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THE GAZETTE OF THE REPUBLIC OF SRI LANKA (CEYLON)

අංක 159 — 1975 අප්‍රේල් 11 වැනි සිකුරාදා — 1975.04.11
No 159 — FRIDAY, APRIL 11, 1975

(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. 180 of 1975

No. D. 295/Rect.

ARMY—REGULAR FORCE—PROMOTIONS APPROVED BY HIS EXCELLENCY THE PRESIDENT

THE under-mentioned officers to be Colonels with effect from dates stated against their names:

- Lieutenant Colonel (Temporary Colonel) M. N. JILLA, SLAMC—October 15, 1973.
- Lieutenant Colonel (Temporary Colonel) D. D. HEWAGAMA, SLAGSC—October 15, 1973.
- Lieutenant Colonel (Temporary Colonel) J. D. SOYSA, MBE., SLLI—October 15, 1973.
- Lieutenant Colonel (Temporary Colonel) T. S. B. SALLY, SLSR—January 01, 1974.

By His Excellency's command,

W. T. JAYASINGHE,
Secretary,

Ministry of Defence and Foreign Affairs

Colombo, April 02, 1975.

4-278—Gazette No. 159 of 75.04.11

No. 181 of 1975

No. D. 296/Rect. (ii).

ARMY—REGULAR FORCE—PROMOTIONS AND APPOINTMENTS APPROVED BY HIS EXCELLENCY THE PRESIDENT

Promotions

- Lieutenant Colonel G. R. JAYASINGHE, CAOC—To be Temporary Colonel with effect from September 08, 1974.
- Major L. G. SIGERA, CAOC—To be Temporary Lieutenant Colonel with effect from September 08, 1974.

Department of Government Printing,
Colombo, December 15, 1972.

L. W. P. PEIRIS,
Government Printer.

- #### Appointments
- Lieutenant Colonel (Temporary Colonel) G. R. JAYASINGHE, CAOC—To be Commander, Support Group, with effect from September 08, 1974.
 - Major (Temporary Lieutenant Colonel) L. G. SIGERA, CAOC—To be Commanding Officer, Ceylon Army Ordnance Corps, with effect from September 08, 1974.

By His Excellency's command,

W. T. JAYASINGHE,
Secretary,

Ministry of Defence and Foreign Affairs.

Colombo, April 02, 1975.

4-279—Gazette No. 159 of 75.04.11

No. 182 of 1975

No. D. 17/Rect.

ARMY—REGULAR FORCE—RELINQUISHMENT OF APPOINTMENT AND APPOINTMENT APPROVED BY HIS EXCELLENCY THE PRESIDENT

Relinquishment of Appointment

THE under-mentioned officer relinquished the appointment of Recruiting Officer under Section 13 (1) of the Army Act (Cap. 357), with effect from March 01, 1975:

- Lieutenant D. M. G. SARATHCHANDRA, CASC.

Appointment

The under-mentioned officer to be a Recruiting Officer under Section 13 (1) of the Army Act (Cap 357), with effect from March 01, 1975:

- Lieutenant M. R. U. BANDARATILAKE, CASC.

By His Excellency's command,

W. T. JAYASINGHE,
Secretary,

Ministry of Defence and Foreign Affairs.

Colombo, April 01, 1975.

4-258—Gazette No. 159 of 75.04.11

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.

No. 183 of 1975

No. D. 1/Rect/69.

**ARMY—REGULAR FORCE— COMMISSIONS APPROVED
BY HIS EXCELLENCY THE PRESIDENT**

HIS Excellency the President has been pleased to approve the commissioning of the under-mentioned Officer Cadets as Second Lieutenants in the Regular Force of the Sri Lanka Army with effect from April 19, 1975, in the order of seniority shown, and their postings to the Corps/Regiments stated against their names with effect from the same date :

Officer Cadet LAKSHAMAN NADARAJASINGHAM—Sri Lanka Engineers.

Officer Cadet GEBRIEL MOHAN ROOKWOOD—Sri Lanka Light Infantry.

Officer Cadet VASANTHA NIHAL HANJIT RAJASEKERA—Sri Lanka Signal Corps.

Officer Cadet PARINDRA INDRAJITH ABAYWARDENA—Sri Lanka Armoured Corps.

Officer Cadet WASANTHA ABAYRATNE PAMUNUWA—Sri Lanka Armoured Corps.

Officer Cadet UNGAMANDADIGE BERNARD LAWRENCE FERNANDO—Sri Lanka Light Infantry.

Officer Cadet LIYANA ARATCHIGE RUFASIRI WIJERATNA—Sri Lanka Artillery.

Officer Cadet RAJAPAKSA KONABAMUDIYANSELAGE JAYAMPATHY BANDARA WIJERATNE—Gemunu Watch.

Officer Cadet ANDIGE OSWIN MANANDA FERNANDO—Sri Lanka Army Service Corps.

Officer Cadet EAMLE PARAKRAMA WIJENAYAKE—Sri Lanka Army Service Corps.

Officer Cadet BALAPUWADUGE PRITHI SRIMAL MENDIS—Gemunu Watch.

Officer Cadet ROHAN BANDARA KIRIBILLA—Sri Lanka Army Ordnance Corps.

Officer Cadet NISSANTHA WIJESINGHE—Sri Lanka Artillery.

Officer Cadet SARDHA TISSA ABAYRATNE—Sri Lanka Army Ordnance Corps.

Officer Cadet BALAPUWADUGE BLASIVUS SUSANTHA MENDIS—Sri Lanka Sinha Regiment.

Officer Cadet GALBODA ARACHCHIGE HANJIT SISIRA KUMARA—Sri Lanka Sinha Regiment.

Officer Cadet ATHULA KUMARA SAMARASEKERA—Sri Lanka Army General Service Corps.

Officer Cadet MADAPATHAGE PINASIRI ARIYAWANSA—Sri Lanka Engineers.

Officer Cadet TIKETRIYADURA TISSA HANJIT DE SILVA—Sri Lanka Light Infantry.

By His Excellency's command,

W. T. JAYASINGHE,
Secretary,
Ministry of Defence and Foreign Affairs

Colombo, April 02, 1975.

4-260—Gazette No. 159 of 75.04.11

No. 184 of 1975

No. D. 306/Rect.

**SRI LANKA AIR FORCE—APPOINTMENT APPROVED
BY HIS EXCELLENCY THE PRESIDENT**

GROUP Captain W. D. H. S. W. GOONETILLEKE (01035)—GD/P is appointed Chief of Staff, Sri Lanka Air Force, with effect from 1st January, 1975.

By His Excellency's command,

W. T. JAYASINGHE,
Secretary,
Ministry of Defence and Foreign Affairs.

Colombo, April 02, 1975.

4-277—Gazette No. 159 of 75.04.11

No. 185 of 1975

No. D. 252/Rect/5.

