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## THE CEYLON GOVERNMENT GAZETTE

අංක 12,210 — 1960 ඔක්තෝබර් 7 වැනි සිකුරාදා — 7.10.1960

No. 12,210 — FRIDAY, OCTOBER 7, 1960

(Published by Authority)

### PART I: SECTION (I)—GENERAL

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

No. 422 of 1960

No. D11/Rect.

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

HIS EXCELLENCY THE GOVERNOR-GENERAL has been pleased to approve the commissioning of the under-mentioned Non-Commissioned Officers as Second-Lieutenants in the Regular Force of the Army, with effect from September 23, 1960:—

S/100013 Sgt. WIJERATNE HALANGODA, C. S. R.

S/71154 Sgt. SEBASTIAMPILLAI GNANAPRAGASAM, C. L. I.

S/71261 Sgt. HERATH MUDIYANSELAGEDEBA WIJERATNA BANDA, C. L. I.

By His Excellency's command,

M. F. DE S. JAYARATNE,  
Permanent Secretary,

Ministry of Defence and External Affairs.

Colombo, September 19, 1960.  
9647

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

No. 423 of 1960

A. 81/60.

Mr. K. ALVAPPILLAI, O.B.E., Permanent Secretary to the Ministry of Commerce, Trade, Food and Shipping, to act, in addition to his duties, as Food Commissioner, Director of Food Supplies, Food Controller and Controller of Prices (Food) with effect from September 17, 1960, during the absence out of the Island of Mr. K. M. D. JAYANETTI, C.C.S., or until further orders.

A. 205/60.

Mr. M. J. PERERA, C.C.S., Director of Cultural Affairs, to act, in addition to his duties, as Director, Government College of Fine Arts, with effect from September 12, 1960.

A. 260/60.

Mr. A. S. NAVARATNARAJAH, C.C.S., to act as Government Agent in authority over the Administrative District of Batticaloa with effect from September 12, 1960, until further orders.

A. 248/60.

Mr. B. P. V. A. J. P. SENARATNE, C.C.S., Government Agent in authority over the Administrative District of Badulla, to act, in addition to his duties, as Government Agent in authority over the Administrative District of Nuwara Eliya, with effect from August 11, 1960, during the absence on leave of Mr. C. VISVASAM, C.C.S., or until further orders.

A. 260/60.

Mr. D. R. L. BALASURIYA, C.C.S., Government Agent in authority over the Administrative District of Polonnaruwa, to act, in addition to his duties, as Government Agent in authority over the Administrative District of Batticaloa, with effect from September 8, 1960, until the assumption of duties by Mr. A. S. NAVARATNARAJAH, C.C.S.

A. 217/60.

Dr. N. D. WIJESSEKERA, Deputy Commissioner, Official Language Department, to act, in addition to his duties, in the Civil Service post of Deputy Commissioner, Official Language Department, with effect from February 20, 1960, to August 28, 1960, and from September 6, 1960, until further orders.

A. 251/60.

Mr. A. W. R. PERERA, Assistant Commissioner for Development of Marketing, to attend to the duties of the post of Deputy Commissioner for Development of Marketing with effect from July 4, 1960, during the absence out of the Island of Mr. L. B. RAJAKARUNA, Deputy Commissioner for Development of Marketing, or until further orders.

A. 331/59.

Mr. H. E. W. SOLOMONS to be a Senior Assessor in the Department of Inland Revenue with effect from June 1, 1960.

E. G. GOONEWARDENE,  
Secretary,  
Public Service Commission.

Office of the Public Service Commission,  
P. O. Box No. 500, Galle Face Secretariat,  
Colombo 1, October 3, 1960.

10—96

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

No. 424 of 1960

## SUMMARY OF APPOINTMENTS MADE BY THE JUDICIAL SERVICE COMMISSION

Name of Officer	New Appointment	Effective Date of New Appointment	Remarks
Mr. S. J. M. G. S. MUDANNAYAKE ..	Acting Additional Magistrate etc., Colombo	From 24th September, 1960	Until further orders
Mr. S. J. M. G. S. MUDANNAYAKE ..	Additional Magistrate etc., Badulla-Haldunimulla	From 26th September, 1960, to hear till completion M. C. Badulla Case 23136	In addition to his other duties
Mr. M. ESURUPADHAM ..	Additional District Judge etc., Point Pedro	23rd, 24th, 29th and 30th September, 1960	During absence of Mr. N. SIVAGNANASUNDERAM
Mr. C. H. UDALAGAMA ..	Additional District Judge etc., Kegalla	22nd September, 1960 ..	During absence of Mr. P. MARAPANA
Mr. C. C. SOMASEGARAM ..	Additional Magistrate etc., Kayts	From 20th September, 1960, till sentence is passed in M. C. Kayts Case 9486	—
Mr. V. CANAGASABAI ..	Additional Magistrate etc., Point Pedro	21st September, 1960 ..	During absence of Mr. S. N. RAJADURAI
Mr. C. H. UDALAGAMA ..	Additional Magistrate etc., Kegalla	24th to 23th September and from 9th October, 1960	During absence of and until resumption of duties by Mr. V. M. CUMARASWAMY
Mr. S. NATARAJA ..	Additional District Judge etc., Anuradhapura	29th September to 2nd October, 1960	During absence of Mr. C. V. UDALAGAMA.
Mr. A. NADARAJASUNDERAM ..	Additional Magistrate etc., Chilaw and Puttalam	24th and 27th September, 1960	During absence of Mr. B. E. DE SILVA
Mr. A. NADARAJASUNDERAM ..	Additional District Judge etc., Chilaw and Puttalam	28th September, 1960 ..	During absence of Mr. D. Q. M. SIRIMANE
Mr. M. ESURAPADHAM ..	Additional Magistrate etc., Point Pedro	From 3rd October, 1960 ..	Until resumption of duties by Mr. S. N. RAJADURAI
Mr. C. R. DE ALWIS ..	Additional Magistrate etc., Colombo	29th and 30th September, 1960	During absence of Mr. D. S. L. P. ABAYASEKARA
Mr. H. A. BASTIAENSZ ..	Additional Magistrate etc., Matara	From 5th October, 1960 ..	Until resumption of duties by Mr. K. D. O. S. M. SENEVIRATNE
Mr. S. J. B. DHARMAKIRTI ..	Additional District Judge etc., Kandy, at Matale	24th to 27th September, 1960	During absence of Mr. A. O. S. DISSANAYAKE
Mr. W. A. C. SIRISENA ..	Additional District Judge etc., Balapitiya	29th September, 1960 ..	During absence of Mr. V. T. PANDITA-GUNAWARDENE
Mr. P. N. BARTHOLOMEUSZ ..	Additional District Judge etc., Nuwara Eliya	28th and 29th September, 1960	During absence of Mr. C. B. WALGAMPAYA
Mr. V. CANAGASABAI ..	Additional District Judge etc., Point Pedro	3rd October, 1960 ..	During absence of Mr. N. SIVAGNANASUNDERAM
Mr. J. J. DAVID ..	Additional District Judge etc., Batticaloa	From 25th September, 1960	Until resumption of duties by Mr. B. G. S. DAVID
Mr. C. C. SOMASEGARAM ..	Additional Magistrate etc., Jaffna	From 27th September, 1960, till sentence is passed in M. C. Jaffna Case 20090	—
Mr. J. J. DAVID ..	Additional District Judge etc., Batticaloa	1st to 10th October, 1960 ..	During absence of Mr. S. THAMBY DURAI
Mr. M. PERERA ..	Acting President, Rural Court, Yatikinda-Wiyaluwa	20th, 23rd and 27th to 30th September, 1960	During absence of Mr. H. S. TILLEKERATNE
Mr. D. SERASINGHE ..	Acting President, Rural Court, West Giruwa Pattu	27th and 28th September, 1960	During absence of Mr. A. L. M. FERNANDO
Mr. H. S. AGALAWATTE ..	Acting President, Rural Court, Pasdun Korale	21st September, 1960 ..	During absence of Mr. F. J. C. ABEYAKOON
Mr. E. G. B. PERERA ..	Acting President, Rural Court, Beligal Korale	30th September, 1960 ..	During absence of Mr. H. MEEDENIYA
Mr. T. M. A. SALLAY ..	Acting President, Rural Court, Matale South	29th September, 1960 ..	During absence of Mr. G. M. UDALAGAMA
Mr. J. S. PERERA ..	Acting President, Rural Court, Pasdun Korale etc.	27th September, 1960 ..	During absence of Mr. F. J. C. ABEYAKOON
Mr. N. S. SIVAPRAGASAM ..	Acting President, Rural Court, Eravu Koralai	1st, 3rd to 8th, 10th to 14th, 17th, 18th, 20th to 22nd, 24th to 29th and 31st October, 1960	Or until further orders

Office of the Judicial Service Commission,  
P. O. Box 573,  
Colombo, 29th September, 1960.

S. R. WIJAYATILAKE,  
Secretary,  
Judicial Service Commission.

## Other Appointments, &c.

No 426 of 1960

### APPOINTMENTS BY THE HONOURABLE MINISTER OF JUSTICE

#### Justices of the Peace

(1) Mr. E. V. CHELVARATNAM to be a Justice of the Peace for the judicial district of Jaffna.

(2) Mr. E. A. BANDARA to be a Justice of the Peace for the judicial district of Panadura.

#### Officers Administering Oaths under Section 372 of the Civil Procedure Code

Mr. K. S. THILLAINATHAN to be, while attached to the Deputy Fiscal's Office, Trincomalee, an officer specially authorised to administer the oaths or affirmations which are requisite to the making of affidavits mentioned in section 371 of the said Code for the judicial district of Trincomalee, with effect from 1st October, 1960.

10-104

No. 427 of 1960

No. EB/A 204/2.

IT is hereby notified for general information that the Permanent Secretary to the Ministry of Home Affairs, by virtue of the authority vested in him by the notification under section 10 B of the Interpretation Ordinance (Chapter 2), published in *Gazette* No. 10,123, of July 14, 1950, made the following appointment:—

Mr. A. S. NAVARATNARAJAH, Government Agent in authority over the Administrative District of Batticaloa, to be, in addition to his own duties, Fiscal, Eastern Province, Collector of Customs for the Administrative District of Batticaloa, Receiver of Wrecks for the Administrative District of Batticaloa, Deputy Master Attendant for the Administrative District of Batticaloa and Superintendent of Prison, Batticaloa, with effect from 12th September, 1960.

D. C. L. AMARASINGHE,  
for Permanent Secretary.

Ministry of Industries,  
Home and Cultural Affairs,  
Colombo 7, September 27, 1960.  
9684

No. 428 of 1960

No. EB/A-258.

THE Honourable the Minister of Home Affairs has been pleased to make the following appointment:—

Mr. A. S. NAVARATNARAJAH, Government Agent in authority over the Administrative District of Batticaloa, to be, in addition to his own duties, Local Authority under the Petroleum Ordinance for the Administrative District of Batticaloa, with effect from 12th September, 1960.

L. S. B. PERERA,  
Permanent Secretary.

Ministry of Industries,  
Home and Cultural Affairs,  
Colombo 7, 28th September, 1960.  
9683

## Government Notifications

L. D.—B. 143/47.

### THE CEYLON (CONSTITUTION AND INDEPENDENCE) ORDERS IN COUNCIL, 1946 AND 1947

#### Order under Section 55 (4)

ORDER made by the Judicial Service Commission under section 55 (4) of the Ceylon (Constitution and Independence) Orders in Council, 1946 and 1947.

