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THE CEYLON GOVERNMENT GAZETTE

අංක 14,554 — 1965 නොවැම්බර් 12 වැනි සිකුරාදා — 1965.11.12

No. 14,554 — FRIDAY, NOVEMBER 12, 1965

(Published by Authority)

PART I: SECTION (I)—GENERAL

(Separate paging is given to each language of every Part in order that it may be filed separately)

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Appointments, &c., by the Governor-General

No. 414 of 1965

G.G. O. No. N. 108/65.

IT is hereby notified that the GOVERNOR-GENERAL has been pleased, under section 19 of the Commissions of Inquiry Act (Chapter 393), to appoint Mr. PATTIYAGE ANANDA TISSA GUNASINGHE of the Ceylon Administrative Service, to be, with effect from 6th October, 1965, the Secretary to the People's Bank Commission appointed on 5th October, 1965, under the aforesaid Act.

By His Excellency's command,

N. WIJEWARDANE,
Secretary to the Governor-General.

Governor-General's Office,
Colombo, 4th November, 1965.

11-404

No. 415 of 1965

G.G. O. No. N. 109/65.

IT is hereby notified that the GOVERNOR-GENERAL has been pleased, under section 19 (1) of the Commissions of Inquiry Act (Chapter 393), to appoint S. SIVARASA, Esq., Crown Counsel, to be, with effect from 25th October, 1965, the Secretary to the Commission to inquire into contracts, taken by any person or group of persons by tendering or not, for the construction of buildings for Government Departments or any other work, appointed on 22nd October, 1965, under the aforesaid Act.

By His Excellency's command,

N. WIJEWARDANE,
Secretary to the Governor-General.

Governor-General's Office,
Colombo, 5th November, 1965.

11-423

No. 416 of 1965

No. D. 250/Rect./3

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

The undermentioned officer to be Temporary Major with effect from July 1, 1965:—

Captain YAPAWANNUKU RAJAPAKSE MUDIYANSELAGE PERCY WIJERUON, C.A.

By His Excellency's command,

M. G. V. P. W. SAMARASINGHE,
Permanent Secretary,
Ministry of Defence and External Affairs.

Colombo, November 2, 1965.

11-443

No. 417 of 1965

No. D/VF/42 (iii).

ARMY—C. V. F.—PROMOTION APPROVED BY HIS EXCELLENCY THE GOVERNOR-GENERAL

To be Brevet Colonel with effect from October 1, 1965—

Lieutenant-Colonel BERTRAM LUCIAN SENEVIRATNE, M.B.E., E.D.

By His Excellency's command,

M. G. V. P. W. SAMARASINGHE,
Permanent Secretary,

Ministry of Defence and External Affairs.

Colombo, November 2, 1965.

11-442

No. 418 of 1965

No. D/VF/30.

ARMY—C. V. F.—RELINQUISHMENT AND POSTING APPROVED BY HIS EXCELLENCY THE GOVERNOR-GENERAL

(a) Relinquishment

Lieutenant-Colonel HENRY STANLEY RODRIGO GUNAWARDENA, C.C.C., relinquishes the command of the Ceylon Cadet Corps, with effect from October 1, 1965.

(b) Posting

Lieutenant-Colonel HENRY STANLEY RODRIGO GUNAWARDENA, C.C.C., is posted to the Reserve of the Ceylon Cadet Corps, with effect from October 1, 1965.

By His Excellency's command,

M. G. V. P. W. SAMARASINGHE,
Permanent Secretary,

Ministry of Defence and External Affairs.

Colombo, November 2, 1965.

11-453/1

No. 419 of 1965

No. D/VF/30.

ARMY—C. V. F.—RELINQUISHMENT AND POSTING APPROVED BY HIS EXCELLENCY THE GOVERNOR-GENERAL

(a) Relinquishment

Brevet Colonel MORAWAKKORALAGE CECIL FONSEKA ABAYARUON, E.D., to relinquish the command of the Ceylon Army Pioneer Corps, with effect from October 1, 1965.

(b) Posting

Brevet Colonel MORAWAKKORALAGE CECIL FONSEKA ABAYARUON, E.D., to be posted to the Reserve of the Ceylon Army Pioneer Corps, with effect from October 1, 1965.

By His Excellency's command,

M. G. V. P. W. SAMARASINGHE,
Permanent Secretary,

Ministry of Defence and External Affairs.

Colombo, November 2, 1965.