**SRI LANKA AIR FORCE—PROMOTIONS APPROVED BY
HIS EXCELLENCY THE PRESIDENT OF SRI LANKA**

To be Substantive Group Captain with effect from 1st January, 1975—

Temporary Group Captain HABARAKADA ARACHCHIGE DON RANASINGHE (01011)—Tech/Sigs.

Temporary Group Captain ANTON HUXLEY PUVIMANASINGHE (01025)—Equipment.

Temporary Group Captain WELLARATCHCHIGE DON HAROLD SUMATHIPALA WIJESINGHE GOONETILLEKE (01035)—GD/P.

By His Excellency's command,

W. T. JAYASINGHE,
Secretary,
Ministry of Defence and Foreign Affairs.

Colombo, April 02, 1975.

4-276/1—Gazette No. 159 of 75.04.11

No. 186 of 1975

No. D. 252/Rect/5.

**SRI LANKA AIR FORCE—PROMOTION APPROVED BY
HIS EXCELLENCY THE PRESIDENT OF SRI LANKA**

To be Substantive Group Captain with effect from 1st March, 1975—

Temporary Group Captain DON BANDULA SANATH WEERATNE (01040)—Admin.

By His Excellency's command,

W. T. JAYASINGHE,
Secretary,
Ministry of Defence and Foreign Affairs.

Colombo, April 02, 1975.

4-276/2—Gazette No. 159 of 75.04.11

No. 187 of 1975

No. D. 252/Rect/5.

**SRI LANKA AIR FORCE—PROMOTION APPROVED BY
HIS EXCELLENCY THE PRESIDENT OF SRI LANKA**

To be Substantive Group Captain with effect from 1st January, 1975—

Temporary Group Captain DICK CUTHBERT PERERA (01037)—GD/P.

By His Excellency's command,

W. T. JAYASINGHE,
Secretary,
Ministry of Defence and Foreign Affairs.

Colombo, April 02, 1975.

4-276/3—Gazette No. 159 of 75.04.11

Government Notifications

COCONUT PROCESSING BOARD

I, Colvin Reginald de Silva, do hereby appoint with effect from 7th April, 1975, the undermentioned as members of the Coconut Processing Board by virtue of the powers vested in me under section 3 (1) (Part 1) of the Coconut Development Act, No. 46 of 1971:—

- (1) Mr. A. K. Nesaratnam
- (2) Mr. L. N. de L. Bandaranaike
- (3) Dr. J. Sivapragasam

- (4) Mudl. G. E. de Z. Siriwardena
- (5) Mr. Sepala Gunasekera.

COLVIN R. DE SILVA,
Minister of Plantation Industries.

Ministry of Plantation Industries,
No. 6, Sir Baron Jayatilake Mawatha,
Colombo 1.

4-270—Gazette No. 159 of 75.04.11

COCONUT CULTIVATION BOARD

I, Colvin Reginald de Silva, do hereby appoint, with effect from 30th March, 1975, the undermentioned as members of the Coconut Cultivation Board by virtue of the powers vested in me under section 3 (1) (Part I) of the Coconut Development Act, No. 46 of 1971 :—

1. Mr. W. Gunasekara
2. Mr. L. E. A. Fonseka
3. Dr. U. Pethiyagoda
4. Mr. G. L. D. P. Senaratna
5. Mr. Ajith Aserappa
6. Mr. B. P. Piyasena
7. Mr. W. B. Medagama.

COLVIN R. DE SILVA,
Minister of Plantation Industries.

Ministry of Plantation Industries,
6, Sir Baron Jayatilaka Mawatha,
Colombo 1.

COCONUT CULTIVATION BOARD

I, Colvin Reginald de Silva, do hereby appoint Mr. W. Gunasekara, as Chairman of the Coconut Cultivation Board, with effect from 30th March, 1975, by virtue of the powers vested in me under section 3 (2) (Part I) of the Coconut Development Act, No. 46 of 1971.

COLVIN R. DE SILVA,
Minister of Plantation Industries.

Ministry of Plantation Industries,
No. 6, Sir Baron Jayatilaka Mawatha,
Colombo 1.

4-141/1—Gazette No. 159 of 75.04.11

COCONUT MARKETING BOARD

I, Colvin Reginald de Silva, do hereby appoint with effect from 30th March, 1975, the undermentioned as members of the Coconut Marketing Board by virtue of the powers vested in me under section 3 (1) (Part I) of the Coconut Development Act, No. 46 of 1971 :—

1. Dr. S. Tilakaratna
2. Mr. P. Wategama
3. Mr. A. G. Waas
4. Mrs. Kamini Vitharana
5. Mr. W. N. M. Kumararathnam
6. Mr. Ivan Samarawickrama
7. Mr. R. B. Rajaguru.

COLVIN R. DE SILVA,
Minister of Plantation Industries.

Ministry of Plantation Industries,
6, Sir Baron Jayatilaka Mawatha,
Colombo 1.

COCONUT MARKETING BOARD

I, Colvin Reginald de Silva, do hereby appoint Dr. S. Tilakaratna, as Chairman of the Coconut Marketing Board, with effect from 30th March, 1975, by virtue of the powers vested in me under section 3 (2) (Part I) of the Coconut Development Act, No. 46 of 1971.

COLVIN R. DE SILVA,
Minister of Plantation Industries.

Ministry of Plantation Industries,
6, Sir Baron Jayatilaka Mawatha,
Colombo 1.

4-141/2—Gazette No. 159 of 75.04.11

COCONUT RESEARCH BOARD

I, Colvin Reginald de Silva, do hereby appoint with effect from 30th March, 1975, the undermentioned as members of the Coconut Research Board by virtue of the powers vested in me under section 3 (1) (Part I) of the Coconut Development Act, No. 46 of 1971 :—

1. Dr. J. Sivapragasam
2. Dr. J. L. W. Peiris
3. Dr. C. Panabooke
4. Dr. O. S. Peiris
5. Mr. A. Edmund Perera
6. Mr. P. W. R. de Silva.

COLVIN R. DE SILVA,
Minister of Plantation Industries.

Ministry of Plantation Industries,
6, Sir Baron Jayatilaka Mawatha,
Colombo 1.

COCONUT RESEARCH BOARD

I, Colvin Reginald de Silva, do hereby appoint Dr. J. Sivapragasam, as Chairman of the Coconut Research Board, with effect from 30th March, 1975, by virtue of the powers vested in me under section 3 (2) (Part I) of the Coconut Development Act, No. 46 of 1971.

COLVIN R. DE SILVA,
Minister of Plantation Industries.

Ministry of Plantation Industries,
6, Sir Baron Jayatilaka Mawatha,
Colombo 1.

4-141/3—Gazette No. 159 of 75.04.11

THE FINANCE ACT, No. 38 OF 1971

Notification under Section 28A

BY virtue of the powers vested in me by section 28A of Finance Act, No. 38 of 1971, as amended by Finance (Amendment) Law No. 7 of 1974, I, Leslie Simon Goonewardena, Minister of Transport, do by this notification appoint March 31, 1975, as the last day by which every application for a revenue licence

(other than a dealer's licence or visitor's temporary licence) for a motor vehicle shall be made for the year 1975.