S. R. WIJAYATILAKE,  
Secretary,  
Judicial Service Commission.

Colombo, 29th September, 1960.

#### ORDER

1. The power to make acting appointments in the case of District Judges, Commissioners of Requests and Magistrates is hereby delegated to the Secretary, subject to the following limitations:—

(1) The Secretary shall not make an acting appointment for a period of more than seven days at a time or for more than seven days in the aggregate in any one month.

(2) No extension after seven days shall be granted by the Secretary without the prior approval of the Commission, but in a case where an extension is required on the ground of sudden illness or any other ground of urgency, the Secretary may grant an extension for such period as he may require to consult the Commission and obtain its sanction.

2. The power to make acting appointments in the case of Presidents of Rural Courts is hereby delegated to the Secretary, subject to the following limitations:—

(1) The Secretary shall not make an acting appointment for a period of more than thirty days at a time.

(2) No extension after thirty days shall be granted by the Secretary without the prior approval of the Commission, but in a case where an extension is required on the ground of sudden illness or any other ground of urgency, the Secretary may grant an extension for such period as he may require to consult the Commission and obtain its sanction.

3. In this Order—

“ Commission ” means the Judicial Service Commission; and  
“ Secretary ” means the Secretary to the Commission.

9699

No. 4/1/9/GC.

### APPOINTMENTS TO THE BOARD OF REVIEW— INLAND REVENUE

THE Hon. Minister of Finance has been pleased to appoint the following under section 70 (1) of the Income Tax Ordinance (Chapter 138) to be members of the Board of Review for a period of three years from October 5, 1960:—

1. Mr. E. R. S. R. Coomaraswamy
2. Mr. H. D. Perera

R. COOMARASWAMY,  
for Permanent Secretary  
to the Ministry of Finance.

Ministry of Finance,  
Colombo, October 3, 1960.

10-138

L. D.—B. 80/51.

### THE PUBLIC PERFORMANCES ORDINANCE

ORDER made by the Minister of Industries, Home and Cultural Affairs under section 6 of the Public Performances Ordinance (Chapter 134), as amended by Act No. 23 of 1951, and by the Order made under section 2 of the Assignment of Ministers' Functions (Consequential Provisions) Act, No. 29 of 1953, and published in *Gazette* No. 11,201 of November 22, 1957.

M. SENANAYAKE,  
Minister of Industries, Home  
and Cultural Affairs.

Colombo, 27th September, 1960.

#### Order

1. The Public Performances Order, 1952, published in *Gazette* No. 10,485 of January 2, 1953, as subsequently amended, is hereby further amended in the Fourth Schedule thereto, by the substitution, for item 13 thereof, of the following item:—

“ 13. Mr. D. K. Ukwattage, J. P. ”

2. The membership of Mr. D. K. Ukwattage, J. P., shall terminate on January 31, 1961.

9685

### THE IRRIGATION ORDINANCE, No. 32 OF 1946

IT is hereby notified that the Minister of Agriculture, Land, Irrigation and Power, has, by virtue of the powers vested in him by section 60 (1) of the Irrigation Ordinance, No. 32 of 1946, as modified by the Proclamation published in *Gazette Extraordinary* No. 9,773 of September 24, 1947, confirmed the scheme relating to the Thalakkotte irrigation work in the Kegalla District of the Sabaragamuwa Province, prepared under Part V of the same Ordinance and approved at a meeting duly held on the 13th day of June, 1960, by the prescribed majority of the proprietors under the irrigable area of that irrigation work.

C. B. P. PERERA,  
Permanent Secretary,  
Ministry of Agriculture, Land, Irrigation  
and Power.

Colombo, September 30, 1960.

10-27/1

**THE IRRIGATION ORDINANCE, No. 32 OF 1946**

No. W. 105/853.

IT is hereby notified that the Minister of Agriculture, Land, Irrigation and Power, has, by virtue of the powers vested in him by section 60 (1) of the Irrigation Ordinance, No. 32 of 1946, as modified by the Proclamation published in *Gazette Extraordinary* No. 9,773 of September 24, 1947, confirmed the scheme relating to the Kaluwe Kumbura irrigation work in the Galle District of the Southern Province, prepared under Part V of the same Ordinance and approved at a meeting duly held on the third day of February, 1960, by the prescribed majority of the proprietors under the irrigable area of that irrigation work.

C. B. P. PERERA,  
Permanent Secretary,  
Ministry of Agriculture, Land, Irrigation  
and Power.

Colombo, September 30, 1960.

10—27/2

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

BY virtue of the powers vested in me by sub-section (1) of the Motor Transport Act, No. 48 of 1957, I, Chandradasa Wijesinghe, Minister of Labour and Nationalised Services, do by this Order approve the proposed acquisition of the immovable properties specified in the Schedule hereto for the purpose of the business of the Ceylon Transport Board.

C. WIJESINGHE,  
Minister of Labour and Nationalised  
Services.

Colombo, September 23, 1960.

**SCHEDULE**

1. Four contiguous allotments of land situated in the village of Mampe, within the limits of the Piliyandala Town Council, Mampe Village Headman's Division, Salpiti Korale D. R. O's Division, Colombo District, Western Province.

Extent approximately 1 rood 20 perches.

2. Bounded on the North by Cross Road.  
Bounded on the East by Hospital Road.  
Bounded on the South by land acquired for C. T. B.  
Bounded on the West by properties of Pieris, Harmanis Mudalali, William Singho and J. R. Jayawardana.

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

(A) Name of land: No name.  
Description: Garden, contains a latrine.  
Extent: Approximately 20 perches.  
Owner's name: Pieris.

(B) Name of land: No name.  
Description: Garden, contains a latrine.  
Extent: Approximately 5 perches.  
Owner's name: Harmanis Mudalali.

(C) Name of land: No name.  
Description: Garden.  
Extent: Approximately 15 perches.  
Owner's name: William Singho.

(D) Name of land: No name.  
Description: Garden, contains two latrines.  
Extent: Approximately 20 perches.  
Owner's name: J. R. Jayawardana

9688

**VIDYODAYA UNIVERSITY AND VIDYALANKARA UNIVERSITY ACT, No. 45 OF 1958****Notice under Section 4**

IN pursuance of the provisions of section 4 of the Vidyodaya University and Vidyalandkara University Act, No. 45 of 1958, I, Badiudin Mahmud, Minister of Education and Broadcasting, do hereby notify that the land described in the Schedule hereunder is required for the Vidyalandkara University of Ceylon.

**SCHEDULE**

One block of land called Alibaiwatta, in extent 14 acres, claimed by Upali Senanayake, one block of land called Godellapitahena, in extent 4 acres, claimed by Mrs. Siripala Samarakody, one block of land called Godellapitahena, in extent 2½ acres, claimed by D. S. Seneviratne, and one block of land called Godellapitahena, in extent 15 acres, claimed by D. F. J. Perera, in the land called the Maina Camp, situated in the village of Dalugama in Kelaniya, in the Siyane Korale West in Colombo District.

BADIUDIN MAHMUD,  
Minister of Education and Broadcasting.

Reference No. K/C. 19  
Colombo 2, September 30, 1960.

10—42

**THE INDUSTRIAL DISPUTES ACT, No. 43 OF 1950**

THE Award transmitted to the Commissioner of Labour by the Arbitrator to whom the industrial dispute which had arisen between The Lanka Estate Workers' Union, 47, Drieberg's Avenue, Colombo 10, and the Superintendent of Lucksmie Estate, Tebuwana, was referred under section 3 (1) (d) of the Industrial Disputes Act, No. 43 of 1950, as amended by the Industrial Disputes (Amendment) Acts, No. 25 of 1956, No. 14 of 1957 and No. 62 of 1957, for settlement by arbitration, is hereby published in terms of section 18 (1) of the said Act.

N. L. ABEYWIRA,  
Deputy Commissioner of Labour.  
Department of Labour,  
Colombo, 28th September, 1960.

In the matter of an Industrial Dispute  
between

The Lanka Estate Workers' Union,  
47, Drieberg's Avenue,  
Colombo 10

and

The Superintendent of Lucksmie Estate,  
Tebuwana.

**The Award**

This is an Award under section 17 of the Industrial Disputes Act of 1950, as amended by the Industrial Disputes (Amendment) Acts, No. 25 of 1956 and Nos. 14 and 62 of 1957.

2. The Deputy Commissioner of Labour has, by his order made under section 3 (1) (d) of the said Act, referred to me for settlement by arbitration an industrial dispute between the Lanka Estate Workers' Union, No. 47, Drieberg's Avenue, Colombo 10 (hereinafter referred to as the "Union"), and the Superintendent of Lucksmie Estate, Tebuwana (hereinafter referred to as "the Superintendent"). In terms of section 16 of the Act the Commissioner of Labour has stated that the matter in dispute between the above parties is whether the non-employment of the following workers, with effect from 21st February, 1959, is justified, and if not, to what relief they are entitled:—

- (1) M. Udayar
- (2) Oseela
- (3) P. Sandanam, and
- (4) Sinnammah.

3. The inquiry commenced on the 25th of April, 1960, and was continued on four subsequent dates thereafter suitable to all parties. The Union was represented at the inquiry by Mr. Advocate A. C. Krishnarajah, instructed by Mr. V. S. Kanagaratnam, and the Superintendent by Mr. A. S. Fernando, Proctor. Lucksmie Estate is a fragment of a plantation earlier known as Culloden Group which in 1955 was bought up by a seven-member partnership. The property is 245 acres in extent. Of this, 192 acres are being tapped. The remaining 53 acres are budded rubber planted in 1957/1958. On the spot supervision is carried out by a Superintendent cum Conductor. He took up his appointment on the 9th of December, 1958.

4. This dispute follows as a result of quit-notices being served on Udayar, his wife Oseela, and Sandanam. The fourth worker mentioned, namely, Sinnammah, is the wife of Sandanam. She was not served with notice. In the written statements relating to the matter in dispute which the parties were called upon to submit, the Superintendent says that the services of these labourers had to be terminated on account of retrenchment, also on account of the unsatisfactory nature of their work. He states that Sinnammah, on whom no notice was served, gave notice of her confinement on or about the 6th of October, 1958. Although she was delivered of her child on or about the 26th of October, 1958, she had absented herself from work.

The Union submits that the four workers were victimized and discontinued for no other reason but that Udayar and Sandanam had taken the initiative to organise the workers on the estate under the Lanka Estate Workers' Union. It refutes the statement by the Superintendent that the estate was over-staffed or that these workers were unproductive, and alleges that non-resident labour had been recruited after the discontinuance of these workers.

5. Early in these proceedings I advised both parties and suggested that it would be appropriate in an arbitration of this nature if it could be settled by mutual consent. Unfortunately the talks which followed failed. Mr. Advocate Krishnarajah then suggested, and Mr. Fernando for the Superintendent agreed, that the arbitration be confined to the following issues only:—

- (a) Whether there is a case for retrenchment;
- (b) If so, whether the Superintendent has followed the principles of retrenchment.
- (c) If issues (a) and (b) are answered in the affirmative, to what relief will the said workers be entitled.
- (d) If issues (a) or (b), or both are answered in the negative, to what relief will the said workers be entitled.

6. The evidence led makes it clear that in 1957/1958 53 acres of this property were stripped of the old trees and planted in budded rubber. In the same period the profits from the property dropped from the region of Forty Thousand Rupees which was reached the previous year to about One Thousand Rupees. If a decision had been taken at that period to retrench workers, there would have been some justification for recognising the discretion of the management to reduce staff. It is, however, significant that the aforementioned workers were actually recruited at the end of 1957 when re-planting was mooted, and that the decision to terminate their contract was taken in February, 1959, when the financial situation had improved and the profit disclosed in the Profit and Loss Accounts for 1959 produced had risen to Rs. 11,772. Obviously the Superintendent himself realised the weakness of his cause on this score for whereas in the first instance (letter marked P. 1) he gave as the only reason for notice: "we have uprooted nearly 60 acres in 1957/1958", when the matter was referred for arbitration added two other grounds, namely, the bad character and the unsatisfactory nature of the work of the two male employees. Neither of these allegations have been proved. On the other hand, it is note-worthy that the Superintendent cum Conductor had issued the quit notices a little over two months after he took charge of the property. The additional reasons advanced would appear to be a mere blind to get rid of these workers without just cause. There is no cogent proof that there has been victimisation, merely evidence of bad employer-employee relations. An examination of the Register of Indian labourers disclosed that there was no recruitment to the estate of Indian labourers after these two workers had been discharged. It also showed that there were eleven Indian labourers who would, in any case, by reason of the shortness of their service come under the rule last to come, first to go, and be liable to retrenchment before these workers. In fact, it was admitted by the Superintendent-cum-Conductor that he was not aware of this generally established principle of retrenchment. In the circumstances, I find that a case for retrenchment and for serving quit notices on the employees referred to has not been made out.

7. I now come to the issue: what relief will the said workers be entitled to. It is relevant that Udayar counts only about 1 year and 7 months' service on this estate, and Sandanam about 2 months less. The production R. 1 shows that employment was offered to both families who were given quit notices on a coconut estate in the Kurunegala District. The same offer with free transport thrown in was made before this Court with a change in location, in that, if the workers were not prepared to work on an estate other than rubber, they would be found employment on a rubber estate. This offer may manifest an apparent sense of compunction and solicitude for the workers or it may indicate an apprehensiveness of the slenderness of the Superintendent's position in this case. It is a matter, however, which has to be taken into account with regard to the question as to the quantum of relief. Another point for consideration is that these workers were not ousted from their lines, and according to evidence continued to find sporadic employment on an adjoining estate or village and earn a livelihood from the time they ceased work on Lucksmie Estate. Owing to the very short service counted by these workers and other factors in this case which preclude the maintenance of satisfactory employer-employee relations, I do not consider re-instatement expedient. There is justification, however, for some measure of relief. I am of opinion that it will be satisfactory and equitable if each of the four workers heretofore mentioned are paid a sum equivalent to one month's wages inclusive of allowances, a month being taken to be 26 working days and the rate of wage including allowances that which prevailed at the time they ceased to be employed on the estate. The amount due to each worker will be determined by the Assistant Commissioner of Labour, Kalutara, and the Superintendent shall make such payment to the workers through the Assistant Commissioner, Kalutara District, within three weeks of his being informed of the amounts due.

I make award accordingly.

R. L. BROHIER,  
Arbitrator.

Dated this 22nd day of September, 1960.

10-10

No. W. 105/62.

**THE INDUSTRIAL DISPUTES ACT, No. 43 OF 1950**

THE Award transmitted to the Commissioner of Labour by the Arbitrator to whom the industrial dispute which had arisen between The Ceylon Workers' Congress, 84/4, Lauries Road, Colombo 4, and the Superintendent of Craig Estate, Bandarawela, was referred under section 3 (1) (d) of the Industrial Disputes Act, No. 43 of 1950, as amended by the Industrial Disputes (Amendment) Acts, No. 25 of 1956, No. 14 of 1957 and No. 62 of 1957, for settlement by arbitration, is hereby published in terms of section 18 (1) of the said Act.

N. L. ABEYWIRA,  
Deputy Commissioner of Labour.

Department of Labour,  
Colombo, 29th September, 1960.

In the matter of the Industrial Dispute between the Ceylon Workers' Congress, 84/4, Lauries Road, Colombo 4, and The Superintendent of Craig Estate, Bandarawela.

**The Award**

This is an Award under section 17 of the Industrial Disputes Act, No. 43 of 1950, as amended by the Industrial Disputes (Amendment) Acts, No. 25 of 1956, No. 14 of 1957 and No. 62 of 1957. It relates to an Industrial Dispute between the Ceylon Workers' Congress, 84/4, Lauries Road, Colombo 4, and the Superintendent of Craig Estate, Bandarawela.

2. The Deputy Commissioner of Labour by virtue of powers vested in him by section 3 (1) (d) of the aforesaid Act referred to me on 17th October, 1959, an Industrial Dispute between the above-named parties for settlement by Arbitration. According to the statement of the Deputy Commissioner of Labour of the same date the dispute between the parties is the demand by the Ceylon Workers' Congress that Thanaraj K. P. be dealt with for partiality, discrimination, abuse and harassment against and actions inimical to the interests of the workers.

3. At the request of both parties inquiry was suspended to enable the parties to reach a mutually satisfactory adjustment of the dispute. As the parties failed to reach settlement I fixed the inquiry for 23.2.60. Both parties applied to me for postponement of this date to 14.3.60. Even on 14.3.60 inquiry was not commenced at the request of both parties. The inquiry commenced on 10.4.60 and was held on several dates thereafter. Proceedings terminated on 22nd August, 1960. The delay in the inquiry was due to the suspension of inquiry at the request of both parties and the mutual requests for postponements. The Ceylon Workers' Congress was represented by Mr. Advocate S. P. Amerasingham instructed by Mr. P. Sunderam. The Superintendent was represented by Mr. Advocate A. S. Vanigasooriyar.

4. This is a dispute arising on the demand by the Ceylon Workers' Congress for disciplinary action on the K. P. Mr. Thanaraj. The statement filed by the Ceylon Workers' Congress refers to 21 allegations against the K. P. in support of their accusation of partiality, discrimination, abuse and harassment against and actions inimical to the interests of the workers. The Secretary of the Ceylon Estate Employers' Federation on behalf of the Superintendent denied knowledge of any specific acts which would justify any form of disciplinary action against Thanaraj K. P. The allegations and my views on them are as follows:—

**Charge 1**

5. Vangily was an active member of the Ceylon Workers' Congress and was largely responsible for organising the Union on the Estate. The K. P. procured his dismissal on a complaint made by him (the K. P.). Vangily was reinstated by the Management after intervention by the Union.

6. In accordance with the practice on the Estate to announce instructions of the Superintendent at muster in relation to labour, Muthiah kg. had read out at an evening muster in November, 1955, instructions of the Superintendent that Annual holidays will be granted later. Postponement of the Annual holidays had annoyed Vangily and he entered into an argument with Muthiah K. G. At this stage Thanaraj K. P. who was busy with his own work of marking names had intervened. According to Karuppiah Thalaivar, an active C. W. C. Trade Unionist, the K. P. directed Vangily to the Union. According to the K. P. he merely wanted Vangily not to shout and informed him that representations could be made to the Union. The Thalaivar also stated that he did not feel angry about the way Vangily was questioned. This makes it clear that Thanaraj had not slighted the Union in referring Vangily to the C. W. C. On the contrary, Vangily had objected to the K. P.'s intervention and had even used the term "Nee" which denotes a discourteous reference to the K. P. Surely the K. P. had a right to intervene when he was disturbed.

7. But all that the K. P. had done was to complain to the Superintendent, who after inquiry imposed only a fine and later discontinued Vangily as the fine was not paid. The C. W. C. had intervened and on furnishing a bond of good behaviour in the presence of the District Representative, Vangily was re-employed.

8. In the light of the above-mentioned facts it is evident that the K. P. did not procure the dismissal of Vangily. On the other hand the Management had treated him leniently in that he was only fined for being disobedient to the K. P. and was re-employed on a bond of good behaviour after dismissal.

**Charge 2**

9. A complaint was made in the Minute Book alleging that the K. P. had changed the system of pruning contrary to the system hitherto prevailing with a view to harassing workers.

10. This is an incident that dates back to June, 1956. Pruning on this estate was done on task basis. In June, 1956, Field No. 8 was being pruned and the task was 130 bushes per labourer per day. This task was not accomplished during the earlier period of pruning. Only about 110 bushes were pruned. The Superintendent was not satisfied with the quantity of work done and had instructed Thanaraj K. P. to detail more experienced pruners to this field. Accordingly Kolendan and other labourers were sent to this field. According to the Union, a lighter type of pruning was ordered with the introduction of new Pruners, while the management denies any change in the type of pruning.

11. In examining this question, I addressed my mind to the following matters:—

- (a) Whether there was a change in the type of pruning.
- (b) If there was a change whether the K. P. brought about the change.
- (c) If there was change did the change affect the workers adversely.

12. As regards (a) the Estate Committee made a written complaint on 15.6.56 that varying instructions in regard to pruning were given by the pruning Kangany, the K. P. and the Superintendent and called for uniform instructions. In response to this the Superintendent replied in the minutes book that only his instructions should be carried out and that he might bring changes in the method from time to time, and that this could be verified from Kanganies and the K. P. The Estate Committee thereafter brought to the notice of the Superintendent a specific instance of a different type of pruning by Kolandan through P. on 22.6.56. The Superintendent in a written reply in P 1 dismissed the complaint that there was no issue in regard to this matter and therefore it did not concern the Estate Committee. According to the Superintendent he treated this matter as very trivial and had not even cared to question the K. P. before replying to the Estate Committee. In point of fact he had personally detected that "Knots" had not been removed and had questioned the Pruning Kangany who attributed the change to the K. P. but had remained silent when questioned in the presence of the K. P. Whatever attitude the Superintendent might have adopted towards Plucking Kanganies' silence, when he replied to the Committee on 27.6.56 he was fully aware of the fact that there was a certain amount of unrest about some change in the method of pruning and hence it was but proper for him to have categorically replied to the Committee at least informed them that "Knots" should be removed. Such a specific reply would have been appropriate particularly because the Pruning Kangany, one of the supervisors had an impression that the K. P. wanted the "Knots" to be left.

13. It will be seen that although the Superintendent, pulled up the Pruning Kangany for pruning with "Knots" there is nothing to indicate that all pruners were notified that such a method of pruning was not allowed. At least the Superintendent's silence regarding the Union's complaint might have been treated as an indirect approval of the change.

14. Thus it is my view that a change in the type of pruning did occur.

15. The second issue to be examined is whether the K. P. brought about the change. Karupiah Thalaivar who gave evidence for the Union stated that the Superintendent wanted them to adopt the new type of pruning. He also stated that the light type of pruning was resorted to as Karupiah and his colleagues saw Kolandan and Veerappen doing it. He categorically stated that they were not instructed to do so. Furthermore the workers were fully aware of the incapability of the K. P. to introduce a change in the system of pruning on his own because they were informed by the Superintendent by minute dated 19.6.56. This leaves no doubt of the fact that the K. P. had not brought about a change in the pruning.

16. Karupiah Thalaivar clearly stated that the change did not affect the workers adversely. I accept his statement particularly because he was himself a pruner and being an active Trade Unionist there is no reason for him to suppress any evidence to the contrary. Thus it is incorrect to say that the change was introduced to harrass the workers.

#### Charge 3

17. complaint was made by the members of the Union in the Minutes book alleging that the weighing of leaf and entering of names was deliberately delayed by the K. P. and his subordinates. When the workers became restive and the Thalaivar advised them to be patient the K. P. thereupon rebuked the Thalaivar.

18. This refers to an incident in January, 1957. By this time the commencement of the normal working day, viz., 7.30 a.m. was strictly enforced. Thus the workers too became conscious of the time at which work should terminate. Under certain unavoidable circumstances weighing was delayed on a particular day and workers became restive. According to the K. P., Kesavan the then Thalaivar who arrived on the scene advised the workers to throw the leaf and go home and thereafter a discussion ensued between himself and Kesavan. The latter came out with a completely different story. Kesavan stated that he pacified the labourers but after the weighing was over the K. P. sent for him and asked him not to shout like a "dog".

19. No other evidence whatsoever was available in respect of such an old incident. The question arises as to what action Kesavan took to redress such a serious insult to himself and the Union. All that he had done was to report the incident to the District Representative who himself did not pursue the matter with the Superintendent. After reporting the incident to the District Representative Kesavan had not even cared to acquaint himself with what was happening thereafter. Even a report had not been made in the Minutes Book although the

incident was brought to the notice of the Estate Committee. Kesavan's explanation was that as a report was made to the District Representative, there was no necessity to report in the Minutes Book.

20. I feel that if such an insulting remark was levelled at a leader in the presence of members, the Estate Committee which militantly espoused the cause of its members would not have remained satisfied by bringing a different matter to the notice of the District Representative. It is significant that in P 2, office copy of a letter sent by the Union on 28.1.57 to the Superintendent a reference is made only to a challenge for a fight and no reference is made to the use of the term "dog" by the K. P. Kesavan was emphatic that the term "dog" was used, and he had mentioned it to the District Representative. Had he done so it is strange that the District Representative should have failed to include the same in the letter.

21. I am therefore of the view that the allegation against the K. P. is not true.

#### Charge 4

22. Expectant mothers were assigned to work in distant fields contrary to the practice prevailing on the estate. The K. P. has been responsible for the change to the detriment of our members.

The allegation is that the K. P. was responsible for the change in assigning distant fields to expectant female workers. In giving evidence in support of this Kesavan stated that when certain expectant mothers expressed their grievances to him he discussed the matter with the Superintendent, who according to Kesavan had agreed to instruct the K. P. to allocate closer fields to the aggrieved female workers. On finding that the Superintendent's promise was not implemented, Kesavan stated that he appealed to the K. P. who according to Kesavan refused to accede to his wish. He made a second visit to the Superintendent in this connection, which he says was not fruitful. The Superintendent on the other hand stated that the practice in regard to expectant mothers was to give them only the closer portions of the fields where labour was required. He admitted that expectant mothers were sometimes sent to distant fields but not with a view to harassing them. When the Union wrote to the Superintendent by letter (D 4) making the same allegation against the K. P. the Superintendent in his reply (D 5) indicated that the practice on the estate was the same as elsewhere. The Union has neither replied to the Superintendent nor included the allegation in the long list of grievances contained in letter (D 6) which was sent after the incident. If the Union held the view that the K. P. was responsible for any change or non-implementation of Superintendent's instructions the District Representative would have obviously referred to it. Kesavan stated that his second visit to the Superintendent was not fruitful. This makes it clear that the responsibility to make any change lies in the hands of the Superintendent. Therefore the allegation against the K. P. is unfounded.

#### Charge 5

24. Nursing mothers who enjoy the concessions of leaving the place of work at 3.30 p.m. and turning up for work at 8 a.m. have been obliged to follow the normal hours of work as in the case of other workers.

25. Representations had been made to Kesavan by women workers that the K. P. insisted on them to follow normal working hours and Kesavan had interviewed the Superintendent to seek concessions in the hours of work for nursing mothers. Kesavan states that the Superintendent's promises were not implemented by the Kanganies in the field and hence met the Superintendent again. At the second interview the Superintendent had allowed the concession. The Superintendent admitted that he made certain adjustments in regard to the hours of work of nursing mothers after representations by Kesavan. The K. P. denied the allegation that he was responsible for the hours of work of nursing mothers and referred to a circular instruction by the Superintendent stipulating their hours of work. The District Representative made representations to the Superintendent by letter of 7.6.56 (D 4) and the latter replied on 9.6.56 by (D 5) that concessions had been extended to nursing mothers. The District Representative had not pursued the matter further.

26. The question that arises is whether the K. P. withdrew a concession given by the Superintendent or whether he failed to exercise his discretion to grant any concession for the benefit of labour. It is evident from the foregoing that if the K. P. had obstructed any worker from enjoying rights granted by the Superintendent, such specific instances could have been brought to the notice of the Superintendent. Neither Kesavan nor the District Representative in representing matters to the Superintendent alleged that the K. P. was curtailing what the Superintendent had granted. Kesavan himself admitted in evidence that it was the kanganies in the field who did not permit the workers to enjoy the concessions but did not refer to the K. P. in regard to the question of the K. P.'s exercising discretion it is obvious that he had no rights to grant concessions on his own. Since Kesavan was himself aware of this he had interviewed the Superintendent.

27. In my view the K. P. is beyond blame in this matter.

*Charge 6*

28. The issue of free firewood is done at the absolute discretion of the K. P. who has shown partiality and discrimination in the exercise of his discretion.

29. In regard to this allegation the available evidence is as follows:—

According to Karuppennen the Superintendent released a tree and Karuppennen cut the tree shown by Muthiah. The next day Kandasamy had informed him of K. P.'s instructions that the tree should not be removed. Karuppennen's position is that the K. P. did not personally order him not to remove the tree. The Superintendent stated that he released a tree to Karuppennen through the Welfare Officer but Karuppennen cut a tree before the Welfare Officer had shown him the tree and hence he ordered the K. P. to confiscate the tree.

Thanaraj K. P. stated that on Superintendent's instructions he took over the tree. He also added that the issue of firewood is not his responsibility.

30. D. 2 a letter sent by the C. W. C. to the Labour Relations Officer, C. E. E. F., Bandarawela on 12.4.57 states that Karuppennen was called to office and told not to remove the firewood. The above-mentioned facts point out beyond any doubt, that the issue of firewood is not within the discretion of the K. P. and hence the second allegation that he has shown discrimination and partiality in the issue of firewood does not arise.

31. However, I carefully examined the question whether the K. P. has in any way obstructed Karuppennen from getting a tree. It will be seen that neither D. 2 nor the oral evidence of Karuppennen indicates that the K. P. has prevented the release of a tree. An examination of the evidence of the K. P. clearly shows that the K. P. merely carried out the instructions of the Superintendent. In my view the Estate Committee failed to give sufficient thought to this matter and has misunderstood the K. P. in his carrying out the Superintendent's instructions. Thus the K. P. is beyond blame in this matter.

*Charge 7*

32. Prior to the arrival of the head K. P., aged and handicapped workers and young boys were as a rule given light work. The practice had been changed by the K. P. in that light work is given to only such workers who are favourites of the K. P. Young boys who have shown a loyalty to the Union are made to cut drains and treated on the same footing as adults. Boys employed as black-legs were given light work.

33. Karuppiyah Thalavar, the then leader of the Estate Committee received complaints that in May, 1959, young boys who had previously done weeding were detailed for draining which is considered a hard task. The boys concerned were Natchimuthu, Periasamy, Mottayan and Karly. It was also Karuppiyah's position that Kuttayan and Sinnadurai were continued to be given weeding work.

34. No evidence was available to indicate that the first set of boys said to have been given hard work were loyal to the Union and that Kuttayan and Sinnadurai were black-legs. Nevertheless the question arises whether the former were particularly exposed to hard work and the latter were specially favoured.

35. Thanaraj K.P. made it clear that on instructions by the Superintendent he detailed labour for the various activities according to the position of the labourers at muster. In other words workers were not selected for the work to be done. The Superintendent in his evidence attributed such instructions to representations made by the Union. The Thalavar, Mr. Karuppiyah, admitted that in March, 1959, he made representations to the Superintendent against the K. P. selecting the pluckers at muster. He also said that the practice of sending labour according to the position in the row at muster was in vogue for a long time. This makes it clear that the task for which a worker was detailed in May, 1959, depended on his position at muster.

36. The K. P. produced the checkroll for May, 1959, and according to this Nachimuthu was paid at adult rates in May, 1959, Periasamy had been detailed for weeding and plucking in May and June, 1959, Mottayan was an adult worker in May, 1959, and Karliannen had been doing weeding work in 1959. The details of work done indicate that in May, 1959, Nachimuthu, Periasamy, Mottayan, Karliannen had not done draining work, although some of them by virtue of the adult rates paid to them could have been appropriately detailed for draining work.

37. The Estate Committee had not made any representations about the alleged discrimination to the Superintendent. On questioning Karuppiyah Thalavar, he attributed his failure to do so to Superintendent's ignoring previous complaints. He appears to have made a complaint to the District Committee but the District Representative had not made representations to the Superintendent.

38. I cannot accept Karuppiyah's reason for his failure to complain to the Superintendent, for, in May, 1959, P. 1, the minutes book shows a number of complaints by the Estate Committee to the Superintendent.

39. It is clear beyond any doubt that from March, 1959, workers were not selected for any work and that they were detailed for work according to the row at muster. This applied to the boys referred to. I am therefore of the view that there is not the slightest ground to attach any blame to the K. P. in this matter.

*Charge 6*

40. Veerappen of Muthusamy Kg, one time Secretary of the Union was refused "name" on a specific occasion and on other occasions given forking and other hard work with a view to weaning him away from the Union. Veerappen ceased to pay his subscription since March, 1959.

41. In the original statement received by me from the Union it was stated that Veerappen ceased to pay fees from March, 1957. During the hearing Mr. Amarasingham amended 1957 to 1959. According to the Union Veerappen was Secretary of the Estate Committee for the period 1955 to 1956 and that after he became Secretary he was given hard work such as cutting of drains and forking; that he was refused names on two days; and, that after he left the Union he was not given hard work. According to the Superintendent Veerappen applied for light work for one month and this was granted, and his application for a continuation of easy work was refused. The K. P. who gave exhaustive evidence on this matter produced D 24, a medical certificate from D. M. O., Badulla, dated 10.2.55. According to the D. M. O., P. Veerappen had Callosities on soles of both feet and due to the painful condition while walking he recommended footwear and duty that would suit his ailment. The K. P. was positive that the Superintendent wanted him to offer light work only for one month and that the light work was offered only in January, 1956, apart from light work offered at infrequent intervals due to chest trouble, on chits from the dispenser. He read out from the Checkrolls the details of work done by Veerappen from August, 1955 (after he became Secretary) which are as follows:—

August, 1955—Plucking, nursery and mana work.

September, 1955—Plucking, weeding, hoing and forking.

October, 1955—Spraying 12 days, manuring, forking and plucking.

November, 1955—Spraying 10 days, factory work and cutting drains.

December, 1955—Spraying 4 days and cleaning drains.

January, 1956—Sun-flower cutting, plucking, shade-tree work and weeding.

February, 1956—Weeding and forking 1 day.

42. I find from the above-mentioned details that Veerappen has been detailed for duties such as spraying, forking, &c., which cannot be considered as suitable to his ailment. It is only from January, 1956, that Veerappen had been given comparatively easy tasks. It is surprising that Veerappen should have been exposed to such difficult tasks up to December, 1955, and given easy work only in January, 1956, although the Management was intimated of Veerappen's ailment in January, 1955. As far as the K. P. is concerned he has acted on the orders of the Superintendent to give light work only for one month. The Superintendent himself corroborated with the K. P. in that instructions were given to offer easy work for only one month. The K. P. was not aware of the medical certificate submitted by Veerappen and therefore the K. P. is not at fault for the hard work offered to Veerappen after he became Secretary. It is up to the Superintendent to answer why proper effect was not given to the D. M. O.'s certificate. I did not pursue this question as the matter in dispute is in regard to the K. P.

43. The evidence in regard to non-grant of "names" for two days to Veerappen is inadequate and I accept the K. P.'s denial in this connection.

44. This allegation against the K. P. is baseless.

*Charge 9*

45. R. Kaliannen the President of the Estate Committee from October, 1955 to June, 1956, was given hard work as soon as he was appointed leader. In June, 1956, he declined to be leader and was restored to easy work.

46. In the course of the proceedings Mr. S. P. Amarasingham amended Karliannen to Kolondaivelu.

The evidence of Karuppiyah, the then Estate Committee leader, is similar to the facts contained in the allegation. The hard work referred to by him is draining. According to the Superintendent Kolondaivelu was not fit for hard work and also stated that the C. W. C. did not bring any complaints to him about this matter. The K. P. stated that he was instructed by the Superintendent to give Kolondaivelu easy work as he was sickly and that this happened even before he became Thalavar.

The Pocket Checkrolls indicate that Kolondaivelu had done nursery, thatching and draining work. This was generally the pattern of his work from April, 1955, until about July, 1956. It is about this time (July, 1956) that he started a boutique at Bandarawela.

After July, 1956, he worked about 3 days in a month until about February, 1957. This was to safeguard against his name being struck off the checkroll. From February, 1957 to January, 1959, his name had been marked as lent-labourer on the checkroll.

It is in evidence that the work as lent-labourer to the estate "bass" (Carpenter) was either performed by his brother or son and not by him. But the wages have been paid to Kolandaivelu. The K. P. also stated that when Kolandaivelu was sent for draining or any hard work he merely attended to the easier tasks such as measuring of quantity of work done, etc. According to Kolandaivelu he always did easy work as he was sickly. Kolandaivelu appeared to be a sickly man and unfit for any manual labour. Although Karupiah stated that Kolandaivelu was given hard work after the latter became Thalaivar yet he was unable to furnish reasonable details of the hard duties performed. If Kolandaivelu was offered hard work as stated by Karupiah there was no reason for the Union to have remained silent. The Estate Committee which actively represented various grievances would not have been inactive about a matter where the leader himself was victimised.

47. The suggestion by the C. W. C. that Kolandaivelu was offered easy work after he declined to be leader is not true for two reasons—

Firstly the evidence supported by checkrolls is that Kolandaivelu performed light work from April, 1955 (long before he became Thalaivar) to July, 1956, and secondly,

Kesavan who was elected Thalaivar in succession to Kolandaivelu and whose loyalty to the Union is consistently firm admits that members appealed to him to accept the Presidentship as they felt that Kolandaivelu could not devote to Union affairs because he started a boutique. It is clear that Kolandaivelu was not rejected on the ground that he was bought over by the Management by the offer of easy work but because he had no time to devote to the Union.

48. In my view Kolandaivelu merited the sympathetic consideration extended to him by the Management. However, the Management overstepped the limits of sympathy in contravening the provisions of the Wages Boards Ordinance by paying him wages due to Perumal who worked as lent-labourer, and marking "names" for Kolandaivelu when work was really performed by Perumal. For reasons stated earlier I am of the view that such action of the Management was no reward to Kolandaivelu for any anti-Trade Union or pro-Management action. Not only was any such suggestion made by Karupiah but the latter positively stated that in the strike they were together. It is clear beyond any doubt that Kolandaivelu was offered easy work throughout the period he was Union leader for health reasons and not to induce him to give up Union leadership. I however recommend that the A. C. L., Badulla, will ensure that offences such as transferring "name" in respect of work by a labourer to another who did not perform the work and transfer of such wages be disallowed on this estate.

#### Charge 10

49. Favourites of the K. P. have been given "names" although they have not attended the evening muster and have not been assigned work for the following day along with the other workers.

Mr. Amerasingham did not proceed with this allegation.

#### Charge 11

50. The Union complained to the Management in the minutes book alleging that the K. P. referred to the workers on field No. 14 as dogs.

51. This incident occurred in March, 1957. On 4.3.57, weeding of field No. 14 was in progress. There were about 40 boys working in this field. According to Kesavan, the then Union leader, some of the boys complained to him that the K. P. had questioned the Kangany of the field as to why the boys shouted like dogs. The Union leader, Kesavan, was consistent in the entire course of his evidence that the complaint to him was that the K. P. had asked the Kangany why the boys shouted like dogs. The complaint in the minutes book is a complete deviation. The entry in P. 1 (minutes book) reads as follows:— "Whilst weeding in field No. 14 the head K. P. has asked the weeding kangany 'cant you get work out of these puppy type boys'". Kesavan also stated that this matter was reported to the District Representative who himself questioned the boys. According to Kesavan he was subsequently informed by the District Representative that representations were made to the Superintendent and the latter considered this a minor matter and wanted them to work amicably. In the course of his evidence Kesavan also stated that their relationship with the K. P. was normal and that he was not aware whether the boys shouted like dogs. According to Nallu Kangany, who supervised the field, the boys had been making noises similar to the barking of dogs and the K. P. questioned him as to why the boys were shouting in that manner and threatened to report him for his inability to supervise. The K. P. himself confirmed that he questioned Nallu Kangany as to why the boys were shouting like dogs. It will be noted that the evidence of the Union leader is consistent with that of the K. P. and the kangany in regard to the K. P. questioning Nallu Kangany why the boys shouted like dogs. I accept this position of the three witnesses. The complaint in the minutes book that the K. P. enquired from the kangany why he cannot get work out of the puppy type boys was not confirmed by Kesavan; when he gave evidence. The absence of any oral evidence to support the entry in the minutes book and as Kesavan corroborates with the witnesses of the Management that the K. P. only enquired as to why the boys shouted like dogs strengthens my view on this matter and I cannot accept the entry in the

minutes book. If the latter is the truth I am certain the District Representative would not have accepted the Superintendent's version that it was a minor matter. He would have pursued the dispute. But the Estate Committee has reconciled itself with the position that it was a minor matter. The relationship between the K. P. and the C. W. C. during this time had been normal according to Kesavan, and, under such circumstances the provocative statement attributed to the K. P. in the minutes book is incredible. The enquiry by the K. P. as to why the boys were shouting like dogs had arisen from the noises made by the boys. Kesavan was not certain whether the boys did or did not make such noises. Hence there is no reason for me to disbelieve the kangany and the K. P. who heard the boys shouting in the manner referred to.

52. It is therefore my view that the K. P. did not refer to the workers as dogs. His enquiry as to why the boys shouted like dogs was quite natural and cannot be considered as calculated to insult the workers.

#### Charge 12

53. Chelliah watcher a member of the Union was assaulted at the instigation of the K. P.

Mr. Amerasingham did not proceed with this charge.

#### Charge 13

54. Villagers were bribed to accept work on the estate with a view to breaking the Union. Money was extorted and work offered to certain pluckers. Mr. Amerasingham withdrew first part of this charge. Charge now remaining is:—Money was extorted and work offered to certain pluckers.

55. Karupiah Thalaivar, who was Estate Committee President during the time, had seen something unusual in Kailasu wife of Masimalai being sent straight to new field for plucking contrary to the usual practice of sending new pluckers to old fields and hence questioned Masimalai. The latter is said to have informed Karupiah that his father had given Rs. 25, a bottle of beer, a packet of cigarettes, a box of matches and a comb of plantains to the K. P. He also ascertained from Periannen that while the latter was at the K. P.'s house he saw Mottayan and Kuppen arriving with a parcel. It is also his knowledge (Karupiah) that Kuppen's wife was sent straight to the new field. Mottayan and Kuppen did not inform him about this incident. Karupiah Thalaivar had not reported this irregularity to the Superintendent but had informed the District Representative about the abnormal procedure of Kailasu being sent straight to the new field.

56. Periannen Kangany's story is that he appealed to the K. P. to send his daughter-in-law straight to the new field; that K. P. wanted something; and that he took Rs. 25, a tin of biscuits, a packet of cigarettes, a comb of plantains, and a bottle of beer to the K. P. Periannen has also stated that Karupiah questioned him, saying that people in the line rooms spoke about it and therefore he hesitatingly revealed the story; that it was the normal practice to question a woman worker before employment whether she was a new-field or old-field plucker; that he reported the matter to members of the Committee who in turn informed the District Office; that he himself made a complaint to the District Office; that Karupiah accompanied the witnesses connected with this matter to the District Office and that only his son Kadiramalai knew about the bribe. It will be clear from the evidence of Karupiah that the abnormal practice of Kailasu being sent straight to a new field prompted the Union Leader to pry into the matter. But it is surprising that he was unconcerned about Kuppen's wife Karliammah being treated in the same exceptional fashion although he was precisely informed by Periannen that Kuppen and Mottayan were seen with a parcel at the K. P.'s house. While in the case of Kailasu only a change in procedure prompted him to question Periannen and Masimalai, even information of Kuppen being seen with a parcel at K. P.'s house had not induced him to investigate into the irregularity of Karliammah being sent straight to the new field. He had not even cared to question Kuppen as to what the parcel contained.

57. The evidence of Periannen creates greater doubt than that of the Union leader Karupiah. Periannen who was attempting to obtain a favour for his daughter-in-law by payment of money does not confide the secret either to his daughter-in-law or her husband but only to his son Kadiramalai. There does not appear to be any valid reason for Periannen to keep Masimalai and his wife ignorant of the method employed by him to obtain a favour for them. It is also necessary to take into consideration the fact that the District Representative has not taken up such a serious matter with the Superintendent although the District Representative had questioned those connected with the incident. If the District Representative had believed the story of Periannen he would have obviously made an argument of it in support of the Union's agitation against the K. P. two months later. To my mind it appears that the District Representative was convinced that there was no truth in the allegation.

58. The K. P. denied the allegation. According to him Kailasu was sent straight to the new field on the recommendations of Periannen Kangany and that she was continued in the



new field as she proved to be a good plucker. He added that Karliammah, wife of Kuppen was sent to old field after trial because she was not a good plucker in the new field.

59. I accept evidence of the K. P. in this matter and in my view Perianen's story is untrue.

Charge 14

60. The K. P. selected pluckers arbitrarily and of his own choice and sent them to the tipping field.

61. The Superintendent himself gave evidence and according to him the K. P., Thanaraj saw him on 6.3.59 after muster and sought his approval to remove the men-pruners from field No. 10 and replace them with women. The reasons advanced by the K. P. to the Superintendent for this adjustment were that pruning was behind schedule and this required the services of the pruners who were then engaged in plucking field No. 10, and, that women pluckers resented the employment of men on plucking. The following day the K. P. visited field No. 16 while work was going on and selected 15 pluckers who in his opinion were good. In doing so the K. P. admitted that he had not seen all the workers in that field but proceeded from row to row from one end and selected the 15 pluckers from half the number of all the pluckers. He also admitted that there may have been good pluckers amongst the other half of the pluckers whom he had not considered in selecting the 15 good pluckers. He stated that it was not possible to see all the pluckers in field No. 16 to select the best 15 as he had no time. Thereafter he proceeded to field No. 17 having instructed pluckers already selected at field No. 16 to proceed to field No. 17 for plucking. In field No. 17 he made another selection of 15 pluckers in the same manner in which he performed the selection at field No. 16. He admitted that in this instance too he did not go round the entire field but stopped at the point at which 15 good pluckers were available. In his view there may have been pluckers as good as the 15 selected, amongst those he had not considered for the selection. He denied that the Superintendent instructed him to select the best pluckers for field No. 10. But the Superintendent in his evidence made it clear that his instructions to the K. P. were that the best pluckers should be selected, and according to him he verified from the K. P. after complaint by the Union, and was satisfied that the best pluckers were selected. It is in evidence that the K. P. did not adopt any suitable basis for the selection of these pluckers but merely selected those who only in his opinion were good. In doing so he has not even seen all the pluckers in the field although the Superintendent stated that he wanted the best pluckers selected he has not given clear instructions to the K. P. in regard to the basis on which the best pluckers should have been selected. Taking all these into consideration I am of the view that the selection by the K. P. was arbitrary.

62. The question now arises whether the arbitrary selection contains the elements of partiality, discrimination, abuse, harassment or any action inimical to the interests of labour. I questioned Perianen kangany, who gave evidence on behalf of the Union, whether, the selection by the K. P. was *bona fide* or otherwise. His answer was as follows:—"When the K. P. was selecting labourers I did not feel that he was making a selection on the basis of the different 'sanghams' as another Union was not formed. Those labourers selected were not people of his fraction at that time. I am not aware whether there was any special friendship between the K. P. and the labourers selected. I cannot say whether in selecting the labourers from field No. 17 the K. P. harboured any bad feelings or whether in the interest of work he selected some labourers for work in another field." I also questioned Karupiah kangany and he stated that the relationship between those selected and the K. P. and those not selected and the K. P. was the same. He added that even if the labourers selected were selected without any bad intention and is a *bona fide* error yet if there are better workers unselected it could be construed as a *mala fide* action by the workers. The entry in the minute book (P1) under date 8.3.59 and 13.3.59 by the Estate Committee in regard to this subject emphasises only the departure from normal practice of selecting labourers at the muster, and the unfair method of selection in the field by the K. P. It is significant that in these two minutes the Estate Committee has not made any reference to factional discrimination. It is well known that the incident of 7.3.59 caused a considerable amount of stir in the estate and therefore the selected 15 labourers would have been the subject of discussion and study amongst the members of the C. W. C. Thus if the K. P. had shown particular favouritism this would not have failed to reach the ears of the Estate Committee and the basis of discrimination or partiality would have been revealed to me at the inquiry. But this was not done.

63. The K. P. explained that he did not consult the kangany in the selection of good labourers as they generally disliked to recommend any labourer for they feared to incur the displeasure of labour. He also stated that he was only concerned about sending 15 good pluckers to field No. 10. The K. P.'s position is that plucking grounds were behind schedule. In support of this theory the K. P. referred to entries by the Superintendent under page in respect of 4.3.59 and 6.3.59 in P. 6 (field diary). Mr. Amarasingham objected to the admission of this evidence on the ground that the Superin-

tendent did not speak on these entries referred to in his evidence. I allowed this evidence as it is the K. P.'s explanation for his actions. The field diary P.6 is one of the routine records maintained in connection with normal functions. The entry by the Superintendent on page in respect of 6.3.59 reads as follows:—"Please warn plucking kangany that if they do not get their rounds properly and maintain a good standard of work I will have to stop the plucking bonuses for this month." The K. P. said that this entry was seen by him on 6.3.59 after muster. The system is that the remarks of the Superintendent on any page of the field diary are made before the K. P.'s details are entered on the respective page. Earlier entries in P.6 in respect of which days were described by the Superintendent proved this. The evidence of the K. P. was examined on details appearing in P.6. This revealed that the round prior to plucking on 6.3.59 in field No. 10 was completed on the 5th day on 1.3.59 and the round current on 6.3.59 was commenced on 5.3.59. The K. P. also stated that field No. 10 was on an eight-day round in March 1959. In this connection the entry by the Superintendent on page in respect of 4.3.59 along with which P.7 was sent required an eight and nine-day round for all fields. Therefore the K. P.'s statement that field No. 10 was on an eight-day round is correct. On this basis his statement that field No. 10 was one day behind schedule on 6.3.59 is also correct. This field was in a state of flush during this period and therefore the introduction of new labour to meet the conditions of the field would have been essential. The Superintendent too admitted that on 6.3.59, he discussed with the K. P. the urgency of sending pluckers to field No. 10. This makes it clear that the K. P. was immediately concerned only about sending sufficient labour to field No. 10. I am convinced that the K. P.'s action was prompted by *bona fide* motives and is not guilty of the allegation of partiality, discrimination, abuse and harassment. In my view the action of the K. P. in considering only some of the labourers in field No. 17 for selection of 15 pluckers for transfer to field No. 10, which offered better earning opportunities is inimical to the interest of the labour.

64. I now propose to go into the causes of the unprecedented disturbances consequent to the incident of 7.3.59 particularly because this has a bearing on the demand for the dismissal of the K. P. The Estate Committee made a demand on P.1 that the plucking fields on the estate be categorized into two divisions for purposes of plucking. The Superintendent in replying to this demand has written as follows:—

"In actual fact there are only two classifications of fields namely old fields and new fields. Plucking incentive points are also fixed on these two classifications and not four. From the working point of view however it is necessary to split up various plucking gangs, e.g., tipping gang, young field gang, old field gang and I do not propose to make any change to the present organisation of plucking which is working very well." The effect of the Superintendent's minute is that for purposes of over poundage the fields were classified into two and for purposes of plucking gangs the fields were divided into three. But unfortunately the Tamil translation conveyed to the Estate Committee in P.1 does not carry the correct spirit of this minute. According to the Tamil translation plucking is done on the basis of two fields only, viz., old and new and therefore taking this into consideration leaf is plucked in two methods and not on the basis of four fields. It will be observed from this that the reference to the plucking incentive has been completely dropped and gives the impression that the Union's demand for two fields only has been considered. In oral evidence the Superintendent stated that tipping fields are categorized as new after a few months, and that old fields are sub-divided into A and B. The K. P. also corroborated with the Superintendent. There were two divisions for purposes of over poundage but in fact there were three or four divisions for purposes of plucking gangs. On reading the Tamil translation of the Superintendent's minute referred to, the Estate Committee had been under the impression that the Superintendent had conceded the demand for two divisions. Thus when the incident of 7.3.59 took place, the Estate Committee naturally felt that the K. P. was not only resorting to unfair method of selecting labourers from a new field to a tipping field but was also maintaining more than two divisions and obviously the Estate Committee was provoked as in their view the K. P. was standing against what the Superintendent conceded. This accounts for the argument between Karupiah Thalaivar and the K. P. on the evening of 7.3.59. In the course of this argument the Thalaivar had emphasised that the Superintendent had granted the division of fields into two while the K. P. was standing against same. The K. P.'s attempts to convince the Thalaivar the actual position were ineffective.

65. The dispute assumed wider proportions due to the Superintendent's failure to correctly understand the complaint of the Estate Committee on 8.3.59 contained in P.1. The English translation of the complaint conveyed to the Superintendent reads as follows:—

"In our estate have the labourers got to go to the muster ground to be detailed for work or this should be done at the working field and even if this is done at the field should labourers not be called out from one end of the row or just select particular workers." The Superintendent stated that he understood this minute as a complaint against selection on the field and that he did not attach special significance to the second part. There

is no doubt that the minute referred to refers to a selection on the field and in the second part while conceding selection on the field the estate committee protests against the arbitrary method adopted in selecting particular workers in the field without a proper basis. The Superintendent in his reply in P.1 has only emphasised the right of the management to select on the field and did not meet the complaint of arbitrary selection contained in the second part. The Estate Committee on reading the Superintendent's reply reached the conclusion that the management was only keen about its right to select the workers anywhere but was not concerned about Union's complaint of unfair method of selection. This led to reprisal action by the Estate Committee. It is in evidence that the Superintendent merely accepted the version of the K. P. in regard to the best pluckers selected and has not ascertained even the names of those selected to verify the correctness of the K. P.'s selection. He has only called for proof of their allegations from the Estate Committee on 17.3.59 ten days after the incident. This is indeed a poor method of maintaining proper labour relations. Instead of casting the burden of proof on the Estate Committee, had he discussed the issue with them he would have avoided this situation.

66. To my mind it appears that the Estate Committee's grievance against the K. P. was the logical result of the faulty translation of the Superintendent's reply in regard to the division of fields contained at page 59 of P. 1 and Superintendent's failure to explain to the Committee in time the arbitrary selection of pluckers on 7.3.59 when replying to the Estate Committee's complaint at page 71 of P. 1.

#### Charge 15

67. Workers to whom the K. P. was indebted were given favourable treatment.

Mr. Amerasingham did not proceed with this charge.

#### Charge 16

68. In March, 1959, K. P. threatened to employ village labour or black-legs in the event the workers resorted to strike action.

Mr. Amerasingham did not proceed with this charge.

#### Charge 17

69. The K. P. had instigated two of the watchers to do bodily harm to the President of the Estate Committee.

70. The Estate Committee President Karuppiyah's evidence is that on 10.4.59 when he was at Bandarawela after drawing his wages, Karuppennen and Arumugam informed him that Kolandan was at the muster ground with a knife and that Kolandan had informed them that he was instructed by the K. P. to attack him. Under cross-examination his position was:—that Arumugam overheard the K. P., Nalliayan and Kolandan discussing the matter in front of K. P.'s line room and that was how he learnt that the K. P. had instigated Kolandan; that Kolandan was shouting out the threat; that he made a complaint to the Police on the same day; that he had not been to the Police Station in regard to any other matter even on behalf of the Union; that he did not go to the Police subsequently and that immediately Arumugam heard about it they proceeded to Bandarawela to inform him (Karuppiyah). The K. P. denied the allegation and added that he was busy in connection with the pay until 6.30 p.m.

71. Two versions are trotted out by Karuppiyah to implicate the K. P. One is that Kolandan had unravelled the conspiracy to Arumugam and the other is that Arumugam overheard the discussion between Kolandan, Nalliayan and the K. P. If the former is true I cannot understand why Karuppiyah failed to give that answer under cross-examination. If there was a plan to attack Karuppiyah, Kolandan would never have revealed that story to Arumugam. I reject this version. The second story is equally untrue. A conspiracy of this nature would never have been hatched in open public in front of a line room. The statement that Arumugam had seen Kolandan shouting out the threat is another falsehood. No person who intended to cut the C. W. C. leader who had the majority of the labourers on his side would ever have made a public announcement of his intention in the estate as this would endanger his position. This does not also reconcile with the statement that Arumugam and Karuppennen left for Bandarawela, as soon as they heard of the plan to cut the Thalajivar. For if they left the estate on hearing about the conspiracy they could not have seen Kolandan shouting. Karuppiyah's statement that the entry at the Police Station on 10.4.59 was the only one entry he made in this or in any other connection is belied by D. 17 which is a copy of a letter from the District Representative, C. W. C., Hapuwale, to the Superintendent of Police, Bandarawela, referring to an entry by Karuppiyah on 20.6.59. The evidence of Karuppiyah in regard to the incident is full of infirmities and contradictions. I reject his evidence. It is evident beyond any doubt that there was no instigation or plan to do any bodily harm to Karuppiyah.

#### Charge 19

72. Sinnan henchman of the K. P. is alleged to have assaulted Kariannan on 17.5.59 at the instigation of the K. P. He is also alleged to have abused the Committee Member and the Estate leader on a subsequent occasion at the instigation of the K. P.

Mr. Amerasingham did not proceed with the charge.

#### Charge 20

73. In September, 1959, the K. P. had made a false complaint to the Police against two workers.

Mr. Amerasingham did not proceed with this charge.

#### Charge 21

74. Ganeshan was obstructed by the K. P. with the aid of some of the villagers and threatened with bodily harm.

Mr. Amerasingham did not proceed with this charge.

It is clear from the foregoing that K. P.'s action of arbitrarily selecting pluckers from Field No. 17 for transfer to Field No. 10 is the only action on his part which is inimical to the interests of the workers. There is no dispute about the fact that Fields Nos. 17 and 10 were new fields and that Field No. 10 was in the best state of flush during the period in question, and, therefore the pluckers selected for work in these two fields had better opportunities of enhancing their income than their colleagues in the fields from which they were selected. Under these circumstances the K. P. should have considered all the pluckers in fields Nos. 16 and 17 and the selection should have been on some suitable basis. The omission on the part of the K. P. although unintentional is apt to cause dissatisfaction amongst those overlooked. In his connection I have given due consideration to the fact that (a) The K. P. Thanaraj, is innocent in respect of all other allegations, (b) that he had no bad motive in selecting in the manner he did, and, (c) he was not given clear instructions by the Superintendent in regard to the manner in which the pluckers should have been selected, and I make order, that the management should allow Mr. Thanaraj to resume work on any date within a fortnight from today suitable to the Superintendent and the K. P. Mr. Thanaraj, under the following conditions:—

- (1) For a period of thirty days from date of resumption Mr. Thanaraj should be entrusted only with the responsibility of supervising. The duties in connection with muster, disciplinary action on the field, and selection of labourers for special tasks should not be entrusted to him for the first thirty days.
- (2) Thirty days after resumption the management may entrust all duties normally done by a K. P. to Mr. Thanaraj.

K. M. THIAGARAJAH,  
Arbitrator.

Labour Department,  
Kandy, 27th September, 1960.

10—11

### THE CEYLON (PARLIAMENTARY ELECTIONS) ORDER IN COUNCIL, 1946

#### Election of a Member for Electoral District No. 34—Laggala

NOTICE is hereby given under Section 71 (1) of the Ceylon (Parliamentary Elections) Order in Council, 1946, that the return respecting election expenses of Mr. H. M. K. Gunatillake a candidate at the above election, and the declarations made in respect of such return, were received by me on the 21st day of September, 1960, and that such return and declarations can be inspected, on payment of a fee of one rupee, at any time during office hours at the Elections Office, Kachcheri, Matale, during the six months next after the publication of this notice in the *Government Gazette*.

V. P. A. PERERA,  
Returning Officer,  
Electoral District No. 34—LAGGALA.

The Kachcheri, Matale,  
September 30, 1960.

10—55

#### CORRECTION

NOTICE under section 10 of the Indian and Pakistani Residents (Citizenship) Act, No. 3 of 1949, appeared in respect of Application No. N. 237 dated 26.9.50 in Part I, Section (I) (General) of the *Gazette* No. 10,447 of 12.9.1952, is hereby cancelled.

A fresh notice under the above-mentioned section of the Act in respect of Application No. N. 237 is appearing in this *Gazette*.

A. E. GOGERLY MORAGODA,  
Commissioner for the Registration of Indian  
and Pakistani Residents.

R. I. and P. R. Department,  
P. O. Box 587, Colombo—1,  
September 19/30, 1960.

10—17/2

**FORM 4A**

**The Indian and Pakistani Residents (Citizenship) Act,  
No. 3 OF 1949**

**NOTICE UNDER SECTION 10 OF THE ACT**

I, Alfred Edwin Gogerly Moragoda, Commissioner for the Registration of Indian and Pakistani Residents, do hereby give notice under section 10 of the Indian and Pakistani Residents (Citizenship) Act, No. 3 of 1949, that I shall make order allowing each such application under sub-section (1) of section 4 of the Act.

as is specified in the Schedule hereto unless any written objection to the making of such order, together with a statement of the grounds or facts on which such objection is based, is received by me from any member of the public within a period of one month from the date of publication of this notice.

Every statement of objection shall contain the full name and address of the person making the objection.

A. E. Gogerly Moragoda,  
Commissioner for the Registration of Indian  
and Pakistani Residents.

Colombo, 19th September, 1960.

**SCHEDULE**

Number and date of application	Name and Address of Applicant for Registration as a Citizen of Ceylon
S. 1664—28.7.51	... Vembady Viyapury, Nagahatenne Estate, Elpitiya
Y 8147—4.8.51	... M. A. M. Seyad Mohamed, s/o Mohamed Zackariva, 190, Main Street, Hali-Ela
Y 5213/W/Y—6.7.51	... Selliah, s/o Sellamuthu, Napier Middle Division, Rookatenne Estate, Hali-Ela
S 1115—18.7.51	... Murugaie alias Rakkier, d/c Arumugam, Talangaha Estate, Nakiadeniya
10—17/1	

**FORM 4B**

**The Indian and Pakistani Residents (Citizenship) Act,  
No. 3 OF 1949**

**NOTICE UNDER SECTION 10 OF THE ACT**

I, Alfred Edwin Gogerly Moragoda, Commissioner for the Registration of Indian and Pakistani Residents, do hereby give notice, under section 10 of the Indian and Pakistani Residents (Citizenship) Act, No. 3 of 1949, that I shall make order allowing each such application under sub-sections (1) and (2) of section 4 of the Act as is specified in the Schedule hereto

unless any written objection to the making of such order together with a statement of the grounds or facts on which such objection is based, is received by me from any member of the public within a period of one month from the date of publication of this notice.

Every statement of objection shall contain the full name and address of the person making the objection.

A. E. Gogerly Moragoda,  
Commissioner for the Registration of  
Indian and Pakistani Residents.

Colombo, 19th September, 1960.

**SCHEDULE**

Number and date of application	Name and address of applicant for registration as a citizen of Ceylon	Name and relationship to applicant of each person whose registration as a citizen of Ceylon applicant seeks to procure simultaneously with applicant's registration as a citizen of Ceylon
D 1812—5.7.51	... Sevanu Suppiah, Panagula Estate, Tummodera	Mariamamma (wife)
D 1843—5.7.51	... Arunasalam Perumal Panagula Estate, Tummodera	Siamammah (wife), Jayaletchimy (daughter), Letchimy (daughter), Chandra Kumar (son)
I 5880—24.7.51	... Veerappa Thevar Nagalingam, 17/1, Theatre Road, Nawalapitiya	Velaie (wife), Ramachandran alias Velaithan (son), Krishnamoorthy alias Supramaniam (son), Balakrishnan (son), Jayaseelam Sinniah (son), Selvaraj (son), Ratnasabapathy (son), Maheswary (daughter)
K 12668—5.8.51	... Sengayan Muthusamy, Tientsin Estate, Bogawantalawa	Veerammal (wife)
L 2115/K—27.3.51	... Sundaram Pitchai Devasagayam, Graceland Estate, Rambukpitiya	Pooranam (wife)
M 666—28.11.50	... Karuppiah Karuppiah, Opalgalla Estate, Rattota	Kamatchy (wife), Suppiah alias Sinniah (son), Velu alias Alagappen (son), Sivanu alias Arumugam (son), Sundaram alias Palany (son), Subramaniam alias Suppiah (son), Ranjitham (daughter), Seethaiammah (daughter)
M 8681—31.7.51	... Karuppan Kathan, Opalgalla Estate, Rattota	Veerammah (wife)
N 237—26.9.50	... Kanthar Arokiam, Parapankandal, Periyakulam, Parapankandal	Margaret (wife), Sinthathirai (daughter), Annammah (daughter), Alvin (son), Sebastiaupillai (son)
Y 6221/W—11.7.51	... Muthusamy Shanmugam, Upper Division, Oodowerre Estate, Demodera	Kamatchy (wife), Seethey alias Letchumy (daughter), Pottoo alias Annakunjie (daughter), Veerasamy alias Veloo (son), Rasoo alias Balasubramaniam alias Muthusamy (son), Kamalam (daughter)
Y 7864—6.7.51	... Vyapuri Kolandayen, Glen Alpin Estate, Badulla	Palaie (wife), Periyammai alias Krishnamma (daughter), Kandiah alias Govindasamy (son), Murugiah (son), Seerangan (daughter), Sewaganam alias Sivagnanam (daughter)
CC 2806—15.7.51	... Palaniandy Muthusamy, Atugoda Division, Golinda Group, Kegalle	Petchy (wife), Ramasamy alias Ramen (son), Palandy (son), Madathy (daughter)
CC 5878—16.6.51	... Kuppan Periyar, Niyadurupola Estate, Warakapola	Iyamma (wife)
CC 7284—18.6.51	... Murugiah Sinnasamy, No. 4 Division, Ambanpitiya Estate, Kegalle	Mariaie (wife), Arumugam (son), Valliamma (daughter), Letchumie (daughter), Patchimuthu (son), Patchie (daughter), Ramanie (daughter), Periasamy (son), Palaniandy (son)
DD 2549—19.4.51	... Veerappan Muthiah, Lower Division, Lavant Estate, Yatiyantota	Ramaie (wife)
DD 3558—14.7.51	... Thottaman Govindammah, ww/o Veeran Muthusamy, Degalessa Upper Division, Panawatte Group, Yatiyantota	Kathan (son)
DD 3993—15.7.51	... Arumugam Nadason, Pambagama Estate, Parakaduwa	Sivakamy (wife), Sarakanathevi (daughter)
DD 6966—16.6.51	... Sollamuthu Joseph, Ingoya Estate, Kitulgala	Veeraie (wife), Pootchy alias Madathie (daughter), Caruppaie (daughter)
D 886—24.7.51	... Muthusamy, s/o Palaniappan, Menerigama Division, Padukka Group, Padukka	Ramaie (wife), Sandanam alias Marimuthu (son), Muniammah alias Amarawathy (daughter), Muniappen alias Marudamuthu (son), Nagappen (son), Velayuthan (son), Sellathurai (son), Nagaratnam alias Navaratnam (son), Selvadason (son), Puspam (daughter)

Number and date of application	Name and address of applicant for registration as a citizen of Ceylon	Name and relationship to applicant of each person whose registration as a citizen of Ceylon applicant seeks to procure simultaneously with applicant's registration as a citizen of Ceylon
L/F 566-A—20.6.60	... Sacken Solomon Sathiasagaram Alagar Emmanuel, Haloya Estate, Peradeniya	Amirthamany Kohilammal (wife), John Mathews Frank Emmanuel (son)
S 2104—27.7.51	... Walliamma, ww/o Subramaniam, s/o Suppiah,, c/o Mr. C. Muthiah, House No. 413, Unit 4, Pavatukulam Scheme, Poovarasankulam, Vavuniya	Sevalcodi (son)
T 890—6.7.51	... Karuppan Sinnan, Government Hospital Toppur	Mariaie (wife), Raman (son), Letchumanan (son), Periyathai (daughter), Kevuriayah (son), Kandiah (son)
Q 230—19.12.50	... Sinna Suppan Coomarasamy alias Comaravel, Cymru Division, Tangakelle Estate, Lindulla	Theivanai (wife), Kanagambal (daughter), Sarathambal (daughter), Salatchy (daughter), Ramavel (son), Perumal (step son), Jayaramu (daughter)
C 3186-A—24.8.58 10—17/3	... Lly Grade Pillai, wife of Charles Fazal Rahim, 227, Union Place, Colombo 2	Phillip Kumar (son), Robert Clifford Rahim (son), Douglas Stanley (son)

### Miscellaneous Departmental Notices

#### THE CONVERSION OF ESTATE ROADS INTO PUBLIC ROADS ACT, No. 18 OF 1956

BY virtue of the powers vested in me by section 2 of the Conversion of Estate Roads Act, No. 18 of 1956, I, Wijeyapala Tudor Jayasinghe, Government Agent of the Administrative District of Kegalla, do by this Order—

(a) declare—

- (i) that the estate road more fully described in the Schedule hereto shall be a public road ; and
- (ii) that the portions of land belonging to Karandupona Estate and Epalawa Estate and depicted in the sketch attached to this order shall be a road reservation for the purpose of the widening, extension and diversion of such road ; and

(b) determine, after consultation with the Director of Public Works, that the responsibility for the maintenance of the estate road referred to in paragraph (a) shall be imposed on the owners of the Estates affected by this Order.

The Kachcheri,  
Kegalla, August 20, 1960.

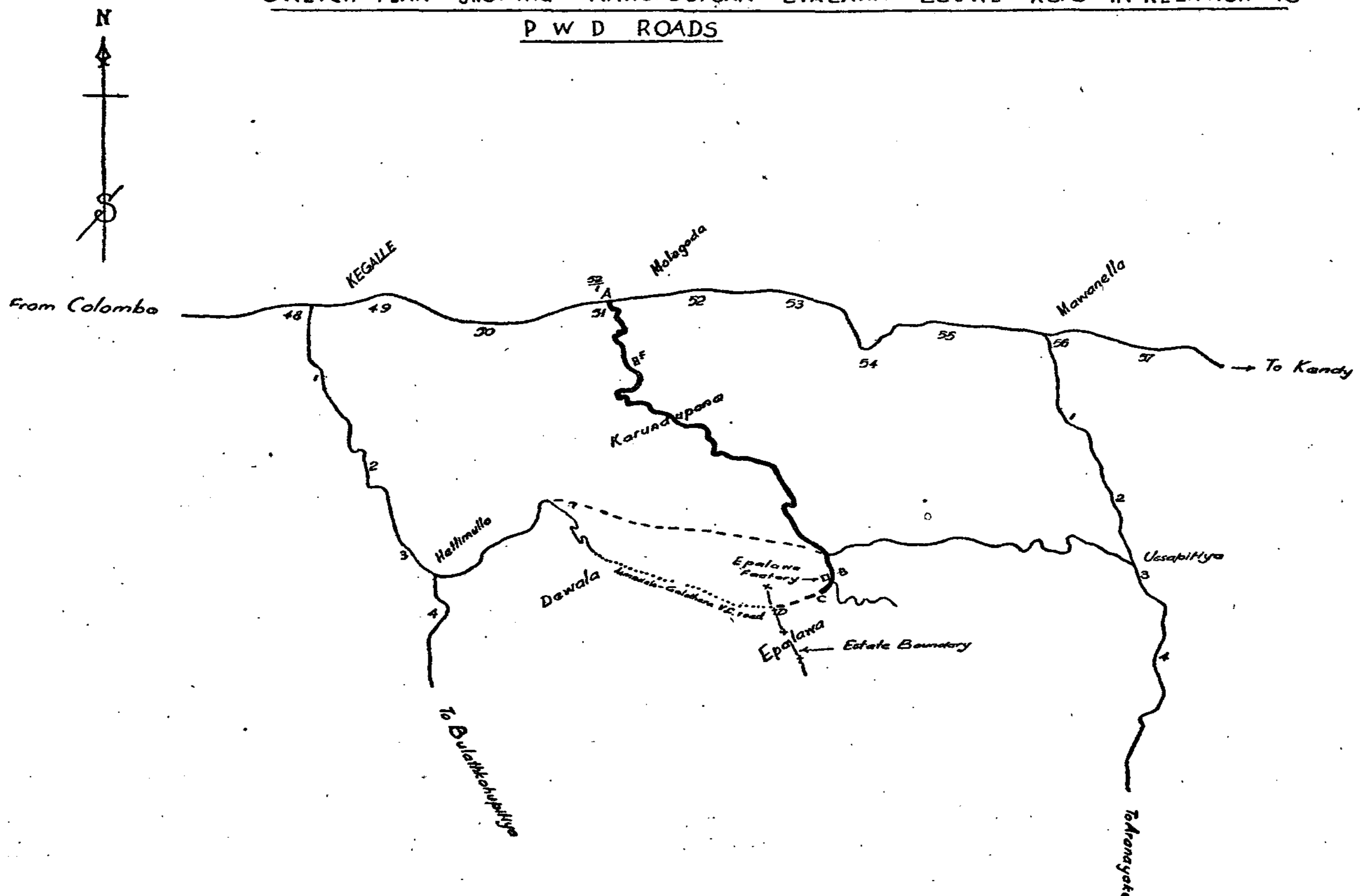
W. T. JAYASINGHE,  
Government Agent of the  
Administrative District of Kegalla.

#### Schedule

The Estate road 6 miles in length, situated in Karandupona and Epalawa Estates branching off from the Colombo-Kandy Public Works Department road near the 52/1 culvert and connecting the latter road with the Asmadala-Galatara Village Committee Road.

9450

#### SKETCH PLAN SHOWING KARUNDUPONA EPALAWA ESTATE ROAD IN RELATION TO P W D ROADS



**K/VIDYALOKA VIDYALAYA (PIRIVENA) KETAWALA, LEWULA**

NOTICE is hereby given for the information of the general public that the above Pirivena situated at Ketawala, Lewula, in the Kandy District of the Central Province, and under the management of Rev. Ketawala Pannakiththi Thero, has been provisionally registered as a grant-in-aid Pirivena with effect from 1.10.58.

S. F. DE SILVA,  
Director of Education.

ASW. 158,  
Education Department,  
Malay Street,  
Colombo 2, 29th September, 1960.  
10-39

Name of Society	Date of Closure
(6) Wattaddara West Co-operative Stores Society Ltd. ...	14.6.60
(7) Kosgama Huluganga Co-operative Stores Society Ltd. ...	15.6.60
(8) Nikapotha Co-operative Stores Society Ltd. ...	6.7.60
(9) Vilana Pallegama Co-operative Society Ltd. ...	6.7.60
(10) Maturata Co-operative Stores Society Ltd. ...	8.7.60
(11) Nainativu North Nagapooshani Co-operative Stores Society Ltd. ...	8.7.60

R. SAMABASEKERA,  
Acting Deputy Commissioner of Co-operative Development and Acting Deputy Registrar of Co-operative Societies.

Co-operative Department,  
P. O. Box 419,  
Colombo, 27th September, 1960.  
9397

**THE CO-OPERATIVE SOCIETIES ORDINANCE, No. 16 OF 1936**

**Closure of Liquidation Proceedings of Co-operative Societies**

IN terms of section 44 (2) of the Co-operative Societies Ordinance notice is hereby given of the closing of the liquidation of each of the under-mentioned societies on the date noted against such society:—

Name of Society	Date of Closure
(1) Narampanawa Co-operative Stores Society Ltd. ...	3.6.60
(2) Thalvupadu Co-operative Textile Weavers' Society Ltd. ...	4.6.60
(3) Nandana Co-operative Stores Society Ltd. ...	7.6.60
(4) Rambukwella Co-operative Stores Society Ltd. ...	13.6.60
(5) Thopawewa Co-operative Thrift and Credit Society Unltd. ...	14.6.60

**UYA DIVISION—KOSLANDA DISTRICT**

**Interruption to Traffic on Batticaloa-Moneragala Road at Bridge No. 159/4 between the hours of 6 p.m. and 6 a.m.**

BRIDGE No. 159/4 and approaches to a distance of 100 feet on either side of it will be closed for vehicular traffic between the hours of 6 p.m. and 6 a.m. from 10.10.60 to 16.10.60, for the purpose of pipelaying operations of the Moneragala Water Supply Scheme.

T. GUNARATNAM,  
for Director of Public Works.  
Public Works Department,  
Colombo, September, 1960.  
9680

**NOTICE**

IT is hereby notified that in view of the Public Holiday on Wednesday, October 19, 1960, all Notices and Advertisements for publication in the *Ceylon Government Gazette* of October 21, 1960, should reach the Government Press not later than 12.30 p.m. on Saturday, October 15, 1960.

Government Press,  
Colombo, September 27, 1960.

BERNARD de SILVA,  
Government Printer.

**REVISED SCALE OF CHARGES FOR NOTICES AND ADVERTISEMENTS  
AS FROM JANUARY 1, 1955**

CEYLON GOVERNMENT GAZETTE

(Issued on every Friday)

1. All Notices and Advertisements are published at the risk of the Advertisers.
2. All Notices and Advertisements by Private Advertisers may be handed in or sent direct by post together with full payment to the Government Printer, Government Press, Colombo.
3. The office hours are from 9 a.m. to 4.30 p.m. on week days and 9 a.m. to 1 p.m. on Saturdays.
4. Cash transactions close at 3.30 p.m. on week days and at 12 noon on Saturdays.
5. All Notices and Advertisements must be prepaid. Notices and Advertisements sent direct by post should be accompanied by Money Order, Postal Order or Cheque, made payable to the Government Printer. Postage stamps will not be accepted in payment of advertisements.
6. To avoid errors and delay, "copy" should be on one side of the paper only and preferably typewritten.
7. All signatures should be repeated in block letters below the written signature.
8. Trade Advertisements or Notices *re* change of name are not accepted for publication.
9. Advertisements purporting to be issued under orders of Courts will not be inserted unless signed or attested by a Proctor of the Supreme Court.
10. The authorized Scale of Charges for Notices and Advertisements as from 1st January, 1955, is as follows:—

		<i>Rs. c.</i>
One inch or less	..	10 0
Every additional inch or fraction thereof	..	5 0
One column or $\frac{1}{2}$ page of <i>Gazette</i>	..	60 0
Two columns or one page of <i>Gazette</i>	..	120 0

All fractions of an inch will be charged for at the full inch rate.

11. The Ceylon Government Gazette is published every Friday. Day of publication is subject to alteration in any week where Public Holidays intervene.
12. All Notices and Advertisements should reach the Government Printer, Government Press, Colombo, by 3.30 p.m., four working days previous to day of publication—(i.e., normally 8.30 p.m. on Monday).
13. Subscriptions are booked in advance by the Superintendent, Government Publications Bureau, Colombo, to the end of a year or half year only.
14. Rates of subscription—

		<i>Rs. c.</i>
Annual subscription..	..	{ 15 0 for each Part { 7 0 for each section of Part I
Single copies of each Part	..	{ 25 cents { 31 cents by Post
Each section of Part I	..	{ 10 cents { 14 cents by Post

15. Past issues, when available, will be charged for at double rates. Application should be made to the Superintendent, Government Publications Bureau, Colombo.