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THE CEYLON GOVERNMENT GAZETTE

අංක 14,917 — 1970 ජූලි 31 වැනි සිකුරාදා — 1970.7.31

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(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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No. 224 of 1970

No. D. 183/Rect.

ARMY—REGULAR FORCE—PROMOTIONS AND RELINQUISHMENT OF APPOINTMENT APPROVED BY HIS EXCELLENCY THE GOVERNOR-GENERAL

Promotion

THE undermentioned officer to be Lieutenant-Colonel with effect from March 21, 1964:—

Major (Temporary Lieutenant-Colonel) WEERASENA RAJAPAKSE, M.B.E., C.A.C.

The undermentioned officer to be Colonel with effect from April 4, 1968:—

Lieutenant-Colonel WEERASENA RAJAPAKSE, M.B.E., C.A.C.

Relinquishment of Appointment

The undermentioned officer relinquished the appointment of Commanding Officer, 1 Reconnaissance Regiment, Ceylon Armoured Corps, with effect from June 15, 1970:—

Major (Temporary Lieutenant-Colonel) SOMAWERRA DANISTER NANAYAKKARA-WASAN HAPUGALLE, C.A.C.

By His Excellency's command,

A. R. RATNAVALE,

Acting Permanent Secretary,

Ministry of Defence and External Affairs.

Colombo, July 20, 1970.

7-1162

Appointments, &c., by the Public Service Commission

No. 225 of 1970

THE Public Service Commission has ordered the following appointments:—

A. 32/69.

Mr. M. D. C. KARUNASEKARA of the Ceylon Administrative Service, Acting Additional Government Agent, Amparai District, to act, in addition to his own duties, as Deputy Commissioner of Motor Traffic for the Administrative District of Amparai, with effect from January 23, 1970, until further orders.

A. 32/69.

Mr. S. G. SAMARASINGHE of the Ceylon Administrative Service, Acting Additional Government Agent, Ratnapura District, to act, in addition to his own duties, as Deputy Commissioner of Motor Traffic for the Administrative District of Ratnapura, with effect from March 11, 1970, until further orders.

A. 29/70.

Mr. M. D. D. PIERIS of the Ceylon Administrative Service to act as Secretary to the Prime Minister, with effect from May 29, 1970.

D. A. WIJewardena,
Acting Secretary,
Public Service Commission.

Office of the Public Service Commission,

P. O. Box 500,

Colombo 1, July 24, 1970.

7-1141

SPECIAL NOTICE REGARDING FORWARDING OF NOTICES FOR PUBLICATION IN THE WEEKLY GAZETTE

ATTENTION is drawn to the Important Notice, appearing at the end of each part of this Gazette, regarding dates of publication of the future weekly Gazettes and the latest times by which Notices will be accepted by the Government Printer for publication therein. All notices for publication in the Gazette received out of times specified in the said notice will be returned to the senders concerned.

Department of the Government Printer,
Colombo, December 14, 1968.

L. W. P. PEIRIS,
Government Printer.

Appointments, &c., by the Judicial Service Commission

No. 226 of 1970

SUMMARY OF APPOINTMENTS MADE BY THE JUDICIAL SERVICE COMMISSION

Name of Officer	New Appointment	Effective Date of New Appointment	Remarks
Mr. C. B. WALGAMPAYA	.. Additional District Judge, etc., Kalutara, in addition to his other duties	From 22nd July, 1970 ..	To deliver judgment in D.C. Kalutara Cases Nos. MR. 1283, P. 2261, P. 948, P. 2141, L. 1416, D. 822, P. 1998 & P. 2400
Mr. M. A. M. HUSSAIN	.. Additional District Judge, etc., Panadura, in addition to his other duties	From 14th July, 1970 ..	To hear, determine and deliver judgment in D.C. Panadura Case No. 9877
Mr. R. D. B. JAYASEKERA	.. Additional Magistrate, etc., Colombo, in addition to his other duties	From 22nd July, 1970 ..	To hear, determine and deliver judgment in M.M.C. Colombo Cases Nos. 53025, 62320, 68319, 71241, 62653, 69204, 69647, 41149, 64836 & 59327.
Do.	.. Additional Magistrate, etc., Colombo	From 20th July, 1970 ..	Until further orders
Mr. M. P. WIJESINGHE	.. Additional District Judge, Anuradhapura, at Polonnaruwa, etc.	From 19th July, 1970 ..	During absence of Mr. A. H. E. MOLAMURE
Mr. B. R. SILVA	.. Additional Magistrate, Colombo, at Homagama	From 16th July, 1970 ..	During absence of Mr. C. AMERASINGHE
Mr. E. A. WIJEKULASURIYA	.. Supernumerary Officer and Additional Magistrate, etc., Matara	From 20th July, 1970 ..	Until further orders
Mr. K. E. KADIRGAMALINGAM	.. Additional District Judge, etc., Jaffna	3rd to 8th August, 1970 ..	During absence of Mr. I. M. ISMAIL
Do.	.. do.	.. 20th & 21st July, 1970 ..	During absence of Mr. R. PARAMAKURU
Mr. N. J. V. COORAY	.. Additional Magistrate, etc., Colombo	17th to 19th July, 1970 ..	During absence of Mr. E. F. DE ZILVA
Mr. S. MATHAVARAJAH	.. Additional District Judge, etc., Trincomalee	16th to 19th July, 1970	During absence of Mr. D. C. W. WICKREMASEKERA
Mr. S. SURAWEERA	.. Additional Magistrate, etc., Kegalle	do.	During absence of Mr. M. E. DHARMAWARDHENA
Mr. J. S. RAJAPAKSE	.. Additional Magistrate, etc., Chilaw and Puttalam	20th to 26th July, 1970	During absence of Mr. S. B. GOONEWARDENE
Mr. M. O. M. THAHIR	.. Additional Magistrate, etc., Kurunegala	12th July, 1970 ..	During absence of Mr. K. V. SWARNATHIPATHI
Mr. T. ASIRWATHAM	.. Additional District Judge, etc., Ratnapura	23rd & 24th July, 1970 ..	During absence of Mr. C. M. THARMALINGAM
Mr. C. E. PEREIRA	.. Additional Magistrate, etc., Colombo	8th July, 1970 ..	During absence of Mr. N. B. D. S. WIJESSEKERA
Do.	.. Additional Magistrate, etc., Colombo, at J.M.C., Colombo Fort	30th July to 4th August, 1970	During absence of Mr. S. SEMASINGHE
Mr. T. S. P. DE S. GUNASEKERA	.. Additional District Judge etc., Balapitiya	19th July, 1970 ..	During absence of Mr. L. H. DE ALWIS
Mr. T. GUNARATNE	.. Additional District Judge, etc., Panadura	From 31st July, 1970 ..	To deliver judgment in D.C. Panadura Case No. 11159
Mr. P. V. SENATHIRAJAH	.. Acting President, R. C., Vavuniya North, etc.	12th & 13th July, 1970 ..	During absence of Mr. A. M. I. SAHEED
Mr. S. A. YATAWARA	.. Acting President, R. C. Matala South, etc.	29th & 30th July, 1970 ..	During absence of Mr. K. G. JAYASENA
Mr. J. E. ILANGANTILLEKE	.. Acting President, R. C., Tumpane, etc.	13th July, 1970 ..	During absence of Mr. A. B. ALUWIHARE
Mr. I. FERNANDO	.. Acting President, R. C., Puttalam Pattu, etc.	17th July, 1970 ..	During absence of Mr. P. D. P. WIJESSEKERA
Mr. A. C. JABAR	.. Acting President, R. C., Panama Pattu, etc.	29th & 30th July, 1970	During absence of Mr. S. RAJANATHAN
Mr. H. L. WICKREMATILLEKE	.. Acting President, R. C., Siyane Korale East, etc.	17th July, 1970 ..	During absence of Mr. W. B. DASSANAYAKE