LESLIE GOONewardENA,
Minister of Transport.

Colombo, 21.03.1975.

4-155—Gazette No. 159 of 75.04.11

THE EXCHANGE CONTROL ACT

ORDER made by the Minister of Finance, by virtue of the powers vested in him by section 44 of the Exchange Control Act (Chapter 423).

N. M. PERERA,
Minister of Finance.

Colombo, March 24, 1975.

Order

Exemption from the provisions of section 21 of the Exchange Control Act (Chapter 423), is hereby granted in respect of any gold brought into Sri Lanka by any shipping or airline Company on board any vessel or aircraft arriving in Sri Lanka, which the Principal Collector of Customs is satisfied is to be taken out of Sri Lanka without being removed from such vessel or aircraft.

4-237—Gazette No. 159 of 75.04.11

L. D.—B. 60/34.

THE CUSTOMS ORDINANCE

Customs Notification—Bond 1/75

IN pursuance of the powers vested in me by section 69 of the Customs Ordinance (Chapter 285), I, Gayananda Cumarantunge, Principal Collector of Customs, do, with the approval of the Minister of Finance, granted by virtue of the powers vested in him by that section, by this notice published in accordance with his direction, approve and appoint the store

(measuring 158'6" × 52'6" × 17'6") at No. 76/1, George R. de Silva Mawatha, Colombo 13, as a warehouse in which leaf tobacco imported by Messrs. Ceylon Tobacco Company Ltd. may be warehoused, without payment of duty on the first entry thereof.

G. CUMARANATUNGA,
Principal Collector of Customs.

Sri Lanka Customs,
Colombo, 18th March, 1975.
4-180—Gazette No. 159 of 75.04.11

THE WAGES BOARDS ORDINANCE

Notification

IT is hereby notified under regulation 30 of the Wages Boards Regulation, 1971, that under section 9 of the Wages Boards Ordinance (Chapter 136), the Minister of Labour has been pleased to appoint the following persons to be members of the Wages Board for the Brick and Tile Manufacturing Trade for a period of three years commencing on August 10, 1974.

A. S. GOGBERLY MORAGODA,
Secretary,
Ministry of Labour.

Colombo, March 31, 1975.

Nominated Members

1. Dr. Kamal Karunanayake
2. Mr. G. W. Jayasuriya
3. Mr. V. F. Gunorathne.

Employers' Representatives

1. Mr. E. S. Appadurai
2. Mr. R. G. Peiris
3. Mr. P. A. Kurunaratne
4. Mr. H. N. D. Fernando
5. Mr. D. W. Pothmitiyage
6. Mr. S. A. W. Subasinghe
7. Mr. K. D. S. Siriwardena
8. Mr. G. H. De Alwis.

Workers' Representatives

1. Mr. W. L. Fernando
2. Mr. D. M. John Singho
3. Mr. Jayantha Jayaweera
4. Mr. Shelton Goonatilake
5. Mr. R. Jesudasan
6. Mr. Oswin Fernando
7. Mr. A. W. Perera
8. Mr. K. D. Mendis.

4-244—Gazette No. 159 of 75.04.11

NOTIFICATION UNDER SECTION 20 (9) OF THE FISHERIES ORDINANCE (CAP. 212)

Karainagar Fishing Dispute

THE report of J. G. L. Swaris, Esq., who was appointed by the Minister of Fisheries to inquire and report on the above fishing dispute is hereby published in terms of Section 20 (9) of the Fisheries Ordinance (Cap.212) for public information.

2. Any person who is affected by this fishing dispute or any matter relating to connected with or arising from the fishing dispute and who desires to make representations on any matter dealt with in this report may do so in writing to the Minister of Fisheries before the expiration of one month from the date of publication of this notification in the *gazette*.

E. G. GOONEWARDENE,
Secretary,
Ministry of Fisheries.

Colombo, 1st April, 1975.

KARAINAGAR FISHING DISPUTE

Report

This matter was referred to me under Section 20 (1) of the Fisheries Ordinance by the Hon'ble Minister of Fisheries. The subject matter of the dispute is as follows:—

- (1) The group of fishermen residing around Karainagar while claiming exclusive fishing rights object to the fishing operations carried on by the other group of migrant fishermen from mechanized fishing craft on the ground that such fishing operations have adverse effects on their fishing operations on which they are dependent for their livelihood.
- (2) The other group of migrant fishermen from Mathagal claim a right to fish in the aforesaid portion of Ceylon waters off Karainagar on the ground they have established a customary right.

The Inquiry was commenced by me in Jaffna on 19th March, 1974. Mr. Kulasingham with Mr. Kodeswaran appeared for the Karainagar fishermen. I shall refer to them as the Complainants. Mr. Sunderalingam with Mr. A. Antony appeared for the Mathagal fishermen. I shall refer to them as the Respondents.

The following issues were raised in this case:—

- (1) Whether the Mathagal fishermen came to fish in this area for the first time only in February, 1973.
- (2) Whether they had been fishing in this area prior to February, 1973, both with and without outboard motors.
- (3) Whether the noise of outboard motors disturbs the mural fishes causing loss to the Complainants.

The Complainant called Mr. Shanmugasunderam. He speaks to an official complaint made by the Karainagar fishermen that fishermen from Mathagal had come to the mural fishing ground and disturbed the fish by using mechanized boats. He states that the Complainants did not tell him that they had the exclusive right to fish in that area.

In view of Issue No. (1), it is strange that the Complainants did not state that they had the exclusive right to fish. The issues as framed show that the most important complaint of the Complainants was that prior to 1973 the Complainants had from time immemorial fished in these waters to the exclusion of all other fishermen. Therefore, the first thing in their minds in making their complaint would have been to state this fact. It is strange that no such complaint was made. The next witness called was Palanivelu, Member V. C. and R. D. S. He states that only the Complainants fished in the disputed area. No other fishermen fished in this area. It was only in 1973 that people from Mathagal came to fish in this area. On 4.2.1973, some fishermen came in mechanized kattumarams, about 40 to 50 of these boats. These boats caused damage to the Complainants' nets. (This fact was not mentioned by Mr. Kulasingham who conducted his case very ably nor is it mentioned in the written statement forwarded to me).

An inquiry was held into the complaint of the Complainants and the A. S. P. made order that the Respondents should not go into the area with mechanized boats. The G.A. also held an inquiry and ordered that the Respondents should not go into the area with mechanized boats. This would clearly show that the only complaint of the Complainants was the use by the Respondents of mechanized boats. This and other matters which I shall refer to later will affect Issue (1) raised in this dispute. This witness is not a member of the fishing society. This would mean that he had not even one net. He admits that the Respondents have these same type of nets both old and new for Mathagal fishing. Obviously this fishing is done only in the Karainagar coast and there was no necessity therefore for the Respondents to possess this type of net both old and new unless they were prior to this date engaged in fishing on this disputed ground.