11-453/2

No. 420 of 1965

Appointments, &c., by the Judicial Service Commission

SUMMARY OF APPOINTMENTS MADE BY THE JUDICIAL SERVICE COMMISSION

Name of Officer	New Appointment	Effective Date of New Appointment	Remarks
Mr. H. B. PERERA	Acting Magistrate, etc., Kurunegala	26th October and 9th to 13th December, 1965	During absence of Mr. D. S. NETHSINGHE
Mr. M. W. R. DE SILVA	Acting Additional District Judge, Kandy, at Gampola, etc.	5th to 9th November, 1965	During absence of Mr. V.M.CUMARASWAMY
Mr. S. MATHAVARAJAH	Acting District Judge, etc., Trincomalee	29th October to 1st November, 1965	During absence of Mr. J. G. ASEERWATHAM
Mr. A. T. BASNAYAKE	Acting Magistrate, etc., Gampaha	10th and 11th December, 1965	During absence of Messrs. B. E. DE SILVA and M.JAMEEL
Mr. C. L. W. PERERA	Acting Additional Magistrate, etc., Kurunegala	10th December, 1965	During absence of Mr. D. S. NETHSINGHE
Mr. H. E. S. WICKREMARATNE	Acting Additional Magistrate, Colombo, at Colombo South, etc.	27th and 28th October, 1965	During absence of Mr. J. G. L. SWARIS
Mr. D. St. E. AMERASINGHE	Acting District Judge, etc., Avissawella	9th to 12th December, 1965	During absence of Messrs. A. VYTHILINGAM and S. B. GOONEWARDENA
Mr. H. S. A. PERERA	Acting Additional Magistrate, Kurunegala, at Kanadulla, etc.	29th to 31st October and 9th to 12th December, 1965	During absence of Mr. S. JOKANATHAN
Mr. E. B. WEERAKOON	Acting Additional Magistrate, etc., Colombo	28th October, 1965	During absence of Mr. J. B. C. SWARIS
Mr. H. G. PANDITHASEKERA	Acting District Judge, etc. Chilaw	3rd November, 1965	During absence of Mr. A. S. PONNAMBALAM
Mr. V. THILYANATHAN	Acting Commissioner of Requests, etc., Colombo	27th October and 4th November, 1965	During absence of Mr. C. B. WALGAMPAYA
Mr. W. J. FONSEKA	Acting Magistrate, etc., Panadura	30th October and 6th to 8th November, 1965	During absence of Mr. T. D. G. DE ALWIS
Mr. T. P. C. CARRON	Acting District Judge, etc., Negombo	1st November, 1965	During absence of Mr. I. M. ISMAIL
Mr. T. ASIRWATHAM	Acting District Judge, etc., Ratnapura	5th November, 1965	During absence of Mr. S. S. KULATILAKE
Mr. T. P. C. CARRON	Acting Magistrate, etc., Negombo	3rd November, 1965	During absence of Mr. D.E.DHARMASEKERA
Mr. P. N. BARTHOLOMEUSZ	Acting District Judge, etc., Nuwara Eliya	5th to 9th November, 1965	During absence of Mr. E. F. DE ZILVA
Mr. S. P. WIJAYATILAKE	Acting Additional District Judge, Kandy, at Matale, etc.	5th to 9th November, 1965	During absence of Mr. D. W. K. LADDUWAHETTY
Mr. H. A. JAYAWICKREMA	Acting District Judge, etc., Anuradhapura	From 31st October, 1965	Until resumption of duties by Mr. S. N. RAJADURAI
Mr. N. EDWARDS	Acting Additional District Judge, Batticaloa	4th to 9th November, 1965	During absence of Mr. K. C. E. DE ALWIS
Mr. C. H. UDALAGAMA	Acting Magistrate, etc., Kegalla	5th to 9th November, 1965	During absence of Mr. W. P. N. DE SILVA
Mr. T. SRI PATHMANATHAN	Acting President, Rural Court, Wellossa-Bintenne etc.	4th and 5th November, 1965	During absence of Mr. K. G. JAYASENA
Mr. B. L. ABEYRATNE	Acting President, Rural Court, Kuruwiti Korale, etc.	1st to 3rd November, 1965	During absence of Mr. G. H. G. F. N. DE SILVA
Mr. P. WANASUNDERA	Acting President, Rural Court, Kuruwiti Korale, etc.	4th to 6th November, 1965	During absence of Mr. G. H. G. F. N. DE SILVA
Mr. A. W. A. EMMANUEL	Additional President, Rural Court, Dewameddi Hatpattu, etc.	From 22nd November, 1965	To hear determine and deliver judgment in R. C. Wariyapola Case No. 2575

C. E. JAYAWARDENA,
Secretary,
Judicial Service Commission.

Office of the Judicial Service Commission,
P. O. Box 573,
Colombo, 4th November, 1965.

11-406/

Other Appointments, &c.

No. 421 of 1965

APPOINTMENTS BY THE HONOURABLE THE MINISTER OF JUSTICE

Justices of the Peace

No. 4/1965. 14/15.

(1) Mr. VIDANA GAMACHCHIGE DON NICHOLAS CHANDRASEKERA to be a Justice of the Peace for the Judicial District of Galle.

No. 4/1965. 37/16.

(2) Mr. AMARASINGHE ARACHCHIGE MUDALIHAMY GUNARATNE to be a Justice of the Peace for the Judicial District of Ratnapura.

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

Ministry of Justice,
Colombo, 6th November, 1965.

11-457

No. 422 of 1965

THE Honourable the Minister of Home Affairs has appointed Mr. EARL DUNSTAN MILROY JAYAWARDENA, to be a Notary Public throughout the judicial division of Kegalle, and to practise as such in the English language.

11-382

No. 423 of 1965

THE Honourable the Minister of Home Affairs has appointed Mr. ELAIYATHAMBY KASINATHAR, to be a Notary Public throughout the judicial division of Jaffna, with residence and office at Alaveddy and to practise as such in the Tamil language.

11-322

Government Notifications

No. PR/AF/7.

L. D.—B. 23/63.

THE FINANCE ACT, No. 11 OF 1963

Order under Section 121 (1)

BY virtue of the powers vested in me by section 121 (1) of the Finance Act, No. 11 of 1963, I, Ukku Banda Wanninayake, Minister of Finance, do by this Order, declare, arrack supplied by any person to the Government of Ceylon under any contract or contracts subsisting on the first day of January 1964, to be an excepted article for the purposes of Part XII of the aforesaid Act.

U. B. WANNINAYAKE,
Minister of Finance.

Colombo, November 1, 1965.

11—360

BUDDHIST TEMPORALITIES ORDINANCE

IT is hereby notified for general information that the Honourable the Minister of Justice has been pleased, under the provisions of section 6 (1) of the Buddhist Temporalities Ordinance (Chapter 318), to appoint Mr. D. B. WIJETUNGA to be a member of the Advisory Board referred to in section 5 of the said Ordinance for a period of not exceeding five years from date hereof.

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

Ministry of Justice,
Colombo 12, 3rd November, 1965.

11—459

L. D.—B. 18/46.

**THE COMMISSIONER OF CO-OPERATIVE DEVELOPMENT
(DEFINITION OF POWERS) ORDINANCE**

Order

IN pursuance of the powers vested in me by section 3 of the Commissioner of Co-operative Development (Definition of Powers) Ordinance (Chapter 127), I, Mahapitiyage Velin Peter Peiris, Minister of Commerce and Trade, do by this Order, amend the Order published in *Gazette* No. 14,390 of May 7, 1965, in the Schedule thereto by the insertion, at the end of Column 1 thereof, of the following:—

“ Kurukulasuriya Emmanuel Julian Edgar Fernando
Henry Wilfred Pararajasagra Sandrasagra ”.

M. V. P. PEIRIS,
Minister of Commerce and Trade.

Colombo, November 1, 1965.

11—331

THE AIR NAVIGATION ACT

REGULATION made by the Minister of Communications by virtue of the powers vested in him by section 24 of the Air Navigation Act (Chapter 365).

E. L. B. HURULLE,
Minister of Communications.

Colombo, 5th November, 1965.

Regulation

The Ceylon Air Navigation Regulations, 1955, published in the *Supplement to Gazette* No. 10,812 of July 1, 1955, as amended from time to time, are hereby further amended with effect from the date on which this regulation is published in the *Gazette* as follows:—

(1) in regulation 158 thereof, by the substitution, for the words “ by the Director.”; of the following:—

“ by the Director. This requirement shall also apply in the case of a co-pilot, in every case where the operations Manual relating to an aircraft requires such aircraft to carry a co-pilot.”; and

(2) by the rescission of regulation 294 thereof.

11—326

IT is hereby notified for general information that Mr. Karl Gauss has ceased to function as Honorary Consul for Norway at Colombo, with effect from 1st October, 1965.

G. V. P. SAMARASINGHE,
Permanent Secretary,

Ministry of Defence and External Affairs.

Ministry of Defence and External Affairs,
Senate Building,

Colombo 1, 28th October, 1965.

11-303/1

No. PR/AF/7.

THE Honourable the Minister of External Affairs has been pleased to recognise Mr. Michael Athoe, provisionally, as Honorary Consul for Norway at Colombo, with effect from 1st October, 1965.

G. V. P. SAMARASINGHE,
Permanent Secretary,

Ministry of Defence and External Affairs.

Ministry of Defence and External Affairs,
Senate Building,

Colombo 1, 28th October, 1965.

11-303/2

PORT OF COLOMBO (ADMINISTRATION) ACT

Notification under Section 14 (3)

IT is hereby notified that the regulation made by the Minister of Communications under section 12 of the Port of Colombo (Administration) Act, No. 10 of 1950, and published in *Gazette* No. 14,187 of October 2, 1964, is deemed to be rescinded with effect from January 2, 1965.

M. RAJENDRA,
Permanent Secretary,

Ministry of Nationalized Services.

Colombo, 28th October, 1965.

11—315/1

PORT OF COLOMBO (ADMINISTRATION) ACT

REGULATION made by the Minister of Nationalized Services under section 12 of the Port of Colombo (Administration) Act (Chapter 238).

D. B. WELAGEDARA,
Acting Minister of Nationalized Services.

Colombo, 28th October, 1965.

Regulation

For the supply of fresh water to vessels using the Graving Dock and Guide Pier in the Port of Colombo, a charge calculated at the rate of Rs. 10.50 for each 1,000 gallons or part thereof, of such supply shall be levied by the Port Commissioner.

11—315/2

My No. C/I. 517.

THE INDUSTRIAL DISPUTES ACT, CHAPTER 131

THE Award transmitted to the Commissioner of Labour by the Arbitrator to whom the industrial dispute which had arisen between The Ceylon Mercantile Union, 22, 1/1, Upper Chatham Street, Colombo 1, and Richard Peiris and Company Ltd., 69, Hyde Park Corner, P. O. Box 144, Colombo 2, was referred by Order dated September 18, 1964, made under section 4 (1) of the Industrial Disputes Act, Chapter 131, as amended by the Industrial Disputes (Amendment) Acts, Nos. 14 and 62 of 1957, and 4 of 1962 and published in *Ceylon Government Gazette* No. 14,187 of October 2, 1964, for settlement by arbitration is hereby published in terms of section 18 (1) of the said Act.

R. L. GUNASEKERA,

Acting Commissioner of Labour.

Department of Labour,
Colombo 3, 28th October, 1965.

In the matter of an industrial dispute
between

The Ceylon Mercantile Union, 22, 1/1, Upper Chatham
Street, Colombo

and

Richard Peiris & Company, Limited, 69, Hyde Park Corner,
P. O. Box 144, Colombo

Award

This industrial dispute had been referred to me for settlement by arbitration by the Minister of Labour and Housing by his Order dated 18th September, 1964, made under section

4 (1) of the Industrial Disputes Act, Chapter 131 of the Legislative Enactments of Ceylon (1956 Revised Edition) as amended by Acts, Nos. 14 of 1957, 62 of 1957 and 4 of 1962.

The matters in dispute between the Ceylon Mercantile Union and Messrs. Richard Peiris & Company, Limited, are:—

- (1) Whether the termination of employment of Mr. D. W. K. Witharana is justified and to what relief he is entitled;
- (2) Whether the termination of the employment of Mr. H. Karunadasa is justified and to what relief he is entitled; and
- (3) Whether the suspension without pay from 18.2.61 to 14.9.61 and the demotion from Assistant Foreman, Grade IA to Clerk, Grade I of Mr. P. K. A. K. de Silva is justified and to what relief he is entitled.

These matters in dispute were first mentioned before this Court on 9.3.65. Miss May Wickremasooriya appeared for the Ceylon Mercantile Union and Mr. R. Yogarajah, appeared for Messrs. Richard Peiris & Company, Limited. On the application of the representative of the Ceylon Mercantile Union, the matter was adjourned for the 20th of April, 1965. On the 20th of April, 1965, Mr. N. H. J. Doraisamy appeared for the Ceylon Mercantile Union and Mr. Richard Peiris represented the Firm assisted by Mr. R. Yogarajah and Mr. Henry Peiris.

The matter in dispute with regard to Mr. D. W. K. Witharana was settled on the agreement that the employer should pay Mr. Witharana a sum of Rs. 1,000 ex-gratia. The Union withdrew all its claims on account of the termination of employment of Mr. Witharana.

I shall next deal with the third matter regarding the suspension of services and the alleged demotion of Mr. P. K. A. K. de Silva. This matter too was taken up on 20.4.65 in the presence of Mr. Tampoe with Mr. Doraisamy for the Ceylon Mercantile Union and Mr. Richard Peiris on behalf of the Employer and the matter in dispute was settled on the following terms:—

- (1) The employer agreed to pay the employee three months' salary in lieu of the six months period of his suspension from 18.2.61;
- (2) It was agreed that the employee be transferred back to the Rubber Factory to work in the same capacity in which he was working prior to 18.2.61;
- (3) The employee himself who was present indicated his desire to be so transferred.

The only matter remaining was with regard to the termination of employment of Mr. H. Karunadasa. The following were the charges made against him at the Domestic Inquiry which was held by the Employer:—

- (1) That he being an employee of the Company did between 1.3.62 and 16.3.62, in the course of effecting repairs in the workshop to his private car bearing number EL 7268 enumerated in the Repair Order bearing number 84278 cause repairs to be effected to—
 - (a) the clutch;
 - (b) the master and slave cylinders;
 for all of which no charges have been paid by him, thereby defrauding the Company.
- (2) That he did between those dates in the course of effecting those repairs cause repairs to be effected to an air leak in the right rear wheel for which no charge had been paid by him.
- (3) That he had failed to record in the Repair Order No. 84278 the spare parts supplied by him for the repair in the workshops of his car and thereby defraud the Company, or in the alternative to Charge (3), that he did fail to record in the Repair Order the spare parts supplied by him for the repair in the workshop of his car and thereby was guilty of negligence.
- (4) That he being an employee in the Company did, in the course of effecting repairs in the workshop, fail to record the working time in full in the release copy of the Repair Order and in the release work cards and thereby cause loss to the Company.
- (5) That he being an employee of the Company between the said dates while effecting repairs to the said car enumerated in the aforesaid Repair Order, did fail to close the Repair Order after the work was completed and thereby cause loss to the Company, or in the alternative that he being an employee of the Company did, between the aforesaid dates, while effecting the repairs in the workshop to the aforesaid car did use the car after the repairs were completed but without closing the Repair Order and without paying the bill and thereby did commit an act of misconduct.

On the first date this matter was taken up, namely, 29.4.65, Mr. Prins Rajasooriya, instructed by Mr. R. S. Raghavan appeared for the Ceylon Mercantile Union while Mr. N. Nadarasa instructed by Mr. Ivor de Saram appeared for the Employer.

Mr. Rajasooriya contended that he would not ask that the employee should be taken back and it was his submission that if the Company did make an offer sufficiently attractive, he might go elsewhere as far as his employment was concerned.

The Lawyers for the Employer opened the case by marking the 'white' copy of the Repair Order 'E 1', which was filled up when the employee brought his Ford Anglia car No. EL 7268 to the workshop for repairs on 1.3.62. The initial repair for which the car was brought in and in which was entered the item was to, "fix radio speaker supplied" (supplied by Karunadasa). The evidence of the employee, Karunadasa, at the Domestic Inquiry bears out the submission of the Employer's answer that the only item for which the car was originally brought in was for this item of work. Later, the following items had been added:—

- (1) Overhaul gear box;
- (2) Overhaul brake master cylinder;
- (3) Repair air leak on the right rear wheel and remove right rear wheel; and
- (4) Repair exhaust leak.

The 'white' Repair Order which was produced marked E. 1 and the buff copy E. 2 both bear the stamp "Cash" as opposed to Credit. It is significant as was pointed out that the first item, "fix radio speaker supplied" as contended in both E. 1 and E. 2 are in "blue" pencil while the additions were in "ink". It was pointed out that there was a significant absence of any reference to any repairs to the clutch assembly or the clutch master cylinder or the clutch slave cylinder in either E. 1 or E. 2.

The parts necessary for the repairs to the car were requisitioned on E. 3 to E. 9. E. 3 and E. 4 were for the gear box, locks and rings and the packing for the gear box. On the 7th of March by E. 5 and E. 6 further parts were requisitioned. On the 9th a significant requisition had been made by the employee, namely two master cylinder washers, among other parts, were obtained for the overhaul of the hydraulic system. It was pointed out that for the overhaul of the brake master cylinder only one brake master cylinder washer was necessary, but as was contended and admitted by the employee in the Domestic Inquiry, the master cylinder washer for the brake system was identical with the clutch master cylinder washer. The evidence of the employee in the Domestic Inquiry was marked in evidence E. 12. The requisitions E. 8 to E. 9 are quite illuminating in this respect when considering the first Charge laid against the employee in Charge 1.

During the proceedings of the Domestic Inquiry, Mr. Karunadasa has said that he was quite aware that the parts required for overhauling the brake master cylinder could also be used for repairing the clutch master cylinder, have been drawn twice. He said that when the gear box was removed the clutch was also removed and he said that he showed the clutch to Mr. David Peiris, who is a Superior Officer and that he replaced a second-hand clutch disc and a pressure plate in the clutch after showing them to Mr. David Peiris. He admitted that the work done in replacing the second-hand clutch disc and the pressure plate in the clutch were not entered as work done in the Job Card, but he said that he got the approval of Mr. Peiris to do so and that he considered it a 'no charge' job, but in the course of cross-examination during the Domestic Inquiry he admitted that there was a flat rate schedule laid down for certain items of work. He admitted that the overhaul of a clutch is listed in the flat rate schedule and the number of the item was item 9 in section 9 under the gear box column. It is in evidence that once the gear box is removed the removal of the clutch is a simpler task, but nevertheless even after the gear box had been removed any overhaul of the clutch was an item which was referred to in the flat rate schedule. He is unable to remember whether he referred to Mr. David Peiris before or after the clutch had been dismantled but he later admitted that when he requested Mr. Peiris' permission to remove the clutch, he did not know that a repair to the clutch was necessary. In view of this, his statement that Mr. David Peiris gave him permission to fit a second-hand clutch disc and pressure plate before the clutch was dismantled seems ridiculous. When confronted with the inconsistency in the positions he had taken up, he had given this answer at that Inquiry—"I don't know exactly whether I asked his permission to remove and examine it (clutch) or whether I went to him after removing the clutch". Mr. Karunadasa's position is that the parts required for repairing the clutch master cylinder was not fitted on in the workshop, but had been removed by him when the car was finally taken away. They had been entered in the requisition as parts for the brake master cylinder. There was no entry either in E. 1 or E. 2 or in any of the requisition to show that any work had been done with reference to the clutch. On the very day he had requisitioned these relevant parts he has filled up a Gate Pass for another customer to remove parts of brake linings which had been requisitioned from the Stores but had not been fitted on that customer's car. That was on 9.3.62, but still no Gate Pass had been obtained for the removal of the parts which he had requisitioned for his clutch master cylinder or his slave cylinder. There is a preponderance of evidence which had not been contradicted which shows clearly that the employee had taken advantage of his position to get work done on the clutch of his car which he has not entered either in E. 1 or E. 2, and for which no Gate Pass had been issued. Even his suggestion that he obtained a second-hand disc and a pressure plate for the clutch is open to very grave doubt.

Mr. Karunadasa also admitted that the work on his car had been completed on 16.3.62, but the date of completion of the work is entered as 29.3.62. In the meantime, he had removed the car from the premises of Messrs. Richard Peiris on several occasions on the basis that the work was incomplete. He says he did not close the Repair Order for 13 days because he did not have the money to pay and he was waiting till he got his salary. He also admitted that by keeping this Repair Order open he was able to get the staff discount which he would not have got if it was a credit job. Apart from that, the normal rate of charges of customers for work that was done was at the rate of Rs. 2.60 per hour. The staff rate was Rs. 1.43 per hour. Therefore, on the labour rates on a cash job he would have got a discount of Rs. 1.17 per hour. On a credit job he would not have got that discount. Further, on the flat rate schedule, on a cash job, members of the staff use to get a discount of 40% which they would not have got on a credit job. He admitted that the responsibility of closing the Repair Order was his. It is thus quite clear that he had caused definite loss to his employer by his own remissness.

I must admit that such remissness though it involved the employer in loss, may not have been committed by him with a deliberate intention to defraud, but his conduct with regard to obtaining the spare parts on the requisition which described the parts as being required for the brake cylinder whereas it is more than clear that they had been utilised for the repair of his clutch and his deliberate omission to make any reference to the repairs effected to his clutch in any of the documents produced in my mind, amount to deliberate fraud. In view of my finding on these two matters, namely, on Charge 1 and Charge 5 framed against Mr. Karunadasa in the Domestic Inquiry, I consider it unnecessary to go into the other matters referred to in that Inquiry.

I therefore hold that the discontinuance of Mr. Karunadasa from the service of Messrs. Richard Peiris & Company, Limited is amply justified.

I make award accordingly.

D. E. WIJEWARDENA,
Arbitrator.

Colombo, 21st October, 1965.

11-318

My No. C/I. 12.

THE INDUSTRIAL DISPUTES ACT, CHAPTER 131

THE Award transmitted to the Commissioner of Labour by the Arbitrator to whom the Industrial dispute which had arisen between The Ceylon Mercantile Union, 22 1/1, Upper Chatham Street, Colombo 1 and Brown & Co. Ltd., 48, Darley Road, Colombo 10, was referred under section 3 (1) (d) of the Industrial Disputes Act, Chapter 131 as amended by the Industrial Disputes (Amendment) Acts, Nos. 14 and 62 of 1957 and 4 of 1962 for settlement by arbitration is hereby published in terms of section 18 (1) of the said Act.

R. L. GUNASEKERA,
Acting Commissioner of Labour.

Department of Labour,
Colombo 3, 27th October, 1965.

A-512

In the matter of an industrial dispute
between

The Ceylon Mercantile Union, 22 1/1, Upper
Chatham Street, Colombo 1,

and

Messrs. Brown & Company Limited, 481, Darley Road,
Colombo 10

The Award

The Commissioner of Labour, by his Order dated 10.3.65, made under section 3 (1) (d) of the Industrial Disputes Act, Chapter 131 of the Legislative Enactments of Ceylon (Revised Edition 1956), as amended by Industrial Disputes (Amendment) Acts Nos. 14 and 62 of 1957, and 4 of 1962 referred this matter to me for settlement by arbitration.

2. The matter in dispute between The Ceylon Mercantile Union and Messrs. Brown & Company Limited is "Whether the termination of services of Mr. G. Kumaran by Messrs. Brown & Company Limited was justified and to what relief, if any, is Mr. Kumaran entitled."

3. Mr. K. Nagalingam, Assistant Secretary, Employers' Federation of Ceylon, appeared for Messrs. Brown & Company Limited and Mr. Prins Rajasooriya appeared for The Ceylon Mercantile Union.

4. The matter was taken up for inquiry on 27.9.65 and 28.9.65. On 8.10.65 both parties informed me that the sum of Rs. 2,500 suggested by me at the last sitting was acceptable by them.

This will not include the 10 days' salary for March 1964 which is due to Mr. Kumaran, and any other statutory dues that accrue to him. The Company has also agreed to issue a certificate of service to Mr. Kumaran.

5. I consider this settlement fair and equitable and I make award accordingly. I order that payment of the sum of Rs. 2,500 be made, within two weeks of the date of publication of this award in the Government Gazette, to Mr. G. Kumaran, c/o Mr. T. K. Kandiah, Rothschild Estate, Pussellawa, through the Assistant Commissioner of Labour, Hatton, as Mr. Kumaran is a resident of Pussellawa.

K. M. DE LANEROLLE,
Arbitrator.

Colombo, October 16, 1965.

11-319

TALAWILA-MARAWILA FISHING DISPUTE

THE parties to the dispute and others interested in it are hereby informed that the report of G. E. Amarasinghe, Esqr., who held an inquiry into the above fishing dispute will be read by him at 10 a.m. on December 4, 1965, at the Library Hall, Department of Fisheries, Galle Face, Colombo.

SAM H. SILVA,
Director of Fisheries.

Department of Fisheries,
Colombo 3, November 3, 1965.

11-373

Miscellaneous Departmental Notices

THE CEYLON STATE MORTGAGE BANK

AT a meeting held on the 28th of June, 1965 the Board of Directors of the Ceylon State Mortgage Bank resolved specially and unanimously:—

(a) that a sum of Rs. 6,670.60 is due from Mr. Malnada Marakkala Simon De Silva of 103/25, Dewala Road, Brahmanawatta, Balapitiya, on account of principal and interest up to 22.4.65 and further interest at 5½ per centum per annum on the sum of Rs. 6,177.99 from 23.4.65 till date of payment on Bond No. 393 dated 15.2.60 attested by M. T. Gunawardena, Notary Public.

(b) in terms of Section 62 (1) of the Ceylon State Mortgage Bank Ordinance (Cap. 398 of Legislative Enactments of 1956) that Mr. P. W. Richard de Silva, Auctioneer of Kurunduwatte, Watagedera, be authorised and empowered to sell by public auction—All those two contiguous allotments of land called Janchi Naidegawatta alias Mudiyansegawatta marked Lots 1 and 2 in Survey Plan No. 340A dated 30th June, 1926, made by H. B. Gunawardena, Licensed Surveyor, together with the buildings thereon forming one property situated in the village Brahmanawatta bearing Assessment No. 103/25 Colombo Road within the Town Council Limits of Balapitiya in the Bentota Walallawiti Korale in the District of Galle Southern Province containing in extent One rood and seventeen decimal six seven perches (0A. 1R. 17.67P.) according to the said Survey Plan No. 340A., mortgaged to this Bank as security by Mr. Malnada Marakkala Simon De Silva of 103/25, Dewala Road, Brahmanawatta, Balapitiya, by Bond No. 393 dated 15.2.60 attested by M. T. Gunawardena, N.P., for the recovery of the sum of Rs. 6,670.60 due under the said bond together with interest at 5½ per cent per annum on the sum of Rs. 6,177.99 from 23.4.65 to date of sale and costs and monies recoverable under Section 63 of the State Mortgage Bank Ordinance.

H. B. KAPUWATTE,
Acting Manager.

Colombo, 15th October, 1965.

11-1157

THE CEYLON STATE MORTGAGE BANK

AT a meeting held on the 7th of April, 1965, the Board of Directors of the Ceylon State Mortgage Bank resolved specially and unanimously:—

- (a) that a sum of Rs. 3,860.18 is due from Mrs. Beatrice Saranasuriya Jayawickrema of Kottasa Walauwa, Gandara, on account of principal and interest up to 11.2.65 and further interest at 5½ per centum per annum on the sum of Rs. 3,382.05 from 12.2.65 till date of payment on Bond No. 2,275 dated 13.2.58 attested by E. S. Fonseka, Notary Public.
- (b) in terms of Section 62 (1) of the Ceylon State Mortgage Bank Ordinance (Cap. 398 of Legislative Enactments of 1956) that Mr. W. A. de Silva, Auctioneer of "Greves End", Matara, be authorised and empowered to sell by public auction—All that and those the two contiguous allotments marked Lots 1 and 3 in Survey Plan No. 192 dated 3.10.1948 made by R. D. Perera, L. S. of the land called Vitaranagewatta alias Kottasamahatmaya Padinchibitiyawatta now forming one property together with the trees plantations buildings and everything standing thereon situated at Gandara in Wellaboda Pattu of the District of Matara Southern Province containing in extent Two roods and two decimal one perches (0A. 2R. 02.1P.) according to the aforementioned Survey Plan No. 192., Mortgaged to this Bank as security by Mrs. Beatrice Saranasuriya Jayawickrema of Kottasa Walauwa, Gandara, by Bond No. 2,275 dated 13.2.58 attested by E. S. Fonseka, N.P., for the recovery of the sum of Rs. 3,860.18 due under the said bond together with interest at 5½ per cent per annum on the sum of Rs. 3,382.05 from 12.2.65 to date of sale and costs and monies recoverable under Section 63 of the State Mortgage Bank Ordinance.

H. B. KAPUWATTE,
Acting Manager.

Colombo, 15th October, 1965.

11-1160

RENEWAL OF FIREARM LICENCES FOR 1966—
VAVUNIYA DISTRICT

IT is hereby notified for the information of the general public that the renewal of Firearm Licences in the Vavuniya District, will be done by the Divisional Revenue Officers of the respective divisions with effect from 1st December, 1965. All applications for renewal should be made to the respective D. R. O., on or before 31st December, 1965. The 1965 licences and firearms should be produced for inspection by the Officers authorised to renew licences on my behalf. All applications for renewals received after 31st December, 1965, if entertained, will be subject to a fine equivalent to the licence fees. The D. R. O. will continue to renew licences till 31st March, 1966, on recovery of this fine.

2. Prosecutions will be entered in respect of all licences, which have not been renewed by 31st March, 1966.

D. M. P. B. DASANAYAKE,
Government Agent, Vavuniya District.

The Kachcheri,
Vavuniya, 1st November 1965.

11-324

RENEWAL OF GUN LICENCES, 1966—MATARA
DISTRICT

IT is hereby notified for the information of the general public that the renewal of gun licences and the issue of new licences in the Matara District, will be done by the Divisional Revenue Officers of the respective divisions during the period December 1st, 1965, to March 31st, 1966. All applications should therefore, be made to the officers concerned. The public are advised to renew their licences early in December, 1965.

No applications for renewal will be accepted at the Matara Kachcheri during this period.

2. It is also hereby notified that every gun in respect of which an application for renewal of licence is made, should be available for the inspection of officers authorised to renew licences on my behalf, before issue of the licences.

3. Notice is also hereby given that all licences to possess Firearms expire at the end of 1965, and shall be renewed for 1966, not later than 31st December, 1965, at the Offices of the Divisional Revenue Officers concerned. All applications for renewals received during the period 1st January, 1966 to 31st March, 1966, will be subject to a fine equivalent to the licence fee.

4. Prosecutions will be entered in respect of all licences which have not been renewed by 31st March, 1966.

F. C. PIETERSZ,
Government Agent and Licensing Authority
for Matara District.

The Kachcheri,
Matara, 30.10.1965.

11-374

IT is hereby notified for the information of the public that the Office of the Divisional Revenue Officer, Sinnala Pattu in Polonnaruwa Administrative District was shifted from the Sinnala Pattu Village Council Office building, Minneriya, to the "O. V. C. O's Bungalow" (near R.B. 3 Channel) at Hingurakgoda, on 1.10.65.

P. B. DISSANAYAKA,
for Government Agent,
Polonnaruwa District.

The Kachcheri,
Polonnaruwa, 3rd November, 1965.

11-427

CEYLON GOVERNMENT RAILWAY

Level Crossing Repairs

THE level crossing at 243m. 47c. on Neddunkulam Road on Northern Line will be closed to vehicular traffic partially from 6 p.m. to 8 p.m. on Wednesday, 24.11.65 and totally closed from 8 p.m. on Wednesday, 24.11.65 till 12 noon on Thursday, 25.11.65 for effecting repairs.

During this period traffic will be diverted over the level crossing at 243m. 68c. 43ks. Uppakulam Veethy.

N. A. VAITIALINGAM,
for General Manager of Railways.

11-312

CEYLON GOVERNMENT RAILWAY

Level Crossing Repairs

THE level crossing at 157m. 79c. 75ks. between Vavuniya and Puhankulam Railway Stations on Mannar Road on Northern Line will be totally closed to vehicular traffic from 2 a.m. to 10.30 a.m. on Sunday, 21.11.65 for effecting repairs. During this period traffic will be diverted through Vavuniya-Vaipavankulam Road (Station Road).

N. A. VAITIALINGAM,
for General Manager of Railway.

11-314

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