SIRIMEVAN AMERASINGHE,
Secretary,
Judicial Service Commission.

Office of the Judicial Service Commission,
P. O. Box 573,
Colombo 12, July 24, 1970.

Government Notifications

THE TAX RESERVE CERTIFICATES ACT, No. 22 OF 1957

8th Order under Section 2 (1)

BY virtue of the powers vested in me by section 2 (1) of the Tax Reserve Certificates Act, No. 22 of 1957, as amended by Acts No. 18 of 1961 and No. 51 of 1961, I, Nanayakkarachari Martin Perera, Minister of Finance, do by this Order, specify that fifty million rupees shall be the amount up to which Tax Reserve Certificates may be issued by the Central Bank of Ceylon, and that such certificates shall be issued in denominations of Rs. 100 or multiples of Rs. 100.

N. M. PERERA,
Minister of Finance.

Colombo, 21st July, 1970.
7-1210

L. D.—B. 7/63.

THE INLAND REVENUE ACT, No. 4 OF 1968

Notice under Section 16A

BY virtue of the powers vested in me by section 16A of the Inland Revenue Act, No. 4 of 1968, as amended by Act No. 6 of 1969, I, Nanayakkarachari Martin Perera, Minister of Finance, do by this notice, declare "The Ambalangoda Sanskrutika Bauddha Madyastana Sanvidhanaya" to be an approved charity for the purpose of that section.

N. M. PERERA,
Minister of Finance.

Colombo, 20th July, 1970.
7-1077

No. ED 26/010

THE AGRICULTURAL AND INDUSTRIAL CREDIT CORPORATION OF CEYLON

Directorate

THE Honourable Minister of Finance has, under the provisions of section 19 and 19 (2) of the Agricultural and Industrial Credit Corporation Ordinance, been pleased to appoint Mr. Mansoor

Manikkar and Mr. Kingsley Neil Perera as Directors of the Agricultural and Industrial Credit Corporation of Ceylon with effect from 23.6.1970 and 21st July, 1970, respectively.

H. R. DE ZOYSA,
for Permanent Secretary,
Ministry of Finance.

Ministry of Finance,
Colombo, 23rd July, 1970.
7-1173

PN. 1792 (Vol I).

L.D.—B. 97/41.

THE MINUTES ON PENSIONS

NOTIFICATION under section 51 of the Minutes on Pensions dated February 5, 1934, as amended by the Minutes on Pensions (Amendment) Act, No. 13 of 1948.

FELIX R. DIAS BANDARANAIKE,
Minister of Public Administration,
Local Government and Home Affairs.

Colombo, 19th July, 1970.

Notification

The Minutes on Pensions dated February 5, 1934, as amended from time to time, are hereby further amended in section 25A thereof, as follows:—

- (1) by the renumbering of sub-section (iv) of that section, as sub-section (v) thereof; and
- (2) by the insertion, immediately after sub-section (iii) of that section, of the following new sub-section:—

"(iv) Any public servant who was holding the post of Permanent Secretary on May 30, 1970, and who had not on that date attained the age of fifty-five years may, by written notice duly given to the Governor-General on or before August 31, 1970, elect to retire from the public service, and upon his retirement taking effect be granted a pension or gratuity of such amount as would have been awarded to him under section 7 of these Minutes if he had retired from the public service on abolition of office".

7-1053

PADDY LANDS ACT, No. 1 OF 1958

Order under Section 59 (3)

BY virtue of the powers vested in me by section 59 (2) and (3) of the Paddy Lands Act, No. 1 of 1958, as amended by section 41 of the Paddy Lands (Amendment) Act, No. 11 of 1964, I, Hector Senerath Rajakaruna Banda Kobbekaduwa, Minister of Agriculture and Lands, do hereby appoint the persons mentioned in Column I of the Schedule appended hereto to be members of the Panel from which Boards of Review shall be constituted, in place of the persons indicated against such member in Column II of the Schedule and who have vacated their office due to the causes indicated against each in Column III of the Schedule. These new members shall in terms of section 59 (4) (a) of the aforesaid Act hold office from 12th July, 1970 till 31st May, 1972.

H. S. R. B. KOBBEKADUWA,
Minister of Agriculture and Lands.

Ministry of Agriculture and Lands,
Colombo 2, July 12, 1970.

SCHEDULE

Name of New Member I	Name of Member Vacating II	Cause of Vacation of Office III
Mr. S. B. Dolapihilla ..	.. Mr. C. M. Fernando ..	.. By resignation
Mr. Kingsley Fernando ..	.. Mr. M. H. Amit ..	.. By resignation
Mr. B. Coswatte ..	.. Mr. Chandra Ranatunge ..	.. By resignation
Mr. T. B. Dissanayake ..	.. Mr. D. S. Wijesinghe ..	.. By resignation
Mr. H. S. de Silva ..	.. Mr. C. T. Casinader ..	.. By resignation
Mr. U. L. M. Farook ..	.. Mr. R. W. Wickremanayake ..	.. By resignation
Mr. P. Herath ..	.. Mr. L. B. Ratnayake ..	.. By resignation
Mr. Ananda Jayasinghe ..	.. Mr. Charitha Ranasinghe ..	.. By resignation
Mr. George Hulangamuwa ..	.. Mr. K. Tissa Wettewa ..	.. By resignation
Mr. R. Yogarajah ..	.. Mr. D. C. Attapattu ..	.. By resignation
Mr. G. R. H. P. Wijesekera ..	.. Mr. Sepala Samarasinghe ..	.. Removed under Section 59 (2) of the Paddy Lands Act.

7-1143

A 4

L. D. B. 31/65.

THE HOLIDAYS ACT, No. 17 OF 1965**Order under Section 10**

BY virtue of the powers vested in me by section 10 of the Holidays Act, No. 17 of 1965, I, Felix Reginald Dias Bandaranaike, Minister of Public Administration, Local Government and Home Affairs, do by this Order declare that, as respects the year 1971, each of the days specified in the Schedule hereto shall be a Poya Day for the purposes of that Act.

FELIX R. D. BANDARANAIKE,
Minister of Public Administration,
Local Government and Home Affairs.

Colombo, July 21, 1970.

SCHEDULE

Monday, January 4 (First Quarter)
Monday, January 11 (Full Moon)
Tuesday, January 19 (Last Quarter)
Tuesday, January 26 (New Moon)

Tuesday, February 2 (First Quarter)
Tuesday, February 9 (Full Moon)
Wednesday, February 17 (Last Quarter)
Wednesday, February 24 (New Moon)

Thursday, March 4 (First Quarter)
Thursday, March 11 (Full Moon)
Thursday, March 18 (Last Quarter)
Thursday, March 25 (New Moon)

Friday, April 2 (First Quarter)
Friday, April 9 (Full Moon)
Saturday, April 17 (Last Quarter)
Saturday, April 24 (New Moon)

Sunday, May 2 (First Quarter)
Sunday, May 9 (Full Moon)
Monday, May 17 (Last Quarter)
Monday, May 24 (New Moon)

Tuesday, June 1 (First Quarter)
Tuesday, June 8 (Full Moon)
Tuesday, June 15 (Last Quarter)
Tuesday, June 22 (New Moon)
Wednesday, June 30 (First Quarter)

Wednesday, July 7 (Full Moon)
Thursday, July 15 (Last Quarter)
Thursday, July 22 (New Moon)
Friday, July 30 (First Quarter)

Friday, August 6 (Full Moon)
Friday, August 13 (Last Quarter)
Friday, August 20 (New Moon)
Saturday, August 28 (First Quarter)

Saturday, September 4 (Full Moon)
Saturday, September 11 (Last Quarter)
Saturday, September 18 (New Moon)
Sunday, September 26 (First Quarter)

Sunday, October 3 (Full Moon)
Monday, October 11 (Last Quarter)
Monday, October 18 (New Moon)
Tuesday, October 26 (First Quarter)

Tuesday, November 2 (Full Moon)
Wednesday, November 10 (Last Quarter)
Wednesday, November 17 (New Moon)
Wednesday, November 24 (First Quarter)

Wednesday, December 1 (Full Moon)
Thursday, December 9 (Last Quarter)
Thursday, December 16 (New Moon)
Friday, December 24 (First Quarter)
Friday, December 31 (Full Moon)

7-1122

THE EMPLOYEES' PROVIDENT FUND ACT, No. 15 OF 1958

THE Hon. Minister of Labour has under section 4 (3) of the Employees' Provident Fund Act, No. 15 of 1958, read with section 12 of the Interpretation Ordinance (Chapter 2), appointed with effect from 1st August, 1970, the officers mentioned in the Schedule hereto to be Officers for the purpose of carrying out or giving effect to the provisions of the Employees' Provident Fund Act, No. 15 of 1958, as amended by Act No. 16 of 1970.

A. E. GOGERLY MORAGODA,
Acting Permanent Secretary to the Ministry of Labour.
Colombo, 21st July, 1970.

Schedule

The following officers of the Central Bank of Ceylon:

1. Mr. Quintus Soysa, Assistant Superintendent of E.P.F.
2. Mr. Roland Eustace Goonesinha, Assistant Superintendent of E.P.F.
3. Mr. Chelliah Selvasiranjeevi, Assistant Superintendent of E.P.F.
4. Mr. Don Lionel Jayamanna, Assistant Superintendent of E.P.F.
5. Mr. Mohamed Anver Chappon Ahamet, Assistant Superintendent of E.P.F.
6. Mr. Ashely Emmanuel Perera, Assistant Superintendent of E.P.F.

7-1113

THE CROP INSURANCE ACT, No. 13 OF 1961**Order under Section II (i)**

ORDER made by the Minister of Agriculture and Land under Section II (i) of the Crop Insurance Act, No. 13 of 1961.

Colombo, 22nd July, 1970.

H. S. R. B. KOBBEKADUWA,
Minister of Agriculture and Lands.

ORDER

The following causes shall be specified causes for the purpose of Section II (i) of the Crop Insurance Act, No. 13 of 1961 :—

- (1) Lack of water.
- (2) Drought
- (3) Excess water
- (4) Floods
- (5) Plant diseases
- (6) Insect infestations
- (7) Damage caused by wild boar
- (8) Damage caused by wild elephants
- (9) Adherence to the methods of farming approved by the Commissioner

7-1144/1

THE CROP INSURANCE ACT, No. 13 OF 1961

Order under Section 12 (i)

BY virtue of the powers vested in me by section 12 (i) of the Crop Insurance Act No. 13 of 1961, I, Senarath Rajakaruna Banda Kobbekaduwa, Minister of Agriculture and Lands do by this Order, determine that the Eleventh term of insurance shall be one year, reckoned from the date of commencement of 1970/71 Maha season.

H.S.R.B. KOBBEKADUWA,
Minister of Agriculture and Lands.

Colombo, 22nd July, 1970.
7-1144/2

THE CROP INSURANCE ACT, No. 13 OF 1961

Notification under Section 24 (i)

BY virtue of the powers vested in me by section 24 (i) of the Crop Insurance Act, No. 13 of 1961, I, Senarath Rajakaruna Banda Kobbekaduwa, Minister of Agriculture and Lands do hereby determine that the rates at which indemnity is payable in respect of the paddy crop in the Maha season of 1970/71 and the Yala season of 1971 shall be as specified in the Schedule hereto.

H.S.R.B. KOBBEKADUWA,
Minister of Agriculture and Lands.

Colombo, 22nd July, 1970.

SCHEDULE

<i>Stage of Production</i>	<i>In case of Total Loss</i>	<i>In case of Partial Loss per centum of Loss</i>	<i>Rate</i>
When the loss occurs during the period between the time when it is not possible to resow or replant and the time of flowering	70 per centum of the maximum amount of indemnity payable	30 and below 30 .. over 30 ..	NIL Same per centum of the amount of indemnity payable in case of total loss during this stage as the per centum of loss
When the loss occurs during the period between the time of flowering and the date of harvesting	100 per centum of the maximum amount of indemnity payable	30 and below 30 .. over 30 ..	NIL Same per centum of the maximum amount of indemnity payable as the per centum of loss

7-1144/3

My No. C/I. 1.

THE INDUSTRIAL DISPUTES ACT, CHAPTER 131

THE Award transmitted to me by the Arbitrator to whom the industrial dispute which had arisen between The All Ceylon Local Government Workers' Union, 67, Ananda Rajakaruna Mawatha, Colombo 10, and The Colombo Municipal Council, Colombo, was referred by order dated April 30, 1970, made under section 4 (1) of the Industrial Disputes Act, Chapter 131, as amended for settlement by arbitration is hereby published in terms of section 18 (1) of the said Act.

W. L. P. DE MEL,
Commissioner of Labour.

Department of Labour,
Baladakhsha Mawatha,
Colombo 3, July 16, 1970.

In the matter of an industrial dispute
between

The All Ceylon Local Government Workers' Union,
67, Ananda Rajakaruna Mawatha, Colombo 10,

and

The Colombo Municipal Council, Town Hall, Colombo 7.

The Award

The Honourable the Minister of Labour and Employment by Order 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 and 62 of 1967 and 4 of 1962 and 39 of 1968 (read with Industrial Disputes (Special Provisions) Act, No. 37 of 1968), referred the above dispute to me for settlement by arbitration.

2. The matter in dispute, as set out by the Commissioner of Labour in his statement dated 10.4.1970 accompanying the Honourable Minister's Order, is—

" whether the imposition of a fine of Rs. 10 on each of the following members of the aforesaid Union by the Municipal Council, Colombo, for their refusal to do overtime work is justified and, if not, to what relief is each of them entitled:—

Messrs. K. A. Somasiri (No. 1301), Bandusena (No. 3531), Sirisena (No. 1391), Diyoni Appu (No. 1485), R. G. Gunapala (No. 932), Yoosof (No. 1373). "

3. The matter came up for hearing on the 23rd May, 1970, and again on 18.6.70. Mr. L. L. de Silva, Organising Secretary, All Ceylon Local Government Workers' Union appeared for the Union, and Mr. Advocate N. C. J. Rustomjee, instructed by Mr. Warusavithane, Assistant Legal Officer, Colombo Municipality, represented the Colombo Municipal.

4. At the hearing of this matter the Council withdrew from its position that it had the power to punish this category of employees for refusal to work overtime in the circumstances of this case and accordingly agreed to remit the fines imposed.

5. I hold that the action of the Municipal Council in the circumstances of this case is unjustified, and order that the fines recovered from the six workers named above should be paid back to them along with or before the regular payment of wages to them next after the publication of this Award.

F. E. ALLES,
Arbitrator.

Dated this 18th June, 1970 at Colombo.

7-1040

My No. C/I. 1074.

THE INDUSTRIAL DISPUTES ACT, CHAPTER 131

THE Award transmitted to me by the Arbitrator to whom the industrial dispute which had arisen between Tea, Rubber, Coconut and General Produce Workers' Union, 123, Union Place, Colombo 2, and Intercom Limited, 101, Vinayalankara Mawatha, Colombo 10, was referred by order dated May, 1969, made under section 4 (1) of the Industrial Disputes Act, Chapter 131, as amended and published in *Ceylon Government Gazette* No. 14,856 of May 30, 1969, for settlement by arbitration is hereby published in terms of section 18 (1) of the said Act.

W. L. P. DE MEL,
Commissioner of Labour.

Department of Labour,
Labour Secretariat,
Colombo 5, July 16, 1970.

In the matter of an Industrial Dispute
between

Tea, Rubber, Coconut and General Produce Workers' Union,
123, Union Place, Colombo 2,

and

Intercom Limited,
101, Vidyalandkara Mawatte, Colombo 10.

The Award

This is an award under section 17 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, 4 of 1962, and 89 of 1968, (read with the Industrial Disputes (Special Provisions) Act, No. 37 of 1968.

2. The Honourable Minister of Labour and Employment, by his Order of 19.5.69, made under section 4 (1) of the aforesaid Act referred the above-named dispute to me for settlement by arbitration.

3. The matter in dispute between the Tea, Rubber, Coconut and General Produce Workers' Union, 123, Union Place, Colombo 2, and Intercom Limited, 101, Vidyalankara Mawatte, Colombo 10, is "whether the non-employment of the following employees by Intercom Limited who are members of the Tea, Rubber, Coconut and General Workers' Union is justified and to what relief each of them is entitled.

1. Mr. M. S. M. Abdul Cader
2. Mr. M. C. Alawdeen
3. Mr. Fareed
4. Mr. Buhardeen
5. Mr. Mohideen
6. Mrs. Kusumawathie
7. Mrs. Baby Nona.

4. Mr. K. Vaikunthavasan, Advocate, instructed by Mr. Somas Kadirgaman, appeared for the Union and Mr. W. E. M. Abeysekera, Advocate, instructed by Mr. N. Sambandan, appeared for the Company.

5. The workers mentioned above were employed by Intercom Limited on 1.2.68 on probation for six months; and, if during this period their work, attendance and conduct were found to be satisfactory they will be considered for permanent employment.

It is the case for the Union that these workers were working in this establishment for many years prior to their letters of appointment. On 31st December, 1968, they were paid their wages, at 12.30 p.m. and as it was a half day they did not come back to work in the afternoon. The 1st and 2nd January, 1969, were Public Holidays, and when they reported for work on the 3rd they were not given work. On the 4th they were sent letters to the effect that they had vacated their posts.

The case for the Company is that prior to 1968 these workers were employed by one Abdul Cader, an independent contractor employed by the Company. On 1.2.68, they were taken on probation for six months, but they were not confirmed at the end of that period. On the 31st December in the afternoon they did not turn up for work, as their demand for a bonus had not been granted. On the 3rd January, 1969, they were in the premises, but had not reported for work.

6. On the question whether these workers were employed by the Company prior to 1968, there is sufficient evidence, both oral and documentary, to show that they were employed by Abdul Cader, an independent contractor. The Company has produced stamped receipts (R2 to R18) signed by Abdul Cader for large amounts received by him as wages. Abdul Cader admitted that he gave receipts to the Company for wages paid by him for seven or eight years for piece-work done by these workers. The Attendance Registers, R27 and R26, show that these workers have signed against their names from February 1968 to December 1968, which was, in fact, the period during which they were employed by the Company. According to the Store Keepers' Wages Book, R24, these workers have signed and drawn their weekly wages from February 1968 to 30th December.

I have examined these documents and I find no reason to doubt their genuineness. No documentary evidence has been produced by the Union to show that any of these workers were employed by the Company prior to February 1968. This position is further strengthened by their letters of Appointment: R1, R20 and R25 in respect of Kusumawathie, Alawudeen and Abdul Cader. Except for the oral evidence of three workers, namely, Kusumawathie, Alawudeen and Abdul Cader, no other evidence has been adduced in support of the fact that they were employed by the Company prior to February, 1968. Kusumawathie, in her evidence stated that she received her wages prior to February, 1968, from Ranjit Perera, but this is contradicted by Abdul Cader when he says he paid the respective labourers, wrote the total amounts and placed his signature. Kusumawathie categorically stated in evidence that although she had not seen anybody sign the Copy Book for his or her wages prior to February 1968, she had signed it. She further said that when she signed she had not seen the signatures of the other workers. On the evidence I am satisfied that these workers were employed by Abdul Cader, an independent contractor prior to 1st February, 1968.

7. These workers were employed by the Company on 1st February, 1968, except for Alawudeen, who was employed on the 23rd February, 1968, and according to their letters of appointment, they were taken on probation. The question then arises whether they were automatically confirmed on the expiry of six months.

It was argued for the Union that at the end of the probationary period, the probation ends unless the Employer informs the workers that their probationary period has been extended. The Employer should either confirm them or inform them that they have not been confirmed. For the Company it was argued that there must be an express act in writing on the part of the Employer confirming their employment; otherwise, the presumption is that they still continue to be on probation. There does not appear to be any decided case in Ceylon on this point. In 1965, Vol. I.—Indian Labour Law Journal, page 77, it was held that probationers could not claim automatic confirmation on expiry of the period of probation unless so provided for in the order of appointment. In the "State of Uttar Pradesh Vs. Akbar Ali Khan", reported in 1963, Vol. I. Labour Law Journal, the Allahabad High Court following a Full Bench decision in "Chief Conservator of Forests, Uttar Pradesh Vs. D. A. Lyall" in 1961 2. Labour Law Journal 251, held that an officer placed on probation could not be deemed to be confirmed unless and until an express order of confirmation is passed. In "Caltex Vs. Secretary, Industrial Tribunal 1953, Vol. I. Labour Law Journal, p.156, it was held that a probationer cannot be deemed to be confirmed in his post by sheer lapse of time. A probationer cannot automatically acquire the status of permanent membership in service unless, of course, the rule under which he is appointed expressly provides for such a result.

8. In the case of these workers, their letters of appointment, clearly state that on expiry of six months they will be considered for permanent employment. The Management has not written to the workers that they have been confirmed. They have, therefore, been on probation on 31.12.68. Perhaps, the workers thought that they were confirmed at the expiry of the probationary period. It is unfortunate that the Union did not intercede on their behalf at the end of the probationary period. However, hard and unconscionable it may appear to be where ignorant workers are concerned, as the law stands, I am constrained to hold that they were on probation.

9. It is not disputed that 31st December, 1968, was not a pre-Poya day, although the workers thought it was a half day, because they were paid at 12.30 p.m. on that day. It is in evidence that the workers were paid at 4.30 p.m. when the week ended on a full working day, and at 12.30 when the week ended on a half day.

Mr. Kreltshzeim in his evidence stated that the 31st December, 1968, was a half day for the clerical staff. According to R28, the Office and Staff Attendance Register, Ranjit Perera and Dharmasena, the Store-keeper, left at 1 p.m. Perhaps the workers honestly believed that it was a half day for more than one reason. Firstly, it was a half day for the Company. Secondly, they were paid at 12.30 p.m. and not at 4.30 p.m. as if on a full working day. Thirdly, being the end of the year they perhaps thought it was a half day. Fourthly, according to the evidence of the three workers, Dharmasena, the Store-keeper had told them at 10 a.m. on that day that they should work overtime after 1 p.m. These workers had demanded a bonus from Mr. Kreltshzeim at the time they were paid their wages at 12.30 p.m. Mr. Kreltshzeim stated in evidence that he told them he would consider their demand. There seems to be some justification for a bonus as they had worked for 11 months. It may well be that they kept away on that afternoon because they were not given their bonus. However, for the reasons stated above I am of the view that they were under the honest but mistaken belief that it was a half day. 1st and 2nd January 1969, were Public Holidays, and on the 3rd it was alleged that they went for work, but were not given work.

On behalf of the Company, it was stated that they had not taken their tokens and gone to work but sat on the premises. It is significant that both Mr. Kreltshzeim and Dharmasena saw these workers on the morning of the 3rd but neither of them had thought it fit to call them and ask them why they were there if they were not working. The proper course would have been to call for an explanation. The Management acted rather hastily in sending letters of vacation of posts within three days, unmindful of the fact that two of these days were Public Holidays. They might have held an inquiry or have written to them that if they did not return to work they will be deemed to have vacated their posts. I, therefore, hold that the Management had terminated their services by its letter of 4th January 1969.

10. Evidence was led of mis-conduct, arriving late for work, leaving the premises before the scheduled time and absence without leave. I am satisfied that Kusumawathie, Alawudeen and Abdul Cader had on several occasions kept away from work and walked out and walked in without prior permission. On several occasions Kusumawathie had been pulled up by the Management for late attendance. On 10th October 1968 she was written to (R21) that she had abused Ranjit Perera, Dharmasena and Mr. Kumar and was asked to apologise. She was suspended for 14 days in this connection. It is in evidence that Abdul Cader had left the premises on several occasions without prior permission. He was not amenable to discipline. By R29 he had been warned for leaving the stores at 3.15 p.m. on many occasions. Alawudeen's attendance has been very unsatisfactory. He has been an unwilling worker and refused to obey instructions and has been warned several times for leaving the premises without permission. I am unable to place any reliance on the evidence of Kusumawathie, Alawudeen and Abdul Cader. Fareed,

Buhardeen, Baby Nona and Mohideen appear to have carried out instructions, although they, too, have on certain occasions come late for work and left the stores without permission. They have not received any letters of warning; presumably their conduct did not merit any warning. Mr. Kretzschheim stated that he was prepared to take some of the workers back at a conference with the Assistant Commissioner of Labour.

11. Having considered the evidence of the witnesses and the documents placed before me, I hold that the non-employment of Kusumawathie, Alawudeen and Abdul Cader were justified and that they are not entitled to any relief, whatsoever.

With regard to (1) Fareed, (2) Buhardeen, (3) Baby Nona, and (4) Mohideen, I hold that their non-employment is unjustified.

I hold that they be reinstated from the date of the publication of this award in the *Ceylon Government Gazette* and direct that the back wages due to each of these workers be limited to 10 months wages.

I make award accordingly.

R. R. NALLIAH,
Arbitrator.

Dated at Colombo, this 4th day of July, 1970.

7-1044

My No. W. 105/1400.

THE INDUSTRIAL DISPUTES ACT, CHAPTER 131

Collective Agreement No. 2 of 1970 relating to the Average Sale Price of RSS No. 1

IT is hereby notified in pursuance of clause 4 of Collective Agreement No. 2 of 1970, entered into between the Ceylon Workers Congress of the one part, and the Ceylon Estates Employers' Federation of the other part, and published in *Ceylon Government Gazette* No. 14,907 of May 22, 1970, that the monthly average sale price of RSS No. 1 paid by the Commissioner of Commodity Purchase to shippers in Colombo for the period March to June, 1970, was as follows:—

March 1970—96.44
April 1970—92.04
May 1970—91.89
June 1970—91.55

W. L. P. DE MEL,
Commissioner of Labour.

Department of Labour,
Labour Secretariat,
Colombo 5.
21st July, 1970.

7-1109

Miscellaneous Departmental Notices

My No: AE/6/2/13.

PILGRIMAGE ORDINANCE

Pandiruppu Thuropathai Amman Kovil Festival, 1970— Amparai District

IT is hereby notified for the information of the pilgrims who attend the above festival and others concerned that the above festival commences on 29.9.1970 and terminates on 16.10.1970.

2. The attention of the pilgrims who attend the above festival and others concerned is drawn to Standing Regulations published in *Government Gazette* No. 10,247 of 11.5.1951 which will be in force during the duration of the above festival.

3. The camp area of the above festival has been enlarged as stated in my notification dated 4.8.1969 which appeared in the *Government Gazette* No. 14,867 of 15.8.1961.

M. D. C. KARUNASEKERA,
Additional Government Agent,
for Government Agent, Amparai District.

The Kachcheri,
Amparai, 16th July, 1970.

7-1042

My No: AE/6/2/12.

PILGRIMAGE ORDINANCE

Kalmunaikudi Kadatkarai Palli Mosque Festival, 1970— Amparai District

IT is hereby notified for the information of the pilgrims who attend the above festival and others concerned that the above festival commences on 3.8.1970 and terminates on 14.8.1970.

2. The attention of the pilgrims who attend the above festival and others concerned is drawn to Standing Regulations published in *Government Gazette* No. 13,529 of 22.2.1963 which will be in force during the duration of the above festival.

M. D. C. KARUNASEKERA,
Additional Government Agent,
for Government Agent, Amparai District.

The Kachcheri,
Amparai, 16th July, 1970.

7-1038

L-6289

THE CEYLON STATE MORTGAGE BANK

AT a meeting held on the 25th September, 1968, the Board of Directors of the Ceylon State Mortgage Bank, resolved specially and unanimously—

1. that a sum of Rs. 35,189/87 is due from Mr. Brereton Fritz Clifford de Silva of 49/4, Iceland Flats, Stuart Place, Colombo 3, on account of principal and interest up to 21.8.68 and further interest at 6 per centum per annum on the sum of Rs. 31,763/84 from 22.8.68 till date of payment on Bond No. 550 dated 13th June, 1960, attested by E. F. de Silva, Notary Public.

2. that in terms of Section 63 of the Ceylon State Mortgage Bank Ordinance (Cap. 398 Legislative Enactments of 1956) as amended by the Ceylon State Mortgage Bank and Finance (Amendment) Act No. 33 of 1968 that Mr. L. W. Kuruppu, Auctioneer of Mutual Benefit Land Sales & Agency, 52, Sri Maha Vihara Road, Panadura, be authorised and empowered to sell by Public Auction the following property—

All that divided and defined allotment marked Lot No. A20 in Plan No. 1465 dated 19th October, 1953, made by J. Mala'agama, Licensed Surveyor (being a subdivision of Lot A20 in Plan No. 363 dated 20th September, 1952, made by J. M. R. Fernando, Licensed Surveyor) from and out of the land called Ratmalana Estate together with the buildings thereon bearing Village Committee Assesment No. 63, Palm Grove Avenue, Ratmalana (also known as Jayamawata) situated at Ratmalana in Palle Pattu of Salpiti Korale in the District of Colombo, Western Province and containing in extent nineteen decimal six six five perches (0A. 0R. 19.665P.) as depicted in the said plan No. 1465—together with the rights of way over the land marked Lots R3, R4 and Y in the said Plan No. 363, mortgaged to this Bank as security by Mr. Brereton Fritz Clifford de Silva by Bond No. 550 dated 13th June, 1960, attested by E. F. de Silva, Notary Public for the recovery of the sum of Rs. 35,189/87 due under the said Bond together with interest at 6 per centum per annum on the sum of Rs. 31,763/84 from 22.8.68 to date of sale and costs and monies recoverable under Section 63 of the Ceylon State Mortgage Bank Ordinance.

H. B. KAPUWATTE,
General Manager.

Colombo, 16th May, 1970.

7-1207

CEYLON MEDICAL COUNCIL

Mr. V. Cumaraswamy has been elected unopposed a member of the Ceylon Medical Council under section 12 (1) (e) of the Medical Ordinance (Cap. 105).

MILROY PAUL,
Returning Officer.

7-1039

DATES AND PLACES OF CATTLE BRANDING IN WEWAGAMPATTU—1970

Gramasevaka Division	Name of Gramasevaka Division	Date of Branding	Place of Branding
24	Madana	4.8.1970	Madana
	Do.	6.8.1970	Ambalanoya junction
	Do.	8.8.1970	Ekgal Aru
	Do.	10.8.1970	Thimbirigolla
	Do.	13.8.1970	Madawalalanda
25	Do.	18.8.1970	Ambalanoya
	Thottama	17 to 20.8.1970	Thottama Village
	Do.	21 & 22.8.1970	Manthottama Village
26	Do.	27 to 29.8.1970	Unit 18 A.
	Wadingala	2 to 5.8.1970	Office of the G. S.
	Do.	6 to 8.8.1970	Crown land at Jayanthi Wewa in Kieulegama Village
	Do.	10 to 12.8.1970	Crown land near Irrigation Office at Pallangoya
	Do.	13 to 15.8.1970	Crown land near Agricultural Office at Pallangoya
27	Do.	17 to 20.8.1970	Crown land near Government School at Devalehinda
	Do.	24 to 26.8.1970	Crown land near M.P.C.S. Hall at Kokmahara
	Damana	20.8.1970	Land of ex V. H., of Waralanda
	Do.	21 to 22.8.1970	Near Irrigation Camp at Alahena
	Do.	24 to 26.8.1970	Near Rural Courts at Damana
	Do.	27 & 28.8.1970	Land of M. Kiribanda of Keenawatta
27A	Do.	29.8.1970	Near the Office of the Sugar Farm at Village 9
	Do.	30.8.1970	Near Zoysa Company at Village 22 A
	Hingurana	17.8.1970	Crown land near Hingurana Market
	Do.	19.8.1970	Land of R. M. Jemis Appuhamy opposite the Hingurana Sugar Factory
	Do.	20.8.1970	Land of T. Ukkuma in Hingurana Village
	Do.	21 & 22.8.1970	Crown land near A. G. Juwanis' house in Hingurana Village
28	Do.	24 & 25.8.1970	Crown land neat Quarters No. MLQ. 33 in the Hingurana Sugar Factory area
	Do.	27.8.1970	Crown land neat Govt. Dispensary, Village 7, Muwangala
	Do.	29.8.1970	Crown land opposite Sugathapala's boutique, Village 1, Muwangala
	Padagoda	17 & 18.8.1970	Land of D. M. Muthubanda in Padagoda Village
	Do.	19.8.1970	Land of U. G. Piyasekera at Moragahapallama
	Do.	20.8.1970	R.V.D.B. Land near Carpenter Shed of A. M. Podimathathaya at Unit No. 31 A
	Do.	21 & 22.8.1970	Crown reservation near B. V. Piyadasa's house at Unit 30 A
86	Do.	24.8.1970	Land of P. A. Jemis Appuhamy at Hinda
	Do.	25.8.1970	Land near M.P.C.S. Hall at Unit 23 A
	Do.	27.8.1970	do.
	Do.	28.8.1970	Land of Mr. S. M. Karunatileke at Galoya Pallama
	Paragahakelle	1 to 6.8.1970	Near Paragahakelle School
	Do.	12 to 15.8.1970	Near M.P.C.S. Hall at Polwatta
88	Do.	7 to 10.8.1970	Near Alioluwa at Wavinna
	Do.	16, 17, 19 and 20.8.1970	Near M.P.C.S. Hall at Unit 2 B
	Do.	21 to 24.8.1970	Near V. O's Quarters at Unit 1 B
	Do.	26 to 29.8.1970	Near V. O's Quarters at Ambalanwatta
	Uhana	17 to 22.8.1970	Crown land opposite Kumarigama M.P.C.S. Hall
	Do.	24, 26 to 30.8.1970 & 1 to 7.9.1970	Highland lot 100 in Unit 20
100	Do.	9 to 14.9.1970	Highland lot 37 in Unit 21
	Do.	16 to 21.9.1970	Highland lot 71 in Unit 21
	Do.	23 to 28 & 30.9.1970	Highland lot 90 in Unit 21
	Do.	1 to 6.9.1970	Highland lot 123 in Unit 21
	Bokkebedda	15, 17 & 18.8.1970	Land of H. M. Kiriwanthe at 27/140, (Kohombana)
102	Do.	19 to 21.9.1970	Land of J. M. Siyathu at 27/72, (Kohombana)
	Do.	22 & 24.8.1970	Land of H. M. Kiribanda, 27/10, Kohombana
	Do.	26 to 28.8.1970	Land of T.M.Chandrasekera at Walagama, Kohombana
	Do.	29 to 30.9.1970 & 1 to 5.9.1970	Land of Achchi Marikkar at Mahakandiya, Uhana
	Kohombana	17.8.1970	Crown land near R. D. S. Hall, Kohombana
104	Do.	18.8.1970	Land of J. G. Punchibanda at Weranketagoda
	Do.	19.8.1970	Land of A. M. Karunaratne at Weranketagoda
	Do.	20.8.1970	Land of A. U. Kiribanda at Weranketagoda
	Do.	21.8.1970	Land of G. Mudiyanse at Senagama
	Do.	22.8.1970	Crown land near D. D. Bodiya's house at Senagama
	Bakkiella	10 to 12.8.1970	Near C.O.'s Quarters, Unit 30
104	Do.	13 to 15.8.1970	Near R.D.S. Hall, Unit 31
	Do.	17 to 19.8.1970	Near R.D.S. Hall, Unit 32
	Do.	21 & 22.8.1970	Office of the G.S., Unit 33
	Do.	25 to 27.8.1970	Near M.P.C.S. Hall, Unit 34
	Do.	28 to 30.8.1970	Near of M.P.C.S. Hall, Unit 36
	Do.	2 to 4.9.1970	Near R.D.S. Hall, Kotmale
	Do.	5 & 6.9.1970	Near Bandaraduwa School

R. B. WEERAKOON,
 Government Agent,
 Amparai District.

CEYLON GOVERNMENT RAILWAY

Level Crossing Repairs

THE Railway Level Crossing at Kustarajagala on the Galle-Matara Main Road situated between Ahangama and Weligama Railway Stations and at 89m. 17c. Coast Line will be taken up for renewals from 7.00 a.m. on 8.8.1970 till 4.00 p.m. on 9.8.1970.

This level crossing will be partially closed from 7.00 a.m. to 8.00 p.m. on 8.8.1970 and from 5.00 a.m. to 4.00 p.m. on 9.8.1970 and totally closed from 8.00 p.m. on 8.8.1970 till 5.00 a.m. on 9.8.1970.

During the period of total closure all vehicular traffic between Galle-Matara will have to use the new by pass at 87m. 40c. Kumbalgama and Pelena at 90m. 60c.

J. PAUL SENARATNE,
for General Manager, Railway.

7-1084/1

CEYLON GOVERNMENT RAILWAY

Level Crossing Repairs

THE Railway Level Crossing at Frazer Avenue, Moratuwa, at 13 miles 27 chains 50 links down line situated between Moratuwa and Korawalwella Railway Stations, Coast Line, will be taken up for renewal from 7.00 a.m. on 8.8.70 till 4.00 p.m. on 9.8.70.

This level crossing will be partially closed for vehicular traffic from 7.00 a.m. to 8.00 p.m. on 8.8.70. and 5.00 a.m. to 4.00 p.m. on 9.8.70 and totally closed from 8.00 p.m. on 8.8.70 till 5.00 a.m. on 9.8.70.

During the period of total closure all vehicular traffic to use Uswatte Circular Road at 13 miles 17 chains.

J. PAUL SENARATNE,
for General Manager, Railway.

7-1084/2

IMPORTANT NOTICE REGARDING PUBLICATION OF GAZETTE

THE Weekly issue of the *Ceylon Government Gazette* is normally published on Fridays. If a Friday happens to be a Public Holiday the *Gazette* is published on the working day immediately preceding the Friday. Thus the last date specified for the receipt of notices for publication in the *Gazette* also varies depending on the incidence of public holidays in the week concerned.

The Schedule below shows the dates of publication and the latest time by which notices should be received for publication in the respective weekly *Gazettes*. All notices received out of times specified below will not be published. Such notices will be returned to the sender by post for necessary amendment and return if publication is desired in a subsequent issue of the *Gazette*. It will be in the interest of all concerned if those desirous of ensuring the timely publication of notices in the *Gazette* make it a point to see that sufficient time is allowed for postal transmission of notices to the Government Press.

The Government Printer does not accept payment of subscriptions for the Government Gazette. Payments should be made direct to the Superintendent, Government Publications Bureau, P. O. Box 500, Secretariat, Colombo 1.

Schedule

1970

<i>Month</i>	<i>Date of Publication</i>	<i>Last Date and Time of Acceptance of Notices for publication in the Gazette</i>
JUNE	Friday 5. 6.70 .. 3.30 p.m.	Friday 29. 5.70
	Thursday 11. 6.70 .. 3.30 p.m.	Friday 5. 6.70
	Thursday 18. 6.70 .. 12 Noon	Thursday 11. 6.70
	Thursday 25. 6.70 .. 12 Noon	Thursday 18. 6.70
JULY	Thursday 2. 7.70 .. 12 Noon	Thursday 25. 6.70
	Friday 10. 7.70 .. 12 Noon	Thursday 2. 7.70
	Friday 17. 7.70 .. 12 Noon	Friday 10. 7.70
	Friday 24. 7.70 .. 12 Noon	Friday 17. 7.70
	Friday 31. 7.70 .. 12 Noon	Friday 24. 7.70
AUGUST	Friday 7. 8.70 .. 3.30 p.m.	Thursday 30. 7.70
	Friday 14. 8.70 .. 3.30 p.m.	Friday 7. 8.70
	Friday 21. 8.70 .. 3.30 p.m.	Friday 14. 8.70
	Friday 28. 8.70 .. 3.30 p.m.	Friday 21. 8.70
SEPTEMBER	Friday 4. 9.70 .. 3.30 p.m.	Friday 28. 8.70
	Friday 11. 9.70 .. 3.30 p.m.	Friday 4. 9.70
	Friday 18. 9.70 .. 3.30 p.m.	Friday 11. 9.70
	Friday 25. 9.70 .. 3.30 p.m.	Friday 18. 9.70
OCTOBER	Friday 2.10.70 .. 3.30 p.m.	Friday 25. 9.70
	Friday 9.10.70 .. 3.30 p.m.	Friday 2.10.70
	Friday 16.10.70 .. 3.30 p.m.	Friday 9.10.70
	Friday 23.10.70 .. 3.30 p.m.	Friday 16.10.70
	Friday 30.10.70 .. 3.30 p.m.	Friday 23.10.70
NOVEMBER	Thursday 5.11.70 .. 3.30 p.m.	Friday 30.10.70
	Thursday 12.11.70 .. 12 Noon	Thursday 5.11.70
	Friday 20.11.70 .. 12 Noon	Thursday 12.11.70
	Friday 27.11.70 .. 12 Noon	Friday 20.11.70
DECEMBER	Friday 4.12.70 .. 12 Noon	Friday 27.11.70
	Friday 11.12.70 .. 12 Noon	Friday 4.12.70
	Friday 18.12.70 .. 3.30 p.m.	Thursday 10.12.70
	Thursday 24.12.70 .. 3.30 p.m.	Thursday 17.12.70
	Thursday 31.12.70 .. 3.30 p.m.	Thursday 24.12.70

L. W. P. PEIRIS,
Government Printer.

Dept. of the Govt. Printer,
Colombo, March 5, 1970.