Mr. S. Arunachalam, A.G.A., Chankarny was next called as a witness. He was in fact a witness summoned by the Respondents but I had called him early as he had to attend to other official duties. According to his evidence he is the President of the Pandatherappu Fisheries Co-operative Society. Mathagal comes under this area. On 8.3.1973, one Sellakandu of Mathagal and Mr. A. Francis, Fisheries Inspector made a complaint that Sellakandu and his party were arrested by the Police at Kovilam and were prevented from carrying out normal fishing operations. He telephoned the Kayts Police and asked them not to obstruct until the matter was referred to the G.A. He followed it up with a letter addressed to the O.I.C., Kayts with copies to the G.A. and D.F.E.O., Jaffna. This letter states that they were traditional fishermen. I specifically asked him the question why he stated that these fishermen were traditional mural fishermen. He answered that this was because he had heard this from Sellakandu and the Fisheries Inspector. He had no personal knowledge about this but he could say that most of the mural fish coming to Jaffna came from Mathagal. He made inquiries from the Grama Sewaka and found that they were traditional mural fisherman. He was aware that Mathagal fishermen go to other parts including Karainagar. The important aspect of his evidence is that he could say that mural fish coming to Jaffna is from Mathagal. If such large quantities of fish go to Jaffna from Mathagal where admittedly no intensive fishing operations are conducted, then obviously this fish should be fish which the Mathagal fishermen have fished from the disputed area.

His evidence may be equivocal. It is possible that the fish which he states was sold by the Respondents at Jaffna was the fish purchased from the fishing ground at Karainagar and it is equally possible that the fish sold in Jaffna was the fish caught by the Respondents in this disputed area. It has to be strongly noted however that this position was not put to the A.G.A. on that date but on the next day witness Thevarajah cleverly gave evidence of the sale of this fish by the Complainants to the Respondents. This sale would have been clearly in the minds of the Complainants since Thevarajah was specific on this matter and even went to the extent to say that the cause of the dispute was that the Complainants stopped selling fish to the Respondents. This was the reason why, according to him, the Respondents acted in this manner on the day in question. He also states that the Respondents catch mural fish in Mathagal also. This is not quite supported by the evidence in this case except the evidence of a witness who states it is done on a minor scale. The evidence of the A.G.A. being equivocal, the Respondents must seek corroboration by other evidence. His evidence is well corroborated by the evidence called by the Respondents which I shall refer to later. I therefore accept his evidence without hesitation.

Thevarajah, President of the Karainagar Fishing Society admitted that he had no nets for the last two years. He did not have any kattumarams. Kandiyah, a witness for the Complainants admitted that Thevarajah does not do mural fishing.

The Complainants called Veerakutti Eliyathamby, 80 years and one Kandiyah who merely repeated the Complainants' story but did not appear to me to be truthful witnesses. The Grama Sewaka of Karainagar North was called as a witness. He appeared to be witness who would go to any extent to give exaggerated false evidence. He stated that 700 fishermen in this village go out fishing. This evidence is clearly contradicted by the Complainant's own witness Thambirajah Swamy who categorically stated that only 200 to 300 people do actual fishing and the balance population does other work. He was emphatic that the Respondents came to fish for the first time in 1973. He was obviously trying to fall in line with Issue No. (1). Although he had been summoned to give evidence on this very point, he did not choose to bring his diary. He preferred to give oral evidence of the complaint made to him because then he would be in a position to make any statement to suit his ends. He categorically stated that the complaint made to him made mention of the fact that the Respondents had not fished in this area prior to 1973 and that it was only in 1973 that they came there to fish for the first time. It would be appreciated that this evidence if true would have been strong corroborative evidence of Issue No. (1). His demeanour however, when he gave his evidence, raised a suspicion in my mind and I ordered him to produce the diary on the next date. When the diary was produced before me on the next date, as suspected by me, there was no such statement in the diary. This witness definitely attempted to get off with false oral evidence of a complaint made to him hoping that I will accept his

oral evidence. I hold that this witness has given false evidence before me and without any hesitation his evidence on this material point is rejected.

A complaint had been made on 6.2.73, produced by the Complainants. This complaint too does not say that the Respondents came there for the first time in 1973. This complaint has no bearing on Issue No. (1).

Thambirajah Swamy, a Priest also repeated the version of the Complainants. I think he had been procured merely to support the position of the Complainants. I do not think I can accept his evidence.

V. Marimuttu, R.D.O., Kayts, also gave evidence in this case. He is a native of Karainagar. The main occupation of the Karainagar fishermen is fishing. As far as his knowledge goes, the fishermen from Mathagal have never fished in this disputed area prior to 1973. Mathagal fishermen came to fish in this disputed area for the first time in 1973. He is a member of the Board of Directors of the Primary Co-operative Fishing Society at Karainagar. I think this witness is an interested witness and he is trying to safeguard the rights of the Karainagar fishermen in fishing exclusively in this area so that this fishing society can benefit financially to a great extent. His evidence as against evidence of the other witness in this case which I shall refer to later, has to be rejected. He however admits that if more people are allowed to exploit this area of sea, the catches of fish would be very much more and it would be in the interests of the country and in keeping with the policy of Government to have bigger catches which would be beneficial to our country.

Mr. L. B. Philip, Fisheries Inspector (Co-op: Development) Kayts, was called as a witness. He does not know this fishing area and cannot give evidence to support Issue No. (1). His evidence however shows that a complaint was made that the action of the out-board motor had damaged the nets of the Karainagar fishermen. This evidence however does not cover any of the issues raised in this case. His evidence is significant in that he had stated that he got the Minutes Book of the society and the complaint made by the President had been recorded in that book. The complaint merely refers to the nets being damaged. The President did not state in that complaint that for the first time Mathagal fishermen attempted to fish in this area in 1973 nor did it state that they have an exclusive right to fish in this area. This evidence of the F. I. (C. D.) clearly gives the lie to the facts sought to be proved by Issue No. (1). As I stated before, Issue No. (1) being the main issue in this case, the President in this complaint could not have possibly omitted to have mentioned this most important fact and had this recorded in the Minutes Book.

Sathasivam gave evidence. His was also a mere repetition on Issue No. (1). He also contradicts the Grama Sewaka's evidence and states that about 300 people were engaged in mural fishing. It is to be noted that he was in the well of the Court when he gave evidence as he was seated behind the earlier witness when he was giving evidence. The Grama Sewaka of Karainagar produced complaints C. 2 of 7.2.73, C. 3 of 26.2.73, C. 4 of 3.3.73, C. 5 of 13.3.73, C. 6 of 15.3.73. It is very significant that in none of these complaints was it mentioned that the Mathagal fishermen came to these waters for the first time in 1973. Issue No. 1 is the most important and crucial issue in this case. The omission to mention this fact clearly shows that Issue No. (1) had been belatedly formulated for purposes in this inquiry.

The Respondents called the Grama Sewaka of Mathagal. The Mathagal Fisheries Society comprised of 400 members using 100 kattumarams. In 1962, he was Grama Sewaka of Mathagal for one year. In 1963, he went as Grama Sewaka to Vaddukoddai 6 miles away. In 1966, he went as Grama Sewaka to Pandatherappu two miles away. In 1969 to Aralai, 7 miles away. In 1972, he came back to Mathagal. He does not have a knowledge of the exact fishing ground. He however has seen the boats leaving the Mathagal coast during the relevant periods and coming back laden with mural fish. Admittedly, the only mural fishing ground of any extent is the ground in disputes. His evidence that he had seen the boats going towards Kovilam point and coming back laden with fish leads one to the irresistible conclusion that these boats set out to the Kovilam point and return from the disputed fishing ground. He knows that the fish is brought from the Kovilam fishing ground area. He has seen this in 1962. I am quite satisfied that he is speaking the truth. Counsel for Complainants wants me to reject his evidence on the ground that he had stated that he had bought fish at 10 p.m. and there is contradiction in his evidence in the light of what witness Selladurai had said.

At this stage, I could refer to the submissions made by Counsel about the contradictory evidence of the time of departure and the time of arrival of the boats. I have considered these discrepancies and I do not think that they materially affect the case of the Respondents. Selladurai was called by the Respondents. He was a fisherman. He did fishing in kattumarams for mural and also turtle fishing. He fished in Mathagal and Silavathurai. During January, February and March, he did mural fishing at Kovilam point (disputed area). During the rest of the seasons, he fished at Mathagal and Silavathurai. He was a fisherman for 15 years. He had gone to the disputed point to fish for mural from his 15th year. For 8 or 9 years he had used outboard motors fitted in kattumarams with sails. The catch is more in mechanized craft. They do not disturb the fish or interfere with other peoples' fishing. Nets have not been damaged due to the working of the propellers of the motors. Where, a mechanized kattumaram approaches a net the person operating the outboard motor lifts the outboard motor until the kattumaram passes the net. When they approach shoals of fish they knock off the engine and row up to that point. The engines are knocked off 50 to 100 yards away.

He gives the description of the mode of fishing. He speaks to sounds made by fishermen when they approach the shoals of fish. It appears that according to the customs of these fishermen sounds are made hoping to attract the fish into the nets. It must be borne in mind that certain primitive customs are handed down to fishermen and these customs are still followed. The evidence of Dr. P. Canagaratnam, Research Officer, clearly shows that sounds do not help in fishing but as a custom certain people make sounds. On first principles, a sound made above the water cannot possibly be conveyed to the fish inside the water. Much was made of the necessity for these sounds in order to explain away the sound caused by the action of the mechanized boats. I shall deal with this later, when analysing the evidence of Dr. Canagaratnam.

When shoals of fish appear the kattumaram is rowed to the place where the fishes are. By that time the outboard motors have been knocked off. The only adverse effect that the outboard motor can have is on the return when there is a possibility that there may be still nets in the sea. But according to the evidence, the boats fitted with outboard motors usually delay taking off until all the nets are collected.

His evidence was attacked on the point that he is not a fisherman but only a fish mudalaly. His evidence differs as to time from the evidence of the others but as I have already stated, these minor discrepancies would not materially affect his evidence. Fr. Joseph had not seen him doing mural fishing. Fr. Joseph's knowledge is from 1969 to 1973. It is quite possible that Fr. Joseph had not seen this witness fishing. This would not necessarily make this witness' evidence false. He appeared to me to be a genuine fisherman who in his later years of life engaged more in the fish trade than in intensive fishing.

Rev. Fr. Lewis Joseph, Parish Priest, Mathagal, gave evidence. He was Parish Priest from June, 1968. He had actually gone with the fishermen to see the fishing done to the Kovilam point fishing ground. This was in the latter part of February, 1969. There were a few people who do mural fishing to the East of the Mathagal grotto about 1/2 to 1 mile away. That was only by about 5 or 6 kattumarams by 10 people. I might here state that the East would mean in the opposite direction to the Kovilam coast. The majority of the fishermen went to Karainagar side—about 26-36 kattumarams. In February, 1969, he went with the fishermen to Kovilam point. They went up to a point about 100 yards from the fishing ground and he goes on to give evidence as to how the fishing is done. His evidence is attacked in the written submissions that he was prejudiced in favour of the Mathagal fishermen because he is a Parish Priest of a predominantly Catholic community and belongs to the same caste and is therefore an interested witness, that he had taken an active part in this dispute when the Police arrests were made. I must say that it is only natural that he had to take an active part when his parishioners had been arrested. I have seen this witness before me. I have no hesitation in holding that this witness was speaking the truth. I cannot agree with Counsel that this witness will lend himself to give false evidence merely because he is of the same community and is the Parish Priest of the village. In Jaffna, there are Catholics of every community in every village and I cannot accept the suggestion that this witness (whom as I stated before appeared to be truthful) will take the side of a particular community. His evidence which I accept without hesitation clearly shows that prior to 1973, the Mathagal fishermen had been fishing along the Kovilam coast.

Mr. R. Francis, Fisheries Inspector of Kayts gave evidence. He assumed duties in Kayts as Fisheries Inspector on January 6th, 1970. Apart from the Karainagar fishermen, fishermen from other areas like Eluvaithivu, Mathagal come to this place for mural fishing. From 1970, about 6-7 kattumarams came for mural fishing from Eluvaithivu. 1 or 2 of them are mechanized and the rest use sails. In 1973, the mechanized kattumarams coming from Eluvaithivu increased by 2. From Mathagal about 15 non-mechanized kattumarams and about 1 or 2 mechanized kattumarams came for mural fishing in 1970. In 1971 the number of mechanized kattumarams increased by about 1 or 2 and in 1972 the number of mechanized kattumarams increased to 10. In 1973, the number of mechanized kattumarams increased to 25 or more. From 1970 to 1973, he had seen kattumarams fitted with outboard motors used for fishing in this disputed area. He is an Inspector, still attached to the Fisheries Department.

In all inquiries of this nature it is customary for the Department to summon all Fisheries Inspectors and other officers concerned in the dispute. He is accused of giving false evidence on some complaint that had been made against him by some Karainagar fishermen. I cannot conceive of the possibility of an official witness giving such palpably false evidence because some fishermen out of several had sent a petition against him. Complaints against Government officers are not uncommon. In this instance the complaint had not been proved. Counsel complains that at the Conference he was present and did not give evidence. No doubt he was present at the Conference, but unless he was specifically questioned by the G.A., he could not give evidence. The position certainly would have been different if he had been questioned by the G.A. and did not give this evidence. I certainly accept his evidence. I might go so far as to state that if the case rested on the evidence of this witness alone I would have acted on his evidence. It must also be noted that this witness was not summoned by the Respondents although his name appears in the list of witnesses but summoned by the Department.

Mr. A. Francis, Fisheries Inspector, Mathagal, also gave evidence. He is an official witness not called by either the complainant or the respondent but merely summoned by the Department as is usually done. He had been in charge of the area from 1971. He had seen the Mathagal fishermen going towards Kovilam and returning with catches of mural fish. The remarks I made earlier of the Grama Sevaka, Mathagal apply to this witness also.

There is no other fishing ground for mural in this area. According to his official knowledge, fishermen from this area went towards Kovilam from 1971 and came back with mural fish and they say they got it from Kovilam. According to the information this has been going on since 1964.

In an inquiry of this nature, the strict rules of evidence are not usually followed. Some of the evidence, although amounting to hearsay can be accepted by me in view of the fact that these official witnesses had seen the boats going towards Kovilam, coming back from Kovilam and on inquiries made from the fishermen and from the people, they learnt that the fishing was done in this disputed area.

Anthonymuttu Rasiah, a fisherman from Eluvaithivu gave evidence. He contradicts the claims of the complainants that only the Karainagar fishermen fished in this area. His evidence is corroborated by the Fisheries Inspector in this area, and I accept his evidence. Sellakandu corroborates the evidence of the respondents' witnesses. He appears to be a truthful witness. In spite of certain discrepancies referred to by Counsel as to times and places, I accept his evidence.

I inspected the scene on 15.6.74. There appeared to be a certain confusion as to the fishing ground but it was later resolved by the parties. One A. M. Ambalavanar was present at the scene. He stated he was V. C. Chairman of Karainagar from 1948. He knew all the particulars of this dispute. At the scene he really was heading a gang of people who came to make representations before me. It is surprising that this witness who claims to be a V.C. Chairman from 1948 was never called as a witness for the complainants. The complainants satisfied themselves by calling certain fishermen. If they had a witness like A. M. Ambalavanar, a V.C. chairman who was prepared to come and give evidence and face cross-examination, surely they could have called this witness.

Dr. P. Canagaratnam, Research Officer of the Fisheries Research Station, was called by me as an expert witness. He is an Honours Graduate in Zoology from the University of Ceylon; M. Sc. and Ph. D. in Zoology and Fisheries Science from the University of British Columbia, Canada. According to him, sound from an oar or motor is radial, i.e., it is diffused right round. The intensity of sound decreases as it travels from point to point, i.e., if sound of an intensity 'X' and an area which is 10 feet away from its source, the

intensity will become $\frac{1}{10 \times 10} = \frac{1}{100}$ times 'X' and

when this same travels another 10 feet from this point,

it will become $\frac{1}{100 \times 100} = \frac{1}{10,000}$ times 'X'. Sound

is measured in decibels or hertz. (1 cycle per second is equal to 1 hertz). Here, in the case of outboard motors, he had no idea of what intensity of sound is made. However, once the sound is gone the fish come back to that area again. According to the evidence in this case, the outboard motors are knocked off 50-100 yards away from the place where the fish appear and that is done very long before the actual fishing time. From the evidence of the expert, which I accept, it is inconceivable that the noise of outboard motors made earlier would disturb the fish in the fishing ground.

I have to consider whether if unlimited fishing is allowed in this area, whether there is a chance of the fish being exterminated. The evidence of the Expert clearly shows that the fecundity of fish is high, particularly pelagic fish. Pelagic fish is fish found from the surface of the water to a little above the bottom. Mural fish is pelagic fish. If for instance, one pair breeds and out of the young only two survive to become adults, that is quite sufficient to keep a fishery going. Fishing mortality is only a fraction of natural mortality in the sea.

On the question of mechanized boats, the main purpose of using mechanized craft is to get to and from the fishing ground quickly and to bring back the fish as early as possible so that fish will remain in good condition once it is brought to the shore. Mural belong to the coastal fish in Ceylon. When he was specifically asked whether he thinks that mechanized kattumarams should be encouraged, he stated definitely so since that has been the policy of the Department and the Ministry to encourage mechanization. The use of mechanized craft would not cause fish to diminish or become extinct in this area.

CONCLUSION

Normally disputes of this nature are resolved on the balance of probabilities. In this dispute however, I am satisfied beyond any manner of doubt that the version of the respondents is true and that of the complainants is false. I answer Issue (1) in the Negative; Issue No. (2) in the affirmative and Issue No. (3) in the Negative.

I might state that the attempt of the complainants to claim exclusive fishing rights in this prolific fishing area constitutes a very selfish intention on their part. It is in evidence that fishermen collect large sums of money by the sale of mural fish during this period. The amount collected by each fisherman runs to the tune of thousands of rupees. The complainants in their attempt to prevent mechanized craft coming to this area wants me to go back to the primitive bullock cart days when instead the country should strive to progress. Mechanized boats are being encouraged in this country and in other parts of the world in order to entrap the fullest catch of fish possible. In this country at the moment when the Government is all out on a Food Production War, it would be foolish on the part of any Department to restrict such vast catches of fish to any particular group of people purely for selfish motives. The country is crying out for food. Would I be justified in making a finding which would in any way affect Food Production? Since it has been proved before me that the complaint of the Karainagar fishermen is false, I recommend that all parties be allowed to fish in this area with or without mechanized boats. In this connection I must bear in mind the Common Law that all parties are entitled to fish in the sea. No doubt in certain circumstances, the Minister of Fisheries may for certain reasons make regulations to control fishing but I think that this type of regulation which the Minister is empowered to make should not be made in a case of this nature where a certain section of the community, purely on selfish motives, is striving to keep other fishermen out of their fishing areas.

J. G. L. SWARIS,
Commissioner,
Karainagar Fishing Dispute Inquiry.

This Report was read out by me in the presence of parties in English and interpreted into Tamil by the translator of the Department of Fisheries, Colombo, on August 13, 1974.

J. G. L. SWARIS,
Commissioner.

4-205—Gazette No. 159 of 75.04.11

L. D.—B. 8/66.

THE CEYLON TOURIST BOARD ACT, No. 10 OF 1966

ORDER made by the Minister of Shipping and Tourism under section 48 (1) of the Ceylon Tourist Board Act, No. 10 of 1966.

අත්සන් කළේ : ඩී. ඩී. වික්‍රමසිංහ,

Acting Minister of Shipping and Tourism.

Colombo, 20th day of March, 1975.

Order

The Order made under Section 48 (1) of the Ceylon Tourist Board Act, No. 10 of 1966, and published in Government Gazette No. 14,702 of July 1, 1966, as amended from time to time, is hereby further amended by the substitution, for the definition of the expression "travel agent", of the following new definition:—

"travel agent" means an individual, partnership, company or a body corporate or unincorporate who or which provides

for fee or reward any or all of the following services or facilities to tourists visiting Sri Lanka or residents of Sri Lanka travelling abroad:

- The issue of transport tickets or booking of seats on any means of transport;
- The reservation of accommodation in hotels, rest houses, guest houses and other places providing lodging and refreshment;
- Provision of reception at ports of entry, assistance in the securing of travel documents such as passports, visas, exchange control permits and the clearing and transport of baggage;
- The organisation of excursions or tours either on an all-inclusive basis or on the basis of a commission on the sale of travel tickets, and the provision of services and facilities connected with such excursions or tours.

4-259—Gazette No. 159 of 75.04.11

THE INLAND REVENUE ACT, No. 4 OF 1963

Notice of declaration under Section 16CC

IT is hereby notified that the Minister of Finance has, under the powers vested in him by section 16CC of the Inland Revenue Act, No. 4 of 1963, as amended by the Inland Revenue (Amendment) Law, No. 17 of 1972, declared the undertaking specified in Column I of the Schedule to this notice and carried on by the company specified in the corresponding entry in Column II

of that Schedule to be an approved undertaking for the purposes of that section.

Colombo, March 27, 1975.

C. A. COOREY,
Secretary,
Ministry of Finance.

SCHEDULE

Column I	Column II
Hotel Topaz, Kandy.	McLerens Holiday Resorts Ltd.

4-236—Gazette No. 159 of 75.04.11

THE INLAND REVENUE ACT No. 4 OF 1963

Notice of declaration under Section 160C

Limited, to be an approved undertaking for the purposes of that section.

IT is hereby notified that the Minister of Finance has, under the powers vested in him by section 160C of the Inland Revenue Act, No. 4 of 1963, as amended by the Inland Revenue (Amendment) Law, No. 17 of 1972, declared the undertaking for the export or sale of gems carried on by Messrs. Lakruwan Gems

Colombo, March 27, 1975.

4-234—Gazette No. 159 of 75.04.11

C. A. GOOREY,
Secretary,
Ministry of Finance.

No. 543 E 141/D (ix)

DECLARATION OF POSTS AS PENSIONABLE POSTS

IN pursuance of Section 2 of the Minutes on Pensions and subject to the provisions of the said Minutes, it is hereby notified that every holder of each of the posts specified in Column I of the Schedule hereto in the Department specified in the corresponding entry in Column II of that Schedule is eligible for pension, with effect from the date on which he is appointed to such post.

D. B. I. P. S. SIRIWARDHANA,
Secretary,
Ministry of Public Administration,
Local Government and Home Affairs.

Ministry of Public Administration,
Local Government and Home Affairs,
Colombo 7, March 14, 1975.

Schedule

Column I	Column II
Additional Secretary (whilst held by Mr. K. B. Dissanayake with effect from 23.8.1973)	Ministry of External and Internal Trade
Secretaries (Rent Control Boards) (whilst held by Messrs M. B. S. Sunandarathne, P. A. D. Perera, P. M. Wilson, P. P. Kodituwakku with effect from 1.8.1973 and Mr. M. S. Jayasuriya with effect from 1.10.1973)	Department of National Housing
Authorized Officer (Whilst held by Mr. Piyadasa Tennakoone with effect from 15.3.1974)	Department of National Housing
Finance Officer, Ministry of Agriculture and Lands (whilst held by Mr. S. Mylvaganam)	Ministry of Agriculture and Lands
Laboratory Technologist (whilst held by Mr. A. M. V. R. Manatunge)	Department of Zoological Gardens
Deputy Director of Programming (whilst held by Mr. D. T. Rajaratnam)	Ministry of Housing and Construction
Additional Senior Assistant Secretary (whilst held by Mr. C. J. Weerasekera with effect from 30.1.72 to 26.2.73)	
Senior Asst. Secretary (whilst held by Mr. C. J. Weerasekera with effect from 27.2.73)	
Assistant Secretary (Internal Audit) (whilst held by Mr. E. M. D.W. Chandrasekara)	Department of Minor Export Crops
Extension Officers (whilst held by Messrs. W. M. A. Weerasekera, T. Manoharan P. Varakadeniya, M. A. Wijesooriya, T. A. Nandanasinghe and I. N. H. Pereira)	
Farm Manager (whilst held by Mr. P. H. Gunasiri with effect from 1.9.1973)	

4-183—Gazette No. 159 of 75.04.11

CO-OPERATIVE SOCIETIES LAW No. 5 OF 1972—CONFERMENT OF POWERS

Order

IN pursuance of the powers vested in me by section 2 (2) of the Co-operative Societies Law No. 5 of 1972, I, Tikiri Bandara Ilangaratne, Minister of Foreign and Internal Trade, do by this Order, confer on each of the persons appointed to assist the Commissioner of Co-operative Development and specified in column I of the Schedule hereto, such powers of the Registrar under the Co-operative Societies Law No. 5 of 1972, and under the Rules made thereunder, as are specified in column II of that Schedule.

T. B. ILANGARATNE,
Minister of Foreign and Internal Trade.

75.03.28,
Colombo.

SCHEDULE

Column I	Column II
1. Mr. Heethake Rupawansa De Silva	Powers under the Co-operative Societies Law : All the powers of the Registrar under Sections 3, 5, 6, 7, 8, 33, 42, 43, 44 (except 44 (6)), 45, 46, 47, 50, 52, 53, 54, 58 (except 58 (2) (a) and 58 (5)), 59, 68, 72. Powers under the Rules :— All the powers of the Registrar under Rules 4, 11, 15, 16 (ii), 18, 19, 20, 33, 37, 39, 40, 41, 42, 43, 48, 49, 53.
2. Mr. Porage Ranjith Perera	
3. Mr. Devagirige Dayaratna Dharmasiri	
4. Miss Asoka Padmini Munasinghe	
5. Mr. Vajiranath Haputanthri	
6. Mr. Tilakaratne Hapangama	
7. Mr. Koku Hannadige Weerasena	
8. Mr. Dolawatta Appuhaniilage Don Jayawardena	
9. Mr. Weerasena Kalupahana	
10. Mr. Dharmasena Dissanayake	

4-184—Gazette No. 159 of 75.04.11

My No. T7/1077.

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 All-Ceylon Local Government Workers' Union, 67, Ananda Rajakaruna Mawatha, Colombo 10 and Negombo Municipal Council, Negombo, was referred by order dated 3rd July, 1973, under Section 4 (1) of the Industrial Disputes Act, Chapter 131, as amended and published in the *Gazette of the Republic of Sri Lanka* No. 69 of 20th July, 1973, 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.

Labour Secretariat,
 Labour Department,
 Colombo 5,
 25th March, 1975.

A-1270

CL/R. IC.

All-Ceylon Local Government Worker's Union, 67, Ananda Rajakaruna Mawatha, Colombo, 10.

and

Negombo Municipal Council,
 Negombo.

The dispute between the All-Ceylon Local Government Workers' Union, 667, Ananda Rajakaruna Mawatha, Colombo 10, and the Negombo Municipal Council, Negombo, was referred to me for settlement by arbitration by the Hon. Minister's Order dated 24th April, 1973. The statement of the matter in dispute prepared by the Commissioner of Labour which accompanied this order was "whether the demand of the above Union that its Member, Mr. K. S. A. P. Fernando should have been placed on the salary scale Rs. 750-13 x 42-Rs. 1,296 with effect from 27.10.63 and on the revised scale of Rs. 2,640 15 x 60-Rs. 3,540 with effect from 10.10.69 by the Negombo Municipal Council is justified and to what relief he is entitled."

At the inquiry held on 29th May, 1973, Mr. Felix Fernando on behalf of the Union informed Court that Mrs. Swarna Perera on behalf of the All-Ceylon Local Government Workers' Union had addressed a letter to the Secretary, Ministry of Labour, dated 9.5.73, stating that the matter in dispute as appearing in the statement of the Commissioner of Labour dated 2.4.73 which accompanied the Order of the Hon. Minister dated 24.4.73 was incorrect and wanted the papers returned to the Commissioner of Labour for suitable action.

The Minister thereafter revoked the reference and referred the dispute afresh to me by his order dated 3rd July, 1973, and the statement of the matter in dispute which accompanies the order is as follows :-

"The matter in dispute between the aforesaid parties are, whether the following demands made by the All-Ceylon Local Government Workers' Union on behalf of Mr. K. S. A. P. Fernando of Negombo Municipal Council are justified and to what relief he is entitled.

1. That Mr. K. S. A. P. Fernando be placed on the salary scale of Rs. 780-10 x 42-1,200 p.s.w.e.f. 27.10.1963 or any other scale commensurate with the type of duties performed by him.

2. Given the acting Allowance during the periods that he had covered the duties of the L. G. S. Fitter Grade I whenever that officer was on long medical leave and from 8.8.70, the date of his death till the post was filled by the L. G. S. C. on 1.10.71

3. Given the monthly fixed Transport Allowance of Rs. 7 from 27.10.63 for having owned, kept and used a push bicycle for his official duties.

4. Given Holiday Railway Warrants in terms of the Financial Regulations under which such warrants are issued to other employees of the council.

At the enquiry it transpired that Mr. Fernando was interdicted from service on 12.4.73 prior to the date of the reference to me. At the time Mr. Fernando was interdicted he was a semi-skilled Grade II worker. He was charge-sheeted and after enquiry was found guilty of all the charges framed against him.

The Negombo Municipal Council decided to treat Mr. K. S. A. P. Fernando as a new entrant temporary casual labourer as from 1st February, 1974, and to fix him up in some other department not under the Municipal Engineer. Mr. Fernando refused to accept the appointment on the new terms and conditions laid down in the letter dated 24th January, 1974, given below.

Interdiction of Mr. K. S. A. P. Fernando

This is to bring to your notice that the sub-committee appointed by the Council has found you guilty of all the charges against you. However, the Council has decided to recruit you as a new entrant temporary casual labourer as from 1st February, 1974, and to appoint you to a Department in the Council which is not under the Municipal Workers Engineer. You should accordingly report for duty on 1st February, 1974, to the Municipal at 8.00 a.m. The Commissioner will assign you and direct you to the Department you should work in.

Letter of Appointment will be issued to you in due course.

N. DENZIL FERNANDO,
 Mayor of Negombo.

Since the contract of service no longer subsists it would not be open to me to make an award and impose a new scale. Neither can I order the reinstatement in service of the workman because the severance of the contract has taken place subsequent to the reference. I would therefore suggest that the reference made to me be revoked and a fresh reference be made to another Arbitrator regarding the following matters:-

"(1) whether the termination of the services of Mr. K. S. A. P. Fernando and the decision to recruit him as a new entrant temporary casual labourer as from 1.2.74 is justified and to what relief he is entitled.

(2) whether Mr. Fernando is entitled to-

(a) acting allowance during the period he had covered the duties of L. G. S. C. Fitter Grade I whenever that Officer was on long medical leave and from 8.8.70, the date of his death till the post was filled by the L. G. S. C. on 1.10.71.

(b) a fixed travelling allowance of Rs. 7 from 27.10.73 for having owned, kept and used a push bicycle for official duties.

(c) Railway warrants in terms of the financial regulations under which such warrants are issued to other employees of the Council."

M. MATHIAPARANAM,
 Arbitrator.

15.3.75.

4-201-Gazette No. 159 of 75.04.11

My No. C/I. 688.

THE INDUSTRIAL DISPUTES ACT, CHAPTER 131

THE Award transmitted to me by the President, Labour Tribunal to whom the Industrial Dispute which has arisen between The Ceylon Mercantile Union, 22 1/1, Upper Chatham Street, Colombo and Messrs. Maliban Biscuit Manufacturies Ltd., No. 11, Van Rooyen Street, Colombo 13, was referred by order dated 14th June, 1967, made under Section 4 (1) of the Industrial Disputes Act, Chapter 131 as amended and published in the *Ceylon Government Gazette* No. 14,754 of June 23, 1967, 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, 27th March, 1975.

The matter of an Industrial Dispute
 between

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

and

Messrs. Maliban Biscuit Manufacturies Ltd., 11, Van Rooyan Street, Colombo 13.

ID/LT. 8/178.

Award

The above dispute was referred to this Tribunal by Mr. M. H. Mohamed, the then Minister of Labour, Employment and Housing, by virtue of the powers vested in him by Section 4 (1) of the Industrial

(2) Whether the non-offer of work to the following employees is justified and to what relief each of them is entitled :—

- | | |
|---------------------------|--------------------------|
| Miss D. D. Asilin | Miss W. D. Ratnawathie |
| Mr. P. Ariyasena | Miss Kusuma Rajapakse |
| Miss D. C. W. Basnayake | Miss Katherine Ranasin- |
| Mr. S. A. P. Dissanayake | ghe |
| Miss Wansawathie Dhar- | Mr. L. S. K. Rabel Sin- |
| masena | gho |
| Miss Mary Elizabeth | Mr. Senarath Silva |
| Mr. W. Joseph Fernando | Miss G. K. Somawathie |
| Miss K. D. Florence | Miss Ratnawathie Soysa |
| Miss M. D. L. Gunatilleke | Mr. A. K. Sarath |
| Mr. M. P. W. Gunawar- | Miss S. P. Seelawathie |
| dana | Miss A. G. Sirimawathie |
| Miss G. L. Gunaratne | Miss K. G. P. de Silva |
| Miss S. A. Hemawathie | Mr. J. W. Sandiman |
| Miss H. Hettiaratchchi | Mr. W. A. Somapala |
| Mr. M. R. P. Janis | Miss K. G. Tillekawathie |
| Mr. H. D. Jinadasa | Miss H. V. Wineetha |
| Mr. R. K. Jayasena | Miss Muriel Williams |
| Miss M. H. Violet | Miss E. A. Wimalawathie |
| Miss G. Mallika Jinadasa | Miss Ramyalatha Withana |
| Mr. P. M. K. Jinadasa | Mr. I. D. Abeyweera |
| Miss Kusuma Kariyawawa- | Mr. R. Arumugam |
| sam | Mr. A. A. Cader |
| Miss K. O. Lalitha | Mr. W. Joseph Fernando |
| Mr. D. D. Martin | Mr. R. K. Jayasena |
| Mr. M. H. Martin | Mