrial Court at Colombo

No. I. D. 311

In the matter of an industrial dispute

between

The Times Sevaka Sangamaya, c/o The Times of Ceylon,  
Limited, Colombo,

and

The Management of The Times of Ceylon, Limited, Colombo.

**The Award**

This is an award under section 24 of the Industrial Disputes Act, Chapter 131 of the Legislative Enactments of Ceylon (Revised Edition, 1956), as amended by 1958 Supplement, Volume I, and Industrial Disputes (Amendment) Act, No. 4 of 1962. It relates to an industrial dispute between the Times Sevaka Sangamaya, c/o The Times of Ceylon, Limited, Colombo (referred to hereinafter as "the Union"), and the Management of the Times of Ceylon, Limited, Colombo (referred to hereinafter as "the Management").

2. By his Order dated 16th January, 1962, made under section 4 (2) of the aforementioned Act, the Honourable the Minister of Labour and Nationalised Services referred the dispute to this Court for settlement.

3. According to the statement dated 26th December, 1961, furnished by the Acting Commissioner of Labour and appended to the Minister's Order, the matter in dispute between the Union and the Management is—

"whether the stoppage of the payment of the Special Allowance of Rs. 350 to Mr. J. D. Kuruppu, with effect from 1.1.60, is justified and to what relief he is entitled."

4. Both the Union and the Management filed with the Registrar of the Court their statements and answers as required under Regulations 20 (1) and 20 (2) respectively of the Industrial Dispute Regulations, 1958.

5. According to the Union's statement, J. D. Kuruppu (formerly known as K. D. Gunewardane) joined the staff of the Times of Ceylon, Limited, in February, 1944, as an audit clerk, was promoted Head of the Internal Audit Department in July, 1946, and was appointed Deputy Accountant in February, 1953, Acting Accountant in January, 1955, and Accountant in April, 1956. In July, 1957, the Management granted him a special increase in salary of Rs. 250 in the form of an allowance. He continued to agitate for a higher salary, and as a result in June, 1958, the special allowance of Rs. 250 was increased to Rs. 350. The Management, by its letter dated 26th December, 1959, discontinued payment of this special allowance of Rs. 350 as from January, 1960, with only three days' notice. Kuruppu has always treated this allowance of Rs. 350 as an integral part of his salary, and has adjusted his domestic expenditure accordingly. The Union, by its letter dated 11th November, 1960, informed the Department of Labour about the unjustifiable stoppage of the allowance and requested intervention with a view to obtaining redress. The Department summoned a conference on 9th February, 1961. The Management was unwilling to restore the allowance; hence the present dispute.

6. According to the Management's statement, the Management advised Kuruppu in August, 1957, that, in addition to his salary as Accountant of the firm, he would be paid an allowance of Rs. 250 for his work in connection with the Printing Department and other work performed outside his duties as Accountant. In June, 1958, the Management advised him that in view of the volume of work that he did outside his normal duties as Accountant his special allowance was being increased by Rs. 100 as from that month. In June, 1959, the Management changed, and as the firm was faced with a serious financial crisis it was decided to effect economies and reduce wasteful expenditure, and towards that end a programme of reorganisation and rationalisation was introduced. Accordingly, in December, 1959, Kuruppu was advised that as from 1st January, 1960, he would cease to receive the special allowance he was being paid for supervising and assisting the Canteen and the Commercial Printing Department as the Canteen had been handed over to a new contractor and the Commercial Printing Department was under a new Manager. There is thus no justification whatsoever for the continuance of the special allowance since Kuruppu no longer performs the specific services for which it was paid.

7. The Union's answer states that the allowance of Rs. 250 granted to Kuruppu in July, 1957, was in consequence of a request by him for an increased salary commensurate with the work he was doing and that "the Management granted this in the form of an allowance because they said they did not want to disturb the salary structure." Kuruppu did not do any work in the Printing Department or discharge any other official duties after July, 1957, outside his duties as Accountant. The further increase of Rs. 100 was granted on the same basis as the Rs. 250 granted in July, 1957. The Union adds that allowances similar to Kuruppu's were continued even after June, 1959/January, 1960, and urges that it is a violation of natural justice to withdraw it only in the case of selected employees, creating thereby the impression of discrimination. In conclusion the Union submits that Kuruppu had been supervising the Canteen from 1953; that the increase of the allowance of Rs. 250 in July, 1957, was in no way connected with that work, which he did in a purely advisory capacity as part of his duties as Accountant; and that even his assistance in supervising the Canteen ended in October, 1957. As for the Commercial Printing Department, at no stage did Kuruppu do any special work there.

8. The Management's answer has nothing to add to the original statement.

9. At the inquiry before me, which began on 20th March, 1962, and ended on 31st July, 1962, after eleven sittings on dates convenient both to the Court and to Counsel for the parties concerned, Mr. Advocate S. P. Amarasingam, instructed by Mr. M. S. M. Hassan, appeared for the Union, and Mr. Advocate C. G. Weeramantry, instructed by Messrs. Julius & Creasy, appeared for the Management.

10. The Union's case, as presented by Mr. Amarasingam, was briefly as follows:—

(i) The special allowance of Rs. 350 which the Management had been paying to Kuruppu until December, 1959, was specifically in lieu of salary increases for which he had been agitating, that it was therefore an integral part of his salary, and that the only reason why it was paid as an allowance was the Management's reluctance to disturb the salary structure obtaining in the firm.

(ii) Contrary to what the Management said in its statement, not only was the allowance in question unrelated to Kuruppu's alleged extra work in the firm's Canteen and the Commercial Printing Department, but (a) the allowance of Rs. 250 was first paid him in June, 1957, long after he had begun supervising the Canteen, and was continued long after mid-1958, by which time he had given up supervising the Canteen; and (b)

Kuruppu actually never did do any extra work in the Commercial Printing Department: "In fact Mr. Gunewardane (i.e. Mr. Kuruppu) has no knowledge of printing except from the Accountant's point of view. He was never a trained printer; his acquaintanceship with the Printing Department in so far as an Accountant is concerned is with figures, if at all."

(iii) Although the Management in its statement said that Kuruppu's allowance was stopped partly because he was no longer doing the special work for which it had been paid and partly because the firm, in implementing a scheme of reorganisation and rationalisation, found it necessary to effect certain economies, there were many other officers whose allowances continued intact even though they had ceased doing the special work for which they had allegedly been paid. There was an element of unfair discrimination in the Management's treatment of Kuruppu.

11. Mr. Weeramantry, in presenting the Management's case, submitted that—

(i) the allowance in question was a certain extra remuneration granted to Kuruppu for performing certain duties beyond his normal work as an Accountant, and was therefore co-terminous with the performance of those duties: "We were not binding ourselves for all time to pay him that allowance whether he was doing the work or not."

(ii) though requested to produce any documentary evidence that the allowance in question had been granted by the Management in lieu of an increase in salary, Kuruppu had failed to do so;

(iii) in his correspondence with the Management prior to the stoppage of the allowance Kuruppu had never maintained that the allowance granted him was in lieu of an enhanced salary;

(iv) although the terms of appointment, increases of salary, and allied matters relating to the firm's executives have to be sanctioned by the Board of Directors, nowhere in the minutes of the Board is there any indication of Kuruppu having been granted an allowance in lieu of an increase in salary.

12. The Union called Kuruppu himself and Mr. T. B. Peramunatilaka, News Editor of "The Lankadipa", as witnesses, and marked in evidence 28 documents (A. 1 to A. 28). The Management called Mr. D. J. Moldrich, News Editor of "The Times of Ceylon", Mr. S. C. Keyath, Assistant Accountant of the firm, and Mr. M. R. Ramlan, costing clerk of the firm's Commercial Printing Department, as witnesses, and marked in evidence as many as 248 documents (R. 1 to R. 248).

13. From the documents it is evident that Mr. D. J. Kuruppu, known until the latter part of 1960 as K. D. Gunewardane, joined the firm in February, 1944, as an audit clerk on a monthly salary of Rs. 50 (R. 1/A. 2). He was promoted chief audit clerk in July, 1946 (A. 2). By 1949 he was receiving over and above his salary a special allowance of Rs. 25 per annum (raised in March that year to Rs. 50) for auditing the accounts of the firm's Ceylonese Employees' Service Scheme (R. 2). Although on his own admission before me his only educational attainment is that he prepared (but did not sit) for the London Matriculation Examination (also vide R. 1) and although he has no professional qualifications whatsoever, the Management, recognising his merits, appointed him in February, 1953, Deputy Accountant on an initial salary of Rs. 310 plus cost of living allowances, so that his total pay packet was some Rs. 491 per mensem. He was simultaneously promoted from the Higher Grade I to the Higher Grade II (A. 3). He was appointed Acting Accountant in February, 1955 (A. 4) on an initial salary of Rs. 650 (inclusive of cost of living allowances), which as from October the same year was increased to Rs. 800 (A. 5). He was confirmed Accountant in April, 1956, on the salary scale Rs. 800—50—Rs. 1,100 per mensem, and was placed at the point Rs. 850 with immediate effect (A. 6). During the period April/July, 1956, he acted for the General Manager (Mr. L. E. J. Fernando) who was on leave and was paid for that service a special allowance of Rs. 600 calculated at Rs. 150 per mensem (R. 3). With effect from January, 1957, the Management imposed on him the additional duty of scrutinising, amending where necessary, and countersigning estimates prepared by the Manager of the Commercial Printing Department in connection with jobs of the value of Rs. 1,000 and over (A. 8). For this extra work he was paid, as from 1st March, 1957, a special allowance of Rs. 50 per mensem (R. 4). In April, 1957, Kuruppu appealed to the Management for an increase of the allowance on the ground that "invariably I have got to work two to three hours overtime every day. In addition to my office work, managerial work of the Annual, Times Diary, Lankadipa Diary, and to some extent "Rasavahini" are being done by me. You have now entrusted me with some duties in connection with the Printing Department." His appeal succeeded, and as from 1st April, 1957, his allowance was raised to Rs. 200 per mensem, half of which amount was to be debited to the Commercial Printing Department (R. 5).

In August, 1957, within a little over a year of his being placed on the salary scale Rs. 800—50—Rs. 1,100, he was promoted with effect from 1st July, 1957, to the scale Rs. 1,000—50—Rs. 1,200 plus a special allowance of Rs. 250 per mensem "for work in connection with the Printing Department and other work which are outside your duties as Accountant." The incremental date was simultaneously advanced from July to April (R. 9/R. 6).

Within five months of his earlier appeal (R. 5) and within a bare fortnight of the Management's generous response in R. 6, Kuruppu was writing to the Management as follows:—"I am not at all satisfied with the above salary (i.e., the salary indicated in R. 6) for an Accountant particularly in view of the duties I perform as Accountant and also in view of the fact that a Departmental Head, who counts only two years service, receives a salary of Rs. 1,100." (R. 7). The Departmental Head alluded to is Mr. Noel T. Mendis, whose case I shall refer to later.

In February 1958 Kuruppu wrote to the Chairman of the Board of Directors (Mr. C. X. Martyn) calling attention to the additional duties he (i.e. Mr. Kuruppu) was performing "almost as the Assistant General Manager of the whole establishment", pointing out that the Accountant at Lake House was being paid a monthly salary of Rs. 2,000 plus allowances, and that a Departmental Head in the Times of Ceylon, Limited, recruited only in 1955 was being paid a salary of Rs. 1,100 and total emoluments of nearly Rs. 2,000 a month; and requesting the Board either to pay him (i.e. Kuruppu) a salary of Rs. 1,500 per mensem or transfer him, on the salary and allowance he was then receiving and without increments, as Manager of the Printing Department "in place of the present Manager who intends retiring before the end of the year" (R. 11).

The Chairman, recognising that the "Departmental Head recruited only in 1955" alluded to by Kuruppu was Mr. Noel T. Mendis, Advertisement Manager of "The Lankadipa", recorded on R. 11 a minute disapproving any increase of basic salary and stating that "the additional allowance which the members of the Advertisement Department get by way of commission has always existed and cannot therefore influence any decision on basic salary." He suggested however that the matter be further considered and a recommendation made to the Board.

While agitating for an increase of his basic salary, Kuruppu was evidently also agitating for an increase of his special allowance, for the Management, writing to him on 13th June, 1958, "in regard to the representations" made by him intimated that commencing from June 1958 his special allowance would be increased by Rs. 100 "in view of the volume of work that you do outside your work" (A 10/R. 12).

Thereafter for a period of 18 months Kuruppu continued to be paid this enhanced allowance of Rs. 350 for the additional work that he did, namely, in regard to the Canteen and the Commercial Printing Department. On 26th December, 1959, the Management wrote to Kuruppu that as the Canteen had been handed over to a new contractor and the Commercial Printing Department was under a new manager, Kuruppu would with effect from 1st January, 1960, cease to receive the allowance for supervising and assisting those two sections (A. 11/R. 13).

Kuruppu acknowledging receipt of A. 11/R. 13 the same day, inquired whether the Board of Directors approved the decision to withdraw his allowance and whether the Board had been informed of the special circumstances that led them to grant him the allowance. For the first time in all his correspondence with the Management he now argued "as far as I am concerned this allowance was paid to me in lieu of a higher salary that I asked for" (A. 12/R. 14).

The Management replied on 28th December, 1959, intimating—

(i) that the Chairman of the Board of Directors had directed that Kuruppu be informed that the allowance was being withdrawn as his services were no longer required in the Printing Department and the Canteen;

(ii) that there was nothing on record to show that Kuruppu's allowance was being paid in lieu of a higher salary;

(iii) that on the contrary "the Director's memo to you dated 1st July, 1957" (R. 6/ A. 9) (the document concerned is actually dated 26th August, 1957; 1st July, 1957, was the date from which the allowance would take effect) categorically stated that the allowance was being paid "for work in connection with the Printing Department and other work which are outside your duties as Accountant";

(iv) that on 13th June, 1958, the Management had informed Kuruppu that the allowance of Rs. 250 was being enhanced by Rs. 100 "in view of the volume of work that you do outside your work" (A. 10/R. 12); and

(v) that if Kuruppu could produce any document to prove that the allowance was being paid to him in lieu of a higher salary such document would be duly placed before the Chairman for his consideration (A. 13/R. 15).

On 5th January, 1960, Kuruppu replied, stating that although the Canteen had been handed over to a caterer in November 1957, the allowance of Rs. 250 granted to him (i.e. Kuruppu) in July 1957 had in June 1958 been raised to Rs. 350—a circumstance which, so he argued, proved that the allowance had been paid in lieu of a higher salary and had nothing to do with the Canteen. He added that Mr. C. X. Martyn, former Deputy Chairman of the Board of Directors, would be able to corroborate the statement (A. 14/R. 16).

On 10th February, 1960, Kuruppu wrote to the Management, enclosing a copy of A. 14/R. 16 and inviting attention to the fact that "an amount of Rs. 350 has been wrongfully deducted from my January salary" (A. 15).

The Management replied on 25th February, 1960, conveying the view of the Board of Directors that "your contention that the allowances withdrawn were in fact increments of salary, has been most carefully considered and cannot be accepted" and that the Board "sees no reason to alter its previous decision (A. 16/R. 17).

On 29th April, 1960, more than two months after receiving it, Kuruppu answered A. 16/R. 17 "earnestly" requesting the Board "to reconsider the decision of stopping the payment of Rs. 350". In support of his request he wrote: "I have treated this amount as a part of my salary and not so much as an allowance. I had accordingly adjusted my domestic and other expenditure and now I find that the Board's decision affects me vitally. This reduction virtually affects my salary by about 25 per cent." He added: "This payment was originally made to me probably in consideration of my long service and on my assistance to the Management to produce a profit of Rs. 1,022,700 in 1956/1957, whereas in the year 1954/1955 it was only Rs. 208,612. The other factor preceding this payment was that as from January 1957, Mr. Noel T. Mendis, the "Lankadipa" Advertising Manager, was granted a salary of Rs. 1,100 (an increase of Rs. 350) in addition to an allowance of Rs. 250 in lieu of commission on his own advertising clients plus an increase of  $\frac{1}{2}$  per cent. on the overall commission. At that time I was receiving a salary of Rs. 900 plus an allowance of Rs. 200. The difference between my service and that of Mr. Mendis at the time was about eleven years. I pointed out to the Management that it would not be fair for the Management to pay me, an officer senior to Mr. Mendis, a lesser salary than that paid to Mr. Mendis." In conclusion he repeated his appeal for restoration of the allowance, "which I have always treated as part of my salary" (A. 17/R. 18).

On 1st July 1960, he invited the Management's attention to his letter of 29th April, 1960 (A. 17/R. 18) and appealed that an early decision be made (A. 20).

Failing to move the Management by his own efforts, he appears to have had recourse to the Union, for on 22nd February, 1961, a conference called by the Department of Labour was held between the Union and the Management to discuss his case, but it proved abortive (R. 19).

14. From the above documentary evidence emerge a number of important facts having a close bearing on the resolution of the present dispute:—

(i) Kuruppu, though on his own admission possessing neither any worthwhile educational qualifications nor any professional qualifications whatsoever, has been able to rise within a relatively short space of 15 years from a junior clerical post carrying a monthly salary of only Rs. 50 to a senior executive post carrying a minimum monthly salary of Rs. 1,000 rising by annual increments of Rs. 50 to Rs. 1,200 in four years. He was receiving an inclusive salary of Rs. 491 in February 1953, Rs. 650 in February, 1955, Rs. 800 in October, 1955, Rs. 850 in April, 1956 and Rs. 1,000 in July, 1957. These figures betoken a steady and progressive increase of his substantive salary which falsifies Kuruppu's contention, both in his correspondence with the Management after the stoppage of the allowance and in his evidence before me, that the allowance was granted him in lieu of salary increases precluded by the firm's salary structure. If the salary structure had been so rigid as he would have the Court believe, it is inconceivable how the Management could have increased his salary so frequently and withal so generously.

(ii) Every one of the allowances which Kuruppu received at one time or another was a special and additional payment contingent on the performance of some specific work imposed on him over and above his normal duties. Thus by 1949 he was receiving an annual allowance of Rs. 25 (raised to Rs. 50 in March that year) for auditing the accounts of the Ceylonese Employees Service Scheme. In the period April/July, 1956 he received a monthly allowance of Rs. 150 for acting in place of Mr. L. E. J. Fernando, General Manager, who was away on leave. As from March 1957 he was paid a monthly allowance of Rs. 50 for scrutinising the estimates of Rs. 1,000 and over prepared by the Commercial Printing Department. In April 1957 the Rs. 50 allowance was increased to Rs. 200 because the Management was satisfied that Kuruppu was doing, outside his normal duties as Accountant, a large volume of work, e.g. managerial work relating to the "Times of Ceylon Annual", the "Times of Ceylon Diary", and "Rasavahini". In July, 1957 the allowance was further increased to Rs. 250 in recognition of his work in connection with the Printing Department and other work outside his duties as Accountant. In June, 1958 the allowance was still further increased to Rs. 350 in view of the volume of work he did outside his normal duties and particularly in connection with the Canteen and the Printing Department. Nowhere in the firm's records relating to Kuruppu is there even the remotest indication that any one of the allowances paid him has been a payment in lieu of a salary increase. Even more surprisingly and significantly, nowhere in his correspondence with the Management prior to 26th December, 1959 (on which date the Management notified him that the allowance of Rs. 350 would cease as from 1st January, 1960) has Kuruppu himself even hinted that his allowances have been in lieu of salary increases. Indeed, any such suggestion would have been both odd and illogical in the face of the regular and substantial salary increases which he had received from time to time and sometimes at unusually short intervals.

(iii) Kuruppu in his oral evidence said that in July, 1957 he had asked for "an increase of salary" and that the firm, which at that time was heavily indebted to the Bank, gave him that month an enhanced allowance of Rs. 250 in lieu of the salary increase he had asked for. Now neither in the Union's nor in the Management's productions is there any evidence of Kuruppu having in July, 1957 asked for an increase of salary. There is evidence however (A. 9/R. 6) that in July, 1957 the Management not only gave him the enhanced allowance of Rs. 250 per mensem for work in connection with the Printing Department and other work outside his normal duties, but simultaneously increased his salary by placing him on the scale Rs. 1,000—50—Rs. 1,200, so that his allegation that the increase of salary asked for by him was given in the form of an allowance because a straight increase of salary could not be given owing to the Management's freedom being circumscribed at that period by the firm's indebtedness to the Bank, is completely disproved.

(iv) In his evidence-in-chief Kuruppu casually mentioned, and under cross-examination stoutly maintained, that Mr. L. E. J. Fernando, the then General Manager, Mr. C. X. Martyn, the then Deputy Chairman of the Board of Directors, and the firm's Bankers were all well aware that the Rs. 250/- allowance granted to him in July 1957 and subsequently increased to Rs. 350/- was in lieu of a salary increase, and that Mr. Martyn had actually promised to treat it as such—a promise which Kuruppu later in his evidence elaborated as having been to the effect that the allowance would be incorporated into his salary and regarded as part and parcel of it only when he had reached the maximum of his salary scale.

At the time of my inquiry both Mr. Martyn and Mr. Fernando were available in the Island (as presumably they still are) and both had long since vacated their positions in the firm, so that (if Kuruppu's story is true) they could, as disinterested witnesses, have given evidence such as would have clinched his story. The firm's Bankers could have given even more dispassionate evidence. Curiously, however, Kuruppu did not call any one of these three parties to testify. More curiously still, neither Mr. Fernando, nor Mr. Martyn; if one may judge from their memos and/or minutes produced in evidence, could or would confirm Kuruppu's story.

(v) Kuruppu, in his attempt to prove that the special allowance which is the subject of this dispute was an integral part of his salary, and had no relation to any service rendered by him to the Canteen or the Commercial Printing Department, and was not therefore terminable with the termination of that service, had the temerity to say in his evidence that he had done little or no work for either of these sections beyond what would fall to his lot as Accountant. Let me take the Canteen first. Even as late as 26th December, 1959, when the Management notified him through A. 11/R. 13 of the impending withdrawal of his allowance, Kuruppu did not dispute the fact of his having supervised and assisted the Canteen (*vide* A. 12/R.14). His evidence that the Canteen had been handed over to a caterer as early as November 1957, after which he himself had done no work at all for the Canteen, remains entirely uncorroborated. Even if it is true, the circumstance that Kuruppu continued to draw the special allowance right up to December 1959 does not necessarily support the Union's case that the allowance was an integral part of his salary. It can just as well support the Management's submission that Kuruppu, in continuing to draw the allowance long after the cessation of the special duties to which it was related, had been either negligent or unscrupulous in discharging his duties and responsibilities as Accountant, since it is one of the fundamental duties of an Accountant to be Argus-eyed in discovering and preventing wasteful and unjustifiable disbursement of funds belonging to his employers.

As regards the Commercial Printing Department, the Union's case shifted from position to position. In its answer filed under Regulation 20 (2), it stated in paragraph (1):—"Mr. J. D. Kuruppu did not do any work in the Printing Department or discharge any other official duties after July 1957 outside his duties as an Accountant." In paragraph (4) it went further:—"Mr. J. D. Kuruppu at no stage did any special work in the Commercial Printing Department."

Mr. Amarasingam, in opening the Union's case, submitted somewhat cryptically that "there was no specific work in the Commercial Printing Department after July 1957, which we did before or which we were called upon to do normally." He was more explicit later:—"Then there is no special work in the Commercial Printing Department; in fact Mr. Gunewardene (i. e. Kuruppu) has no knowledge of printing except from the Accountant's point of view. He was never a trained printer; his acquaintanceship with the Printing Department in so far as an Accountant is concerned is with figures, if at all."

Kuruppu's evidence on the point is even more variable. In his evidence-in-chief he testified having received orders in January 1957 (A.8) to countersign all Printing Department job estimates of over Rs. 1,000/- but explained that for the three-year period 1957/1959 such estimates had not exceeded fifteen in number. In cross-examination he first denied having done any work in the Printing Department. Then, probably remembering what he had said in his evidence-in-chief, he admitted having had "to sign certain estimates". Recalling perhaps that he had

already testified having signed only a handful of estimates, he now went on to explain that just one month after receiving A. 8 he had been ordered to confine his attention to estimates of over Rs. 10,000/-. He added that it used to take him only "about five minutes to go through an estimate".

That Kuruppu did carry out, over and above his normal duties, special work in the Commercial Printing Department is proved to the hilt by documentary evidence. Apart from A. 8 already referred to above, there is Kuruppu's own memo of 30th March, 1957 (R. 4) in which he refers to a promise given by the Management "in connection with the additional work in the Printing Department". In his letter of 17th April, 1957 to the Management (R. 5) he says:—"You have now entrusted me with some duties in connection with the Printing Department." In the Management's memo of 26th August, 1957 (R. 6), his work in the Printing Department is specifically mentioned as one of the reasons for the grant of the special allowance of Rs. 250/-. In his reply of 10th September, 1957 (R. 7), he acquiesces in accepting the reason given by the Management. When the Management in its memo of 13th June, 1958 (R. 12), referred to the volume of work that he did outside his normal sphere, he again appears to have acquiesced, for there is no indication anywhere of his having protested that he was not doing any work outside his normal sphere.

What is even more suggestive is that despite Kuruppu's professed ignorance of everything relating to printing "except from the Accountant's point of view", he in R. 5 sets out an impressive list of supplementary services rendered by him, every single one of which must necessarily have involved a fair knowledge of the printing trade. If R. 5 was factually correct, Kuruppu certainly knew more about printing than he cared to reveal in his evidence; if it was not, he was clearly attempting in R. 5 to mislead the Management and inveigle it into increasing his allowance.

More significantly still, in his letter of 21st February, 1958 (R. 11), appealing to the Chairman of the Board of Directors for a salary increase, he added:—"In the alternative I will be satisfied if you can relieve me of this post and give me a transfer to the Printing Department as Manager of that department." The only conclusion deducible from this is either that Kuruppu's ignorance of things relating to printing is feigned or that he was so utterly unscrupulous, irresponsible, and regardless of the best interests of the firm that he could deliberately ask to be appointed head of the Printing Department though as usually ignorant of the printing trade. In my opinion the Union completely failed to prove that Kuruppu's special allowance had nothing to do either with the Canteen or with the Commercial Printing Department.

15. Kuruppu, in support of his position that the Management had unfairly discriminated against him in stopping his allowance, mentions several fellow employees who had allegedly been treated very differently:—

(i) Mr. L. P. A. Foenander, a clerk in the Accounts Department, received, apart from his salary, a ledger allowance. This was stopped on his transfer to the Circulation Department. When his Union (the Ceylon Mercantile Union) protested he was sent back to the Accounts Department and his allowance was restored, which he continued to draw even after he was later transferred to the Advertising Department.

(ii) Mr. Noel T. Mendis, Advertisement Manager, "The Lankadipa", was paid an allowance in lieu of commission. He continued to receive it even after the conditions under which it had originally been given had changed.

(iii) Mr. V. A. Samarakoon was paid an allowance for supervising the watchers and time-keepers, and continued to receive it even after he had ceased to do that work.

(iv) Mr. D. J. Moldrich, News Editor, "The Times of Ceylon", was paid an allowance for feeding "The Lankadipa" with news reports collected for his own paper. He continued to receive the allowance even after "The Lankadipa" had built up its own news-gathering staff.

(v) Mr. U. S. Perera received a ledger allowance while working in the Accounts Department. When he was transferred to another department, the allowance was stopped, but was later restored as a result of his agitation.

(vi) Mr. Shelton de Alwis received a ledger allowance while working in the Accounts Department. On his transfer to the Advertising Department the allowance was stopped but was restored after agitation by him.

(vii) Mr. Naga Wickremasinghe received an allowance while working in the Ledger Department. This was stopped after his transfer to the Circulation Department. When he protested (in A. 26) and cited as precedents instances where other employees had been differently treated, the Management promised (A. 27) to grant redress if the precedents cited were found correct.

16. The Management produced the personal files of all the above-named employees. These I have gone through very carefully. Mr. Foenander, I find, received his first special allowance for rendering and balancing accounts (R. 91) and continued to

receive it while working in the Ledger Department (R. 93). At a certain stage Mr. H. C. N. de Lanerolle, Circulation Manager, "The Times of Ceylon", asked for "a competent man in charge of subscriptions", specifically mentioned Mr. Foenander as the man he wanted, and pleaded that Foenander's allowance should remain intact (R. 96). The Director (Mr. L. E. J. Fernando), to whom Kuruppu, as Accountant, had referred the matter for a decision (R. 97), strongly disapproved the suggested continuance of Foenander's allowance after the projected transfer to the Circulation Department (R. 98). Mr. de Lanerolle however pleaded again (R. 99). This time the Director relented, sanctioned the continuance of Foenander's allowance as a very special case, but added:—"The transfer of officers from the Ledger Department leads to this unfortunate predicament, and I am not prepared to consider any further transfers because this balancing allowance of Rs. 20 is really an allowance to which an officer is not properly entitled once he quits the Ledger Department." He categorically stated that the Rs. 20/- would be an allowance and not an addition to the basic salary (R. 100). Foenander's allowance now continued until it was stopped (R. 106) on his transfer to the Advertising Department (R. 107). Later he was re-transferred to the Ledger Department and the usual balancing allowance was restored (R. 111). Some years later Foenander was transferred to the Advertising Department (R. 132) and his allowance was withdrawn (R. 133). In July 1961 he appealed for restoration of the allowance (R. 135). Kuruppu in evidence admitted that in R. 135 Foenander made no reference whatsoever to any agreement between the Management and the Ceylon Mercantile Union that allowances, once granted, should not be withdrawn. In September 1961 the Management restored Foenander's allowance "as a very special case" and notified him that "allowances are given for some special work done outside normal duties and can be withdrawn when an employee ceases to perform such extra duties" (R. 136).

The history of Foenander's allowance (i) clearly shows that his was a very special instance where originally in response to the Circulation Manager's fervent plea in his behalf and in 1961 in response to his own appeal, his allowance accompanied him despite his transfer to another department; and (ii) completely falsifies Kuruppu's story of an agreement between the Management and the Ceylon Mercantile Union to the effect that not only Foenander's allowance but all similar allowances paid to other officers should remain intact even though the original *raison d'être* of such payment no longer operated.

17. Mr. Noel T. Mendis entered the firm's service in 1947 as a Correspondence Clerk and Shorthand-Typist in the Times Bookshop (R. 161), was appointed Manager of the Bookshop in 1948 (R. 162), and was promoted to the Higher Grade in the same year (R. 163). In January 1950 he resigned from his post as he had been elected Chairman of the Panadura Urban Council, but offered to serve the firm in another capacity (R. 165). In March the Management, accepting his offer, appointed him a District Representative (Sales) on an allowance-cum-commission basis (R. 166). At the end of 1954 he was appointed Advertisement Manager, "The Lankadipa", on a salary of Rs. 750/- plus commissions determined on a sliding scale (R. 167). In March 1955 Mendis urged his claims for special recognition in view of the substantial income he was bringing the firm (R. 163), and commencing April he was granted a monthly entertainment allowance of Rs. 50/- (R. 168). Spurred both by Mendis's persistent appeals and by its own realisation of the conspicuous service he was rendering (as is evident from R. 170 to R. 182) the Management in 1957 raised his salary (with dearness allowance) to Rs. 1,100/- and granted him a special allowance of Rs. 250/- "in lieu of commission due to you on business already introduced". Both salary and special allowance were to have retrospective effect from January 1957 (R. 183). As most of the clients originally introduced by Mendis had latterly been taken over by various advertising agencies (to whom the firm had to pay a 15% commission), the Management withdrew his special allowance in 1960 (R. 195). He promptly protested, pleading—as Kuruppu had done in regard to his own allowance—that the allowance had been a salary increase though called a special allowance to overcome certain administrative difficulties (R. 196). He made further protests (R. 197 to R. 199). In November 1950 the General Manager (Mr. Felix Goonewardene) appealed to the Chairman of the Board of Directors for permission "to restore" Mendis's allowance in view of the undertakings given to Mendis by a former Director (Mr. L. E. J. Fernando) in R. 182 and R. 185 (R. 200). The Board of Directors, honouring those undertakings, restored the allowance (R. 201) and Mendis was informed accordingly by the General Manager (R. 202).

18. Kuruppu's evidence concerning Mr. V. A. Samarakoon finds no support in the documents produced, which clearly prove that Samarakoon's special allowance of Rs. 200/- was paid for his extra services, viz. in connection with the installation and maintenance of all the electrical equipment in the Times building (R. 78, R. 78A, R. 79)—services which Kuruppu admitted that Samarakoon is still rendering and for which he is still receiving the allowance. Kuruppu's story that Samarakoon's allowance had originally been paid for supervising the watchmen and timekeepers and that he continued to receive it even after he had ceased to carry out that function is entirely untrue.

19. As regards Mr. D. J. Moldrich, the origin of his special allowance of Rs. 175/- is traceable to a very strong recommendation made by Mr. D. B. Dhanapala, the then Editor of "The Lankadipa". When Mr. Moldrich succeeded Mr. Felix Goonewardene as News Editor of "The Times of Ceylon" Mr. Dhanapala suggested that the Rs. 150/- allowance which Mr. Goonewardene had been receiving for sharing the "Times" news reports with "The Lankadipa" should be passed on to news reports with "The Lankadipa" that service. Mr. Dhanapala also suggested increasing the allowance by Rs. 25 because Moldrich was News Editor or not only of "The Times of Ceylon" but of "The Morning Times" (R. 152, R. 153, R. 159, R. 160). Kuruppu called Mr. T. B. Peramunatilake, News Editor of "The Lankadipa", in support of his story that Moldrich, though he was still receiving his special allowance, no longer supplied any news reports to "The Lankadipa". Under cross-examination Peramunatilake admitted that even as recently as at the time of my inquiry he was continuing to receive material and valuable assistance from Moldrich in the form of news reports, particularly concerning Court cases, proceedings of public Commissions of Inquiry, and important political pronouncements, etc. Moldrich, called by the Management, testified with candour, humility and objectivity, and I have no hesitation in preferring his evidence to that of Peramunatilake, who gave me the impression of being far more interested in furthering Kuruppu's case than in helping the Court to arrive at the truth of the matter.

20. Mr. U. S. Perera, like the other Ledger Clerks, had been receiving a balancing allowance. On his transfer to the Circulation Department the allowance was withdrawn (R. 24). He did not himself regard his allowance as a permanent part of his salary (R. 25). When he was re-transferred to the Accounts Department he did not at first receive any allowance (R. 26 to R. 29), but later, for the extra work he was doing in maintaining the ledgers of the firm's Benefit, Fund and Provident Fund, he began to receive an enhanced special allowance on the strong recommendation of the Assistant Accountant (R. 30 to R. 33).

21. Mr. Shelton de Alwis's special allowance was a balancing and typing allowance (R. 45). With his transfer to the Advertising Department the allowance ceased (R. 51). Like Kuruppu in the present case, Alwis pleaded that domestic difficulties would arise for him if his allowance was not restored (R. 52). A year later, when he was re-transferred to the Ledger Department, his allowance was restored (R. 56). Kuruppu's evidence to the effect that allowances, once granted, were deemed sacrosanct, is again disproved.

22. Mr. Naga Wickremasinghe had been receiving a balancing and typing allowance from 1948 onwards (R. 206 to R. 215, R. 219, R. 220, R. 223, R. 226, R. 229). In 1961 he was transferred to the Circulation Department and the allowance ceased (R. 231 and R. 232). He pleaded for its restoration, using the very argument that Kuruppu has urged in the present dispute, that he had got used to the allowance and therefore it was not fair to discontinue it (R. 234). The Management however refused to accept the thesis that any special allowances should be paid "except for the special purpose for which they are intended" (R. 235). It was only after his transfer back to the Accounts Department that he recovered his allowance (R. 236).

23. Mr. P. Sinnatamby, a clerk, in the Process Department, used to receive a special allowance of Rs. 15/- for extra work done by him (R. 245). But on his own initiative it was withdrawn and passed on to Mr. H. W. Jayatileke, a studio clerk, when Sinnatamby asked to be relieved of the extra work (R. 246 and R. 247). Several months later, when Sinnatamby was given custody of the stocks held by Jayatileke, his allowance was restored (R. 248).

24. In all the documents numbering 226 relating to the above-named fellow employees of Kuruppu, there is not an iota of evidence to support either of Kuruppu's contentions, namely, that allowances once given were never revoked and that allowances were regarded in the firm as an integral part of the salary.

25. During his cross-examination Kuruppu referred to a conference (already mentioned by me earlier in passing) held in 1956 in connection with the stoppage of Foenander's allowance, at which the Ceylon Mercantile Union had arrived at an agreement with the Management whereby all special allowances, by whomsoever received, would be treated as irrevocable, but he produced no evidence of any sort, whether oral or documentary, in corroboration of his story. In view of the frequent evasions and prevarications to which Kuruppu resorted while giving evidence, I am disinclined to accept his *ipse dixit*.

26. As a result of the minute scrutiny which I have made of the entire volume of evidence made available to me, I am thoroughly satisfied that the stoppage of the payment of the special allowance of Rs. 350/- to Mr. J. D. Kuruppu with effect from 1.1.1960 is justified. Since, however, the Management's very abrupt stoppage of his allowance is certain to have caused some measure of temporary disorganisation and hardship in his domestic economy, I recommend that the Management pay him *ex gratia* a sum of Rs. 700/-, which would be the equivalent of two extra months' special allowance. I make award accordingly.

Colombo, October 29, 1962.

S. A. WIJAYATILAKE.



No. C/I. 44.

**THE INDUSTRIAL DISPUTES ACT, CHAPTER 131 OF  
THE LEGISLATIVE ENACTMENTS, CEYLON  
(REVISED EDITION)**

THE Award transmitted to me by the Arbitrator to whom the industrial dispute which had arisen between the Ceylon Mercantile Union and the Co-operative Wholesale Establishment, Colombo, was referred by Order dated March 2, 1962, made under section 4 (1) of the Industrial Disputes Act, Chapter 131, of the Legislative Enactments, Ceylon (Revised Edition) 1956, as amended by Industrial Disputes (Amendment) Acts, Nos. 14 and 62 of 1957, and published in *Ceylon Government Gazette* No. 12,986 dated March 16, 1962, for settlement by arbitration is hereby published in terms of section 18 (1) of the said Act.

R. L. GUNASEKERA,  
Acting Commissioner of Labour.

Department of Labour,  
Colombo, 2nd November, 1962.

No. C/I. 44.

In the matter of an industrial dispute  
between

The Ceylon Mercantile Union, No. 22 1/1, Upper Chatham  
Street, Colombo

and

The Co-operative Wholesale Establishment, No. 11, Rosmead  
Place, Colombo

**The Award**

This is an Award under section 17 of the Industrial Disputes Act, Chapter 131 of the Legislative Enactments of Ceylon (Revised Edition 1956) as amended by the Industrial Disputes (Amendment) Acts, No. 14 and No. 62 of 1957 and No. 4 of 1962. It relates to an industrial dispute between The Ceylon Mercantile Union of 22 1/1, Upper Chatham Street, Colombo (hereinafter referred to as "the Union") and The Co-operative Wholesale Establishment of 11, Rosmead Place, Colombo, and now of 21, Vauxhall Street, Colombo (hereinafter referred to as "the C. W. E.").

2. The Honourable the Minister of Labour and Nationalised Services, 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 (Revised Edition 1956), as amended by the Industrial Disputes (Amendment) Acts, No. 14 and No. 62 of 1957, referred to me on 2nd March, 1962, an industrial dispute between the above-named parties for settlement by arbitration.

3. The Acting Commissioner of Labour in his statement dated 1st March, 1962, appended to the Minister's Order, set out the matter in dispute in the following terms: "The matter in dispute between The Ceylon Mercantile Union and The Co-operative Wholesale Establishment, Colombo, is whether the non-employment of Mr. G. N. Hettiarachchi is justified and to what relief he is entitled."

4. At my inquiry, which commenced on 9th April, 1962, and terminated on 20th July, 1962, after nine sittings, Mr. P. B. Tampoe, General Secretary of the Union, with Mr. J. C. Hatch, its Vice-President, appeared for the Union. Mr. Advocate R. A. Kannangara, instructed by Messrs. D. L. & F. de Saram, appeared for the C. W. E.

5. At the outset Mr. Kannangara, Counsel for the C. W. E., mentioned that although he was not raising it as a matter of law nevertheless there is a provision in the Co-operative Wholesale Establishment Act that the Co-operative Wholesale Establishment shall have any dispute between itself and its employees referred to arbitration. Mr. Tampoe, who appeared for the Union, in referring to this point, submitted that the C. W. E. Act is a very old Act dating back to 1949, and that by the Industrial Disputes Act which came into effect in 1950, and by the specific Amendment Act, No. 62 of 1957, the legislature had apparently decided that all employees of corporations should have available to them the procedure for settlement of disputes provided by the Industrial Disputes Act, and he cited section 26 (b) of the Industrial Disputes (Amendment) Act, No. 62 of 1957. He also cited Mr. Justice Sansoni's judgment in S. C. 41/1962—I. D. 306 of 1961—where he held that the Bank of Ceylon is a corporation and that the Industrial Disputes Act covers disputes between such corporations and their employees.

Even though Mr. Kannangara had not expressly challenged my jurisdiction to inquire into the instant dispute, I thought that it might be prudent to look into the question of jurisdiction, and accordingly arranged for Mr. Kannangara and Mr. Tampoe to address me more fully on the matter and for a Crown Counsel to be present as *amicus curiae*. Mr. Kannangara, while reiterating his decision not to raise as a matter of law any objection concerning jurisdiction, very kindly placed before me his argument which was two-fold. He submitted that although the Minister's reference cannot be questioned in regard to the factual existence of a dispute, it can be questioned as to whether such dispute is or is not an industrial

dispute. He said that right up to the Industrial Disputes (Amendment) Act, No. 4 of 1962, it had been arguable, on the basis of a whole series of Indian cases, that any dispute between an employer and an employee is not an industrial dispute within the meaning of section 4 (1) of the Industrial Disputes Act. He conceded, however, that the definition of "industrial dispute" under the Amendment Act, No. 4 of 1962, covers any dispute between any employer and a workman, so that it is quite clear that the instant dispute is an industrial dispute.

6. Mr. Kannangara next questioned—albeit academically—my jurisdiction to arbitrate in this dispute, seeing that a special procedure has been provided for arbitration in disputes between the Co-operative Wholesale Establishment and its employees. *Vide* section 26 of the Co-operative Wholesale Establishment Act (1956 Revision) as amended by the Co-operative Wholesale Establishment (Amendment) Act, No. 39 of 1957. An almost identical procedure has been provided by section 53 of the Co-operative Societies Ordinance (1956 Revision) for arbitration in disputes between co-operative societies and their employees. Mr. Kannangara submitted that this question had been considered by Mr. Justice T. S. Fernando in South Ceylon Democratic Workers' Union vs. Galle Co-operative Stores Union Ltd. (S. C. No. 328 of 1961) where he held that the specific provision in the Co-operative Societies Ordinance does not oust the jurisdiction of the Industrial Court for two reasons:—

- (i) The dispute is not between the workman and the employer, but between the Union and the employer; and
- (ii) The Union has no way of ventilating a dispute under section 53 of the Co-operative Societies Ordinance.

Mr. Kannangara also cited Mr. Justice T. S. Fernando's judgment in S. C. Application No. 14 of 1960 (L. T. 2/1915).

7. Mr. S. Sivarasa, Crown Counsel, supplementing Mr. Kannangara's submissions pointed out that Mr. Justice T. S. Fernando had in his judgment in S. C. Application No. 14 of 1960 not only held but gave detailed reasons for holding that the provisions of the Industrial Disputes Act would prevail over the provisions of the Co-operative Societies Ordinance. Mr. Sivarasa also pointed out that the wording of section 29 of the Co-operative Wholesale Establishment Act which provides that "the award of the arbitrators or umpire shall be final and shall not be called in question in any civil court" clearly suggests that the parties are not precluded from seeking remedies specified in section 33 of the Industrial Disputes Act. He submitted that the provision for arbitration contained in the Co-operative Wholesale Establishment Act cannot be understood as denying to an employee of the Co-operative Wholesale Establishment the rights which a subsequent statute such as the Industrial Disputes Act has conferred on him. In support he cited "The Law of Industrial Disputes" by Sethi and Rao (page 62).

8. He also submitted that there have been recent decisions both in India and in England which state that "even if the dispute was between one worker and the employer the moment the dispute is taken up by the union it acquires the character of an industrial dispute because it changes the nature of the dispute. It is not a simple fight between the employee and the employer for his benefit, but it is a fight by the union for the benefit of all employees . . . . The moment the union enters itself in the dispute it acquires a different characteristic altogether; the original dispute is lost, and a fresh dispute is taken up."

9. Mr. Kannangara differed from Mr. Sivarasa to the extent that he thought that in the instant dispute recourse should in the first instance have been had to the machinery for arbitration provided in section 26 of the Co-operative Wholesale Establishment Act. If the Union to which the employee concerned belonged was dissatisfied with the outcome of the arbitration, then the Union could invoke the remedies provided in the Industrial Disputes Act.

10. Mr. Tampoe, agreeing with all the submissions made by Mr. Sivarasa, Crown Counsel, adduced a fresh argument based on the wording of the sections in the Co-operative Wholesale Establishment Act which set out the provisions relating to disputes. He submitted that taking all the sections together under the heading 'Provisions relating to Disputes' it is clear from section 30 which relates to enforcement of awards that the only kind of award contemplated by the Act is an award relating to a money claim, either of the Board against an employee or co-operative society or a co-operative society or employee against the Board. The fact that the only awards contemplated in the section sub-titled "Enforcement of Awards" are those involving payments of money certainly lends some force to Mr. Tampoe's argument.

11. In the instant case the dispute is between the Union and the employer. I would therefore respectfully adopt the principle enunciated by Mr. Justice T. S. Fernando in the judgment referred to above and hold that I have jurisdiction to arbitrate in the matter referred to me by the Honourable the Minister.

12. Let me now return to the facts of the case. G. N. Hettiarachchi was appointed to the service of the C. W. E. in the capacity of an accounts clerk with effect from 1st September, 1958, on the terms and conditions set out in the letter of appointment dated 26th September, 1958 (R 2). In terms of clause 5 of R 2 he was to be on probation for a period of three months. In December, 1958, he was confirmed in his appointment as an accounts clerk in the Transport Division with effect from 1st September, 1958, and was so informed by the General Manager of the C. W. E. through his memo No. AB/D/1064 dated 18th December, 1958 (D 3). The version of the C. W. E. is that Hettiarachchi was in charge of the debtors' ledger in the Transport Division and that in January/February, 1959, the ledger work was in arrears so that two other persons, one of whom was B. A. Wilson, had to be sent to clear up the arrears. After some time Wilson realised that his assistance would not be necessary if Hettiarachchi attended to his work properly. It would appear that Wilson had detected Hettiarachchi attending to some private work of his during office hours and thereby neglecting his official duties. In his evidence before me Wilson has explained that the private work was some Buddhist work which involved the addressing of envelopes and the keeping of a register. He brought the matter to the notice of Mr. T. Nadeswaram, Accountant (Internal Audit). On 9th February, 1959, Mr. Nadeswaram received a telephone call in response to which he drove immediately to the Transport Division. (It may be noted that Mr. Nadeswaram's office was at the headquarters of the C. W. E. in Rosmead Place, Colombo 7, and the Transport Division was, as it still is, at MacCallum Road, Colombo 10). When Mr. Nadeswaram got there he found Hettiarachchi in the act of addressing some envelopes. He asked Hettiarachchi whether he was posting statements to customers of the Transport Division, and Hettiarachchi replied that he was doing some private work. Mr. Nadeswaram then took over the envelopes as well as the register containing the addresses, returned to his office at Rosmead Place, and orally reported Hettiarachchi's lapse to Mr. S. M. Kanagaratnam, Chief Accountant of the C. W. E., handing over into his custody the register and the envelopes. At the time of the detection Wilson, who had been assigned to clear up the arrears in the debtors' ledger, was on duty in Transport Division office, and Mr. Somasekaram, Accountant (Transport) was absent on sick leave (R 7 and R 8). As a result of Mr. Nadeswaram's complaint and on the same day Mr. Kanagaratnam sent to Hettiarachchi a letter dated 9th February, 1959 (D 2/R 3) requiring him to show cause why he "should not be discontinued or otherwise punished for spending duty hours in doing private work which is a serious breach of discipline". On the following day Hettiarachchi went to see the Deputy General Manager, Mr. Samuel Henry Silva (hereinafter referred to as "Mr. Sam Silva"). He complained that a register and some envelopes which belonged to him had been seized by Mr. Nadeswaram and he wanted them back. Mr. Sam Silva sent for Mr. Nadeswaram and asked him what had happened. When Mr. Nadeswaram related to him what he had seen, Hettiarachchi explained that he was doing the work complained of for a social service organization in which Mr. H. Jinadase, Permanent Secretary to the Ministry of Education, was interested. Thereupon as Hettiarachchi did not deny that he had been doing this work Mr. Sam Silva ordered that the productions be returned to Hettiarachchi lest the work of the social service organisation concerned be hampered.

13. Subsequently Hettiarachchi sent to the Chief Accountant (Mr. Kanagaratnam) a letter dated 16th February, 1959 (R 4) giving his explanation in reply to the charge sheet (D 2/R 3). He took the position that the allegation against him was false. He admitted, however, that he had had on his table a register and some envelopes belonging to a social service organisation. He denied that he had been attending to any private work at the time the Accountant (Internal Audit) took over the documents.

14. In his evidence Hettiarachchi has explained that the envelopes in question were 10 used envelopes and that they were inside the register. He has further explained that they had been returned undelivered by the Post Office as they were incorrectly addressed and that "they had been kept for reference in the following year to indicate that the addresses are wrong". According to him, Mr. Nadeswaram just came up to him at his desk and asked him whether he was writing bills or typing them. At the time he was checking the tyre canvassers' commission statement. Hettiarachchi has categorically denied that his work was in arrears. It would appear that the Transport Division debtors' ledger had been in arrears from June, 1958—long before he entered the service of the C. W. E. While working on the tyre sales ledger, which was his normal duty, he had at the request of his superiors begun to bring the debtors' ledger up to date, working on it overtime in November and December, 1958. By December he had brought the books up to date for the period June-September, 1958. Mr. Wilson had been assigned to clear the arrears for the period October-December, 1958. Hettiarachchi has explained that so far as his own work, namely, on the tyre sales ledger, was concerned it was not in arrears. It may be noted that Hettiarachchi was appointed to the C. W. E. with effect from 1st September, 1958, so that his explanation is that as the Transport Division debtors' ledger was in arrears from June, 1958, he had to attend to that work in addition to his own work and therefore outside office hours.

15. On 19th February, 1959, Mr. Kanagaratnam made a report (R 5) to the Deputy General Manager, Mr. Sam Silva. It reads as follows:—

"Mr. G. M. (sic) Hettiarachchi was appointed to the C. W. E. on 1.9.58. He was confirmed at the end of three months. His Personal File is annexed.

He was found doing private work during office hours and his explanation was called on 9.2.59. His reply is a complete denial that he ever did any private work at the time Mr. Nadeswaram found him to have been doing so.

Mr. Nadeswaram at (4) states that Mr. Hettiarachchi was caught in the act of writing addresses on envelopes. I am told that Mr. Hettiarachchi saw you on 10th February and made a complaint that the register and envelopes had been removed by the Acct. I. A. If his explanation is a complete denial he would have stated so when he saw you. I am therefore leaving the matter for you to decide.

I must say that Mr. Hettiarachchi's manner and bearing when he came to me to get the register and the envelopes left much to be desired."

Mr. Sam Silva's minute, written just below Mr. Kanagaratnam's report, reads thus:—

1. His work and conduct is extremely unsatisfactory.
2. Discontinue."

Beneath his initials he appears to have originally entered the date 19/2 and to have subsequently altered it to 20/2.

Hettiarachchi was accordingly informed by letter No. AB/B/81/59 dated 23rd February, 1959 (D 4) that his services would not be required with effect from 1st April, 1959.

16. As for the reason for his discontinuance, the foundation for the action taken by Mr. Sam Silva is the fact that Hettiarachchi was attending to the work of the Buddhist Congress National Council of Social Services during office hours. It transpired during the course of the proceedings that Hettiarachchi in showing his resentment at the accusation made against him appeared to be insubordinate. Admittedly on 9th February, 1959, a register with some envelopes belonging to the Buddhist Congress was on Hettiarachchi's table and they were removed by Mr. Nadeswaram. Mr. Nadeswaram has said that Hettiarachchi was caught in the act of addressing some envelopes. Hettiarachchi, on the other hand, has denied that he was addressing any envelopes; he maintains that they were used envelopes which had contained "returned letters", and that he was at the time in question attending to the tyre canvassers' commission statement, which was C. W. E. work. He, however, admits that he had the register on his table with, in it, 10 envelopes. He also admits that he brought the register to his office because he was to proceed from there after office closed to Mr. Jinadasa's house, where he had to check certain entries. Mr. Sam Silva says that Hettiarachchi did not deny that he had been attending to some private work; but he (Mr. Sam Silva) ordered the documents to be returned to Hettiarachchi as he did not wish to inconvenience the social service organisation concerned. In my opinion the envelopes which Mr. Nadeswaram alleges were being addressed by Hettiarachchi were vital productions if the Management of the C. W. E. was pursuing the matter against Hettiarachchi. If, as Mr. Nadeswaram would have me believe, Hettiarachchi was caught *flagrante delicto*, at least one envelope may have been partly addressed and one or more of the envelopes should have borne his hand-writing. Surely, when the incriminating envelopes were returned to Hettiarachchi Mr. Sam Silva could not have intended to pursue the matter against him. Mr. Nadeswaram's was not a casual detection. He went all the way from Rosmead Place to MacCallum Road on receipt of a telephone message—and an anonymous telephone message at that. He was clearly performing an official function. Nevertheless he did not make any entry in his office diary about his expedition on this raid. I venture to presume that an officer who leaves his office on field duty should leave some evidence of his movements lest an allegation be made against him that he is attending to private work during office hours. Mr. Nadeswaram speaks of Wilson's complaint to him. It is strange that this complaint was put in writing only on 10th February, 1959, a day after the alleged detection (R 1). What is even stranger is that although Wilson is no illiterate country bumpkin but an audit clerk quite conversant with English, his statement was actually written by Mr. Nadeswaram himself and only signed by Wilson. There is absolutely nothing to preclude the possibility that even the contents of the statement emanated not from Wilson (who was Mr. Nadeswaram's underling) but from Mr. Nadeswaram himself.

17. Admittedly the Chief Clerk of the Transport Division was on duty when the alleged detection was made, but the C. W. E. has not chosen to call him. His evidence would have been very helpful as he was on the scene and must have noted the immediate re-actions of Hettiarachchi. Mr. Sam Silva, as mentioned earlier, says that the documents were returned to Hettiarachchi as he did not like to incommode the social service organisation. This would be so with regard to the register, but how about the envelopes? The confiscation of the envelopes—only about 15 according to Mr. Nadeswaram and 10 according to Hettiarachchi himself—could not have incommoded the

National Council of Social Services so seriously. If the C.W.E. was so deeply concerned about the inconvenience of the social service organisation and felt impelled to return the envelopes, some postal copies at least or a few of them could have been kept.

18. If, at the time Mr. Nadeswaran received the alleged telephone message about 11 a.m. on 9th February, 1962, Hettiarachchi was addressing envelopes, is it likely that he was still addressing them when Mr. Nadeswaran dropped in at the MacCallum Road premises of the C.W.E. having driven all the way from Roseau Place, and that he was actually so immersed in addressing them that he did not even notice Mr. Nadeswaran as he went (on his own admission) from desk to desk in the Transport Division in an effort to locate and identify Hettiarachchi?

19. Counsel for the C.W.E. has submitted that Hettiarachchi himself, having regained possession of the envelopes, should have produced them before me in his defence. Even if he had, what value would such evidence have since not one of the C. W. E. officials through whose hands the envelopes and the register had passed appears to have marked any of them for identification and it could be alleged that they had been faked for bolstering up Hettiarachchi's defence?

20. It has also been submitted that Hettiarachchi could have called some of the other clerks who had been present in the Transport Division office at the time of Mr. Nadeswaran's visit on 9.2.59. In a case of this nature it is, in my opinion, too much to expect him to have done so as it is not at all likely that these officers would risk their careers by supporting him against those in authority over them.

21. The case against Hettiarachchi has to be assessed in the light of the evidence that his work was seriously in arrears. Hettiarachchi has given his explanation. He was duly confirmed in his post after a period of probation. The C. W. E. has failed to produce any file or other document to show that this officer was warned or at least notified about any arrears of work, and that he was responsible for any such arrears. The evidence of Mr. Somasekaram, Accountant (Transport), who was Hettiarachchi's immediate superior, would have been conclusive with regard to the alleged arrears of work; but neither he nor the Chief Clerk (Transport) who could have supported the C.W.E. has given evidence. In the circumstances I am unable to hold that Hettiarachchi was responsible for any arrears outstanding.

22. The evidence adduced in support of the allegation that Hettiarachchi was caught in the act of addressing envelopes for the National Council of Social Services leaves much to be desired. The C.W.E. has parted with the vital documents and seeks a finding against Hettiarachchi on that very evidence. If Mr. Sam Silva had at least made a written note of the precise terms in which Hettiarachchi made his admission before him that would have afforded more convincing evidence of Hettiarachchi's guilt. As it is, while I do not think I can reject *in toto* the evidence led by the C.W.E., the complete veracity of the C.W.E.'s version of what happened, and particularly Mr. Nadeswaran's version of it, is difficult to accept. Mr. Sam Silva's evidence on the whole impressed me but there are, as I have pointed out, several features in this case which create a reasonable doubt in my mind about Hettiarachchi's guilt and I give him the benefit of that doubt. At the most there is only a suspicion that he was, at the time of Mr. Nadeswaran's visit, addressing private envelopes.

23. A point has been made that Hettiarachchi's manner and bearing after the alleged detection were unsatisfactory. If he felt that a false and unreasonable accusation had been made against him, resentment and even some degree of surliness in him was to be only expected. In the light of my finding on the main charge I do not think it necessary to pursue this supplementary accusation about his manner and demeanour, for a doubt does arise whether the superior officers of the C.W.E. were not taken aback when the name of a powerful Permanent Secretary transpired in the explanation given by Hettiarachchi, and whether in consequence a feeling of resentment was not generated in their minds over the turn the case had taken. In Mr. Sam Silva's evidence can clearly be discerned some traces of resentment at Hettiarachchi's invocation of the name of the Permanent Secretary in question.

It has also to be remembered that Mr. Nadeswaran, Accountant (Internal Audit), and Mr. Kanagaratnam, Chief Accountant, C.W.E., who were Hettiarachchi's superiors, could not have been very pleased that Hettiarachchi had approached Mr. Sam Silva, Deputy General Manager (and at that time Acting General Manager), of the C.W.E. direct.

24. As regards Mr. Sam Silva's minute on R 5 to the effect that Hettiarachchi's work and conduct were so extremely unsatisfactory as to warrant discontinuance of his services the C.W.E. has not produced any evidence whatsoever, oral or documentary, which would show that his work and conduct had generally been unsatisfactory. The Manager, the Accountant,

and the Chief Clerk of the Transport Division would have been the most reliable authorities on the nature of Hettiarachchi's work and conduct, but none of them have been called. Mr. Kanagaratnam in addressing R 5 to Mr. Sam Silva sent with it Hettiarachchi's personal file, but curiously enough that personal file which would have been an unimpeachable index to the quality of Hettiarachchi's work and conduct, has not been produced.

25. All the evidence led in this case has convinced me that the C.W.E.'s decision to discontinue Hettiarachchi's services was taken in a very cavalier fashion and after a most perfunctory inquiry. After all a worker who has been confirmed in his employment should be entitled to the privilege of a fuller inquiry before he is discontinued from employment for negligence in the performance of his duties. If this had been done I should have had the advantage of having available to me the statements which Mr. Somasekaram and the Chief Clerk (Transport Division) would undoubtedly have been called upon to make.

26. In the light of all the facts which have transpired in the course of my inquiry I hold that the non-employment of Mr. G. N. Hettiarachchi is not justified. I direct that he be re-instated within two weeks of the publication of this Award in the *Ceylon Government Gazette*, and that within two weeks of such re-instatement he be paid through the Assistant Commissioner of Labour (Colombo Industrial Relations), 167, Stafford Place, Colombo 10, all arrears of salary from the date of discontinuance to the date of re-instatement.

I make award accordingly.

S. A. WIJAYATILAKE,  
Arbitrator.

Dated at Colombo this 31st day of October, 1962.

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L. D.—B. 47/41.

#### THE MATERNITY BENEFITS ORDINANCE

REGULATION made by the Minister of Labour and Nationalised Services under section 15 of the Maternity Benefits Ordinance (Chapter 140), as amended by Act No. 6 of 1958, and approved by the Senate and the House of Representatives.

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

Colombo, October 31, 1962.

#### Regulation

The regulations under section 15 of the Maternity Benefits Ordinance (Chapter 140), published in *Gazette* No. 9,634 of November 22, 1946, as amended by regulation published in *Gazette* No. 11,046 of January 11, 1957, are hereby further amended as follows:—

(1) by the insertion immediately after regulation 8, of the following new regulation:—

“ 8A. Any establishment not being a factory, in which five or more persons are employed and which is engaged wholly or mainly in the engineering trade or the building trade shall be a prescribed establishment for the purposes of the Ordinance.”; and

(2) by the insertion in regulation 9, immediately before the definition of “ notice book ”, of the following new definitions:—

“ “ building trade ” has the same meaning as in the order made under section 6 of the Wages Boards Ordinance (Chapter 136), and published in *Gazette* No. 10,054 of December 16, 1949 (as subsequently amended);

“ engineering trade ” has the same meaning as in the order made under section 6 of the Wages Boards Ordinance (Chapter 136), and published in *Gazette* No. 9,224 of January 7, 1944 (as subsequently amended); ”.

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**THE CONTROL OF PRICES ACT, No. 29 OF 1950**

IT is hereby notified in terms of sub-section 7 of section 4 of the Control of Prices Act, No. 29 of 1950, that the Orders in the Schedule given below have been approved by me.

Colombo, October 29, 1962.

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

**Schedule**

Date of Order	Authority by whom the Order was issued	Commodity to which the Order relates	Gazette in which the Order was published
10.9.62	.. Deputy Controller of Prices (Food), Polonnaruwa District	Subsidiary Foodstuffs	.. No. 13,315 of 25.9.62
5.10.62	.. Controller of Prices (Food)	Subsidiary Foodstuffs	.. No. 13,336 of 5.10.62
8.10.62	.. Assistant Controller of Prices (Food), Mannar District	Subsidiary Foodstuffs	.. No. 13,341 of 10.10.62

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**THE CONTROL OF PRICES ACT, No. 29 OF 1950**

IT is hereby notified in terms of sub-section 7 of section 4 of the Control of Prices Act, No. 29 of 1950, that the Orders in the Schedule given below have been approved by me.

Colombo, October 29, 1962.

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

**Schedule**

Date of Order	Authority by whom the Order was issued	Commodity to which the Order relates	Gazette in which the Order was published
21.8.62	.. Controller of Prices (Food)	.. Dried fish and dried Prawns	.. 13,270 of 21.8.62
30.8.62	.. Controller of Prices (Food)	.. Subsidiary foodstuffs	.. 13,278 of 30.8.62
1.8.62	.. Deputy Controller of Prices (Food), Kandy District and Uda-hewaheta Division of Nuwara Eliya District	Beef	.. 13,255 of 7.8.62
1.8.62	.. Do.	Mutton	.. 13,255 of 7.8.62
25.6.62	.. Do.	Maldive fish or Bonito fish	.. 13,236 of 31.7.62
20.8.62	.. Assistant Controller of Prices (Food), Kurunegala District	Beef	.. 13,271 of 23.8.62
23.8.62	.. Assistant Controller of Prices (Food), Matara District	Dried fish and dried Prawns	.. 13,291 of 4.9.62
31.7.62	.. Assistant Controller of Prices (Food), Ratnapura District	Do.	.. 13,236 of 31.7.62
27.6.62	.. Assistant Controller of Prices (Food), Puttalam District	Maldive fish or Bonito fish	.. 13,190 of 2.7.62

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**Revenue and Expenditure Returns**

My No. LLDF/P-4/6.

**REPORT OF THE AUDITOR GENERAL ON THE ACCOUNTS OF THE LOCAL LOANS AND DEVELOPMENT FUND FOR THE YEAR 1960-61**

*Amounts adjusted to the nearest rupee*

THE accounts of the Local Loans and Development Fund (created under the Local Loans and Development Fund Ordinance (Chapter 404), as amended from time to time) for the year ended September 30, 1961, were audited under my direction and this report is submitted in accordance with section 14 of the Ordinance. The financial statements prescribed by regulation 27 of the regulations framed under section 11 of the said Ordinance were furnished, for the year ended September 30, 1961, as follows :—

- (a) Cash Account;
- (b) Income and Expenditure Account; and
- (c) Statement of Liabilities and Assets.

These statements which are in agreement with the books of account have been certified in audit, subject to the following observations :—

**2. Statement of Income and Expenditure :**

(i) The interest shown in the Income and Expenditure Account represents the interest actually realised during the year and does not include the interest accrued but not due up to September 30, 1961.

(ii) According to the figures furnished by the Secretary, arrears of loan repayments, and interest thereon up to September 30 1961, were as follows :—

	Rs.
Due from Co-operative Societies	.. 236,884
Due from Local Authorities	.. 3,321,886

(iii) The operative results for the year as disclosed in the Income and Expenditure Account was a net loss of Rs. 108,580 (as compared with the net profit of Rs. 131,565 in the previous year), which a amount has been set off against the accumulated profits brought forward from previous years.

A sum of Rs. 2,880 has been under-paid as interest on borrowings from Government during the year under review. This was pointed out in audit and the Secretary has replied that the necessary adjustments will be made in the accounts for 1961-62.

(iv) A sum of Rs. 647 being irrecoverable portion of the principal due from the Kattankudy Division No. 4 Co-operative Society Ltd. has been written off in the year under review pending the approval of the Minister of Finance under section 28 of the Ordinance.

**(v) Interest received—Rs. 2 303,229 :**

The interest charged on loans to Local Authorities was 4 per cent. per annum and the interest on loans to Government officers and Co-operative Societies was 5 per cent. per annum. As stated in my reports on the accounts for 1955-56 to 1959-60, these rates of interest have not been prescribed by regulations under section 11 (d) of the Ordinance.

(vi) The net profit for the year 1959-60 amounting to Rs. 131,565 was transferred to the Consolidated Fund on September 30, 1961. The requisite approval of the Minister of Finance as required by section 8 (3) (b) of the Ordinance was obtained for the transfer.

## General

The position with regard to the repayment of loans and payment of interest by the Local Authorities and Co-operative Societies continues to be unsatisfactory as stated in the Secretary's Report for the year 1960-61.

Audit Office,  
Colombo 7, August 18, 1962.

B. L. W. FERNANDO,  
for Auditor-General.

## LOCAL LOANS AND DEVELOPMENT FUND

## Report for the Year 1960-61

The statement of Accounts and the Balance Sheet for the year 1960-61 are submitted along with this Report.

*Interest.*—The rate of interest on loans to Local Authorities remains at 4 per cent. per annum and that for Government Officers for building houses at 5 per cent. per annum. The total interest received during the year on loans was Rs. 2,303,228.78

*Borrowings.*—The Fund borrowed during the year a sum of Rs. 10,000,000 from Government to enable it to pay a part of the loans approved. It also repaid a sum of Rs. 3,410,640 on loans obtained from Government in previous years. The total indebtedness at September 30, 1961, is Rs. 84,101,760 to Government and Rs. 750,000 to the Savings Certificate Fund.

## REPAYMENTS

Repayment of loans and payment of interest by the Co-operative Societies continue to be unsatisfactory. The arrears of principal at September 30, 1961, was Rs. 170,027.72 as compared with Rs. 236,118.92 at September 30, 1960. The arrears of interest at September 30, 1961, amounted to Rs. 66,856.70 as compared with Rs. 59,748.67 at September 30, 1960.

The Registrar of Co-operative Societies has been informed of the position and requested to take action with a view to speedier settlement.

*Local Authorities.*—The following local authorities are in arrears in regard to payments. The fears expressed in the report of the previous year have been justified. Owing to the failure of these local authorities to settle their dues, the Fund for the first time in its history has run at a loss. If there is no improvement in the settlement of these arrears the Commissioners will have no alternative but to take action under section 18 (1) of the Local Loans and Development Fund Ordinance and appropriate the rates and taxes of the defaulting local authorities in settlement of their dues :—

	Rs.	c.
M. C. Galle	883,768	83
M. C. Dehiwala-Mt. Lavinia	810,697	20
M. C. Negombo	8,000	0
U. C. Kolonnawa	70,852	22
U. C. Moratuwa	432,477	80
U. C. Panadura	147,507	20
U. C. Kotte	360,000	0
U. C. Beruwala	3,949	67
U. C. Anuradhapura	2,702	59
U. C. Puttalam	8,000	0
T. C. Madampe	131,383	21
T. C. Chavakachcheri	1,502	15
T. C. Kattankudy	62,214	62
T. C. Mannar	161,244	95
T. C. Beliatta	77,509	12
T. C. Kalpitiya	15,870	11
T. C. Balapitiya	6,075	0
T. C. Chankanai	408	0
T. C. Watugedera	2,600	0
T. C. Sammanturai	8,373	29
V. C. Nallur	40,923	92
V. C. Vankalai	8,667	93
V. C. Ambatalanpahala	16,827	26
V. C. Panadura and Talpiti Baddas	2,086	58
V. C. Manipay	19,551	43
V. C. Manmunai N. E.	3,951	16
V. C. Gampahasiyapattu	726	62
V. C. Kokuvil	22,245	65
V. C. Weligama	780	0
V. C. Mannar West	866	0
V. C. Dehigampal Korale and Lower Bulatgama	5,048	18
V. C. Tissamaharama	2,075	55
V. C. Paiyagala and Maggona Baddas	1,000	0
V. C. Akkaraipattu Central	2,000	0
	<b>3,321,886</b>	<b>24</b>

*General.*—Loans granted during the year amounted to Rs. 11,400,610. The following table gives an indication of the business done during the last ten years :—

	Loans			Income and Disposal			
	Issued	Repaid	Balance	Interest received	Interest paid	Allowance to staff and other expenses	Net Profit
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1951-52	10,182,706	1,071,920	25,114,146	630,484	411,667	1,935	216,883
1952-53	6,618,450	2,323,952	29,408,644	935,304	605,583	1,875	329,845
1953-54	4,643,062	1,547,025	32,502,735	1,123,016	714,075	2,112	404,882
1954-55	5,714,410	1,725,219	36,491,426	1,176,984	777,785	2,400	396,300
1955-56	18,291,200	1,982,693	52,799,433	1,459,343	1,080,335	2,451	376,057
1956-57	9,040,159	2,736,183	59,102,910	1,955,185	1,418,555	2,400	533,730
1957-58	15,265,943	3,477,188	70,874,463	2,212,982	1,699,833	2,858	493,089
1958-59	12,311,988	3,201,071	79,985,380	2,299,547	2,008,469	2,412	290,666
1959-60	6,012,873	3,363,226	82,635,027	2,349,079	2,215,079	2,436	131,565
1960-61	11,400,610	3,365,236	90,669,754	2,303,229	2,408,762	2,400	108,580

By order of the Commissioners.

(net loss)

General Treasury,  
Colombo, 4th April, 1962.

V. E. S. FRANCKE,  
Secretary,  
Local Loans and Development Fund.

A—Cash Account for the year October 1, 1960 to September 30, 1961

<i>Receipts</i>		<i>Payments</i>	
	<i>Rs. c.</i>	<i>Rs. c.</i>	<i>Rs. c.</i>
Balance on October 1, 1960 ..	2,161,619 42	Working Expenses—	
Borrowings from Government ..	10,000,000 0	Allowance to Secretary ..	1,500 0
Interest received during the year:		Allowance to Clerk ..	900 0
Municipal Councils ..	1,270,590 48	Interest on borrowings from	
Urban Councils ..	574,560 61	Government ..	2,386,261 65
Town Councils ..	268,912 26	Interest on borrowings from	
Village Committees ..	182,285 46	Savings Certificates Fund ..	22,500 0
Co-operative Societies ..	6,135 1		2,411,161 65
Government officers ..	744 96	Loans:	
	2,303,228 78	Municipal Councils ..	5,062,690 0
Loan Repayments:		Urban Councils ..	5,072,539 50
Municipal Councils ..	1,851,341 49	Town Councils ..	390,350 0
Urban Councils ..	896,198 25	Village Committees ..	873,218 0
Town Councils ..	325,883 9	Government officers ..	1,812 50
Village Committees ..	152,258 63		11,400,610 0
Co-operative Societies ..	130,444 53	Repayment of Borrowings from Government ..	3,410,640 0
Government officers ..	9,110 0	Net profit for 1959-60 paid into Government	
	3,365,235 99	Revenue ..	131,564 81
		Balance in cash in Treasury ..	476,107 73
			17,830,084 19
	17,830,084 19		

General Treasury,  
Colombo, 4th April, 1962.

C. BALASINGHAM,  
Chairman,  
Local Loans and Development Fund.

B—Income and Expenditure for the year ended September 30, 1961

<i>Income</i>	<i>Rs. c.</i>	<i>Expenditure</i>	<i>Rs. c.</i>
Interest (Statement A) ..	2,303,228 78	Working Expenses ..	2,411,161 65
Net loss transferred to Capital Account:	108,579 54	Write off of irrecoverable loans ..	646 67
	2,411,808 32		2,411,808 32

General Treasury,  
Colombo, 4th April, 1962.

C. BALASINGHAM,  
Chairman,  
Local Loans and Development Fund.

C—Statement of Liabilities and Assets on September 30, 1961

<i>Liabilities</i>		<i>Assets</i>	
	<i>Rs. c.</i>	<i>Rs. c.</i>	<i>Rs. c.</i>
Capital Account:		Loans:	
(1) Grants from Government Revenue ..	4,193,094 27	Municipal Councils ..	37,748,578 64
(2) Accumulated profits:		Urban Councils ..	38,064,989 61
Balance on September 30, 1960 ..	2,341,152 3	Town Councils ..	7,769,749 42
Less Profit for 1959-60 paid into Government Revenue:	131,564 81	Village Committees ..	6,904,996 33
	2,209,587 22	Co-operative Societies ..	170,027 72
Less net loss for 1960-61 ..	108,579 54	Government officers ..	11,412 50
	2,101,007 68	Cash Balance in Treasury:	90,669,754 22
Borrowings from Government and Savings Certificates Fund ..	84,851,760 0		476,107 73
	91,145,861 95		91,145,861 95

General Treasury,  
Colombo, 4th April, 1962.

C. BALASINGHAM,  
Chairman,  
Local Loans and Development Fund.

The accounts of the Local Loans and Development Fund for the year ended September 30, 1961, have been audited under my direction. The foregoing financial statements do not show the arrears of interest on outstanding loans nor do they show interest accrued but not due up to September 30, 1961. Subject to this observation and other comments contained in my report No. LLDF/P-4/6 of August 1962, to the Chairman, Local Loans and Development Fund, I am of opinion that the statement of Liabilities and Assets above set forth, and the connected financial statements which have been drawn up in the form prescribed in the regulations made under the Local Loans and Development Fund Ordinance (Cap. 404) fairly present the financial position of the Fund as at September 30, 1961, and the results of its operation for the year ended on that date.

Audit Office,  
Colombo 7, August 18/21, 1962.

B. L. W. FERNANDO,  
for Auditor-General.

## Miscellaneous Departmental Notices

**DECLARATION UNDER SECTION 13 (1) OF THE FAUNA AND FLORA PROTECTION ORDINANCE (CHAPTER 469)**

FURTHER to *Government Gazette* notification No. 13,241 of August 3, 1962.

I, Upali Ananda Goonaratne, Government Agent, Anuradhapura, and District Warden, Anuradhapura District, do hereby extend the date of the above declaration for a further period, upto 30th November, 1962.

Also I do hereby declare and include in the area referred to in the above *Gazette* notification the village, Mahakumbukgollewa in V. H. Division No. 17 in the D. R. O's Division, Nuwaragam Palatha (East) to be an area within which damage by this elephant is apprehended.

U. A. GOONARATNE,  
Government Agent, Anuradhapura,  
and District Warden.

The Kachcheri,  
Anuradhapura, 25th September, 1962.

11-304

**RESOLUTION UNDER SECTION 71 OF THE AGRICULTURAL AND INDUSTRIAL CREDIT CORPORATION ORDINANCE**

(Cap. 402 of the Legislative Enactments of Ceylon, 1956)

IT is hereby notified that the following resolution was unanimously passed by the Board of Directors of the Corporation on August 23, 1962:—

" WHEREAS Udagedera Ranasinghe of Lagamuwa, Kadugannawa in the District of Kandy, has made default in the payments due on bond No. 4225 dated 7th March, 1959, attested by N. Coomaraswamy, Notary Public, in favour of the Agricultural and Industrial Credit Corporation of Ceylon, and there is now due and owing to the Corporation a sum of Rupees two thousand eight hundred and sixty-eight and cents fifteen only (Rs. 2,868.15) on the said bond; the Board of Directors of the Agricultural and Industrial Credit Corporation under the powers vested in them by the Agricultural and Industrial Credit Corporation Ordinance (Cap. 402 Legislative Enactments, 1956), do hereby resolve that the property and premises mortgaged to the said Corporation by the said bond No. 4225 of 7th March, 1959, attested by N. Coomaraswamy, Notary Public, be sold by public auction by J. Abdul Wahab, Licensed Auctioneer of Kandy, for the recovery of the said sum of Rs. 2,868.15 with further interest on the principal sum of Rs. 2,674.59 at 5½ per centum per annum from 24.8.62, to date of sale and costs of sale."

## DESCRIPTION OF PROPERTY MORTGAGED

An allotment of land called Ganimehena *alias* Oppallahena situated at Lagamuwa in Kandupalata Pattu of Udunuwara Korale in the District of Kandy, in extent three acres one rood and thirty six perches (3A. 1R. 36P.) as per survey plan No. 2,174, formerly described as remaining portion of Pallahena situated at Lagamuwa aforesaid, in extent three pelas and nine lahas of paddy sowing.

H. S. F. GOONEWARDENA,  
General Manager.

51, Iceland Building,  
Colombo, October 26, 1962.

11-254

**THE AGRICULTURAL AND INDUSTRIAL CREDIT CORPORATION OF CEYLON**

Resolution under Section 71 of the Ordinance (Cap. 402)

IT is hereby notified that the following resolution was unanimously passed by the Board of Directors of the Corporation on September 24, 1962:—

" WHEREAS Wijesinghe Arachchige Don George Dissanayake of 17, Vijaya Road, Gampaha, W. P. in the District of Colombo, has made default in the payments due on bond No. 4616 dated July 15, 1959, and attested by J. S. Paranavitana, Notary Public of Colombo, in favour of the Agricultural and Industrial Credit Corporation of Ceylon, and there is now due and owing to the Corporation a sum of Rupees five thousand seven hundred and ninety six and seven cents (Rs. 5,796.07) on the said bond; the Board of Directors of the Agricultural and Industrial Credit Corporation of Ceylon under the powers vested in them by the Agricultural and Industrial Credit Corporation Ordinance (Cap. 402 of the Legislative Enactments, 1956), do hereby resolve that the property and premises mortgaged to the said Corporation by the said bond No. 4616 dated July 15, 1959, attested by J. S. Paranavitana, Notary Public, be sold by public auction by T. Jayawardena, Licensed Auctioneer of Kegalle, for the recovery of the said sum of Rs. 5,796.07 with further interest on the principal sum of Rs. 5,400 at 5½ per centum per annum from 25th September, 1962, to date of sale and costs of sale."

## DESCRIPTION OF PREMISES MORTGAGED

All that allotment of land depicted in plan No. 3173 dated April 29, 1955, and made by A. C. S. Drckze, Licensed Surveyor, being a sub-division of lot " Y " of Kalugala Division, situated at Dampelgoda in Mawata Pattuwa of Pananakuru Korale in the District of Kegalle; and containing in extent nine acres three roods and twenty seven perches (9A. 3R. 27P.) as per aforesaid plan No. 3173; and the above described allotment is a divided and specific portion of all that allotment of land marked " Y " being a defined and divided portion of Kalugala Division of Debatgama Estate, Merankanda Group, depicted in plan No. 3034 of January, 1950, and drawn by J. Wright, L.S., in extent thirty seven acres one rood and ten perches (37A. 1R. 10P.) including estate road and excluding right of way.

H. S. F. GOONEWARDENA,  
General Manager.

51, Iceland Building,  
Colombo 3, October 23, 1962.

11-81

**RESOLUTION UNDER SECTION 71 OF THE AGRICULTURAL AND INDUSTRIAL CREDIT CORPORATION ORDINANCE**

(Cap. 402 of the Legislative Enactments of Ceylon, 1956)

IT is hereby notified that the following resolution was unanimously passed by the Board of Directors of the Corporation on August 23, 1962:—

" WHEREAS Wijesinha Arachchige Mettananda Wimalanatha Dissanayake of No. 17, Wijaya Road, Gampaha in the District of Colombo, has made default in the payments due on bond No. 3,992 dated 18.6.56 attested by J. S. Paranavitana, Notary Public in favour of the Agricultural and Industrial Credit Corporation of Ceylon, and there is now due and owing to the Corporation a sum of Rupees one thousand five hundred and eighty seven and cents ninety four (Rs. 1,587.94) on the said bond; the Board of Directors of the Agricultural and Industrial Credit Corporation under the powers vested in them by the Agricultural and Industrial Credit Corporation Ordinance (Cap. 402 Legislative Enactments, 1956), do hereby resolve that the property and premises mortgaged to the said Corporation by the said bond No. 3,992 of 18.6.56 attested by J. S. Paranavitana, Notary Public, be sold by public auction by D. S. Wijewardena, Licensed Auctioneer of Kegalle for the recovery of the said sum of Rs. 1,587.94 with further interest on the principal sum of Rs. 1,375 at 6½ per centum per annum from 24.8.62 to date of sale and costs of sale."

## DESCRIPTION OF PROPERTY MORTGAGED

Divided portion of Debatgama Estate (comprised of lots A and B in Survey Plan No. 3,194) situated in the village of Dampelgoda in Mawata Pattu of Pananakuru Korale in the District of Kegalle, in extent seven acres and twelve perches (7A. 0R. 12P.).

H. S. F. GOONEWARDENA,  
General Manager.

51, Iceland Building,  
Colombo, October 24, 1962.

11-163

**RESOLUTION UNDER SECTION 71 OF THE AGRICULTURAL AND INDUSTRIAL CREDIT CORPORATION ORDINANCE**

(Cap. 402 of the Legislative Enactments of Ceylon, 1956)

IT is hereby notified that the following resolution was unanimously passed by the Board of Directors of the Corporation on September 24, 1962:—

" WHEREAS Messrs. L. J. Peir's Estates (Ceylon) Limited, a Company duly incorporated in Ceylon under the Companies Ordinance, No. 51 of 1938, and having its registered office at 109/1, Main Street, Alutgama, have made default in the payments due on bonds Nos. 4107 and 4129 dated 16th November, 1956, and 21st January, 1957, respectively both attested by J. S. Paranavitana, Notary Public of Colombo, in favour of the Agricultural and Industrial Credit Corporation of Ceylon, and there is now due and owing to the Corporation a sum of Rupees twenty thousand three hundred and ninety nine and cents sixty one (Rs. 20,399.61) on the said bonds; the Board of Directors of the Agricultural and Industrial Credit Corporation under the powers vested in them by the Agricultural and Industrial Credit Corporation Ordinance (Cap. 402 Legislative Enactments, 1956), do hereby resolve that the properties and premises mortgaged to the said Corporation by the said bond No. 4107 of 16.11.56 and bond No. 4129 of 21.1.57 attested by J. S. Paranavitana, Notary Public, be sold by public auction by Messrs. Schokman & Samarawickrema,

Licensed Auctioneers of Kandy, for the recovery of the said sum of Rs. 20,999.61 with further interest on the principal sum of Rs. 18,000 at 5½ per centum per annum from 26.9.62, to date of sale and costs of sale."

**DESCRIPTION OF PROPERTIES MORTGAGED**

All that and those the estate plantation and premises called and known as Nartakande situated at Uduwella, Dolosbage, Deiyannewela and Patitalawa in the Ganga Ihala Pattu of Uda Palata Korale in the District of Kandy, Central Province, containing in extent four hundred and twenty eight acres and twenty four perches (428A. 0R. 24P.).

H. S. F. GOONEWARDENA,  
General Manager.

51, Iceland Building,  
Colombo 3, October 23, 1962.  
11-164

**RECONSTITUTION OF THE CO-OP. DIVISION  
OF ANURADHAPURA**

It is hereby notified that the Co-operative Division of Anuradhapura have been reconstituted to form two Co-operative Divisions with effect from 15.11.62 as follows:—

Anuradhapura South Division will consist of the following D.R.OO. Divisions:—

Nuwaragam Palata West,  
Kalagam Palata,  
Hurulu Palata South.

Anuradhapura North Division will consist of the following D.R.OO. Divisions:—

Nuwaragam Palata East,  
Hurulu Palata North,  
Udiyankalama Korale,  
Vavuniya Sinhala Division.

T. E. GOONERATNE,  
Commissioner of Co-op. Development  
and Registrar of Co-op. Societies.

Co-operative Department,  
P. O. Box 419,  
Colombo, 31st October, 1962.  
11-406

**NOTICE**

NOTICE is hereby given that the area declared infected in Bintenna in the Divisional Revenue Officer's Division of Bintenna in Badulla District of the Uva Province, in accordance with the provisions of the Contagious Diseases (Animals) Ordinance (Amendment) Act, No. 33 of 1957, section 4, sub-section 1 (Chapter 227), and published in *Government Gazette* No. 12,271 of 13.1.1961, is free of "Foot and Mouth" disease and is no longer an infected area.

This declaration shall take effect from the date hereof.

ABEYARATNE BANDARANAYAKE,  
Chief Government Veterinary Surgeon.

Office of the Chief Government Veterinary Surgeon,  
Peradeniya, 29th October, 1962.  
11-300

**NOTICE**

NOTICE is hereby given that the area declared infected in Kandapahala Korale in the Divisional Revenue Officer's Division of Udu Dumbura in 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 227), and published in *Government Gazette* No. 13,279 of 31.8.1962 is free of "Haemorrhagic Septicaemia" disease and is no longer an infected area.

This declaration shall take effect from the date hereof.

ABEYARATNE BANDARANAYAKE,  
Chief Government Veterinary Surgeon.

Office of the Chief Government Veterinary Surgeon,  
Peradeniya, 29th October, 1962.  
11-301

**NOTICE**

**Nomination of Manager, Salvation Army Schools**

UNDER the provisions of section 31 (i) of Ordinance No. 31 of 1939, it is hereby notified for the information of the General Public, that upon the recommendations of the Salvation Army, Lieut. Colonel Burton E. Pedler, Territorial Commander of the Salvation Army, is appointed as the Manager of the said Society with effect from 20.4.62 for the purpose of receiving grants, in place of Colonel Mrs. Stobart who ceases to be the Manager with effect from 19.4.62.

S. F. DE SILVA,  
Director of Education.

No. NSAB 235,  
Education Department,  
Malay Street,  
Colombo 2, 2nd November, 1962.  
11-513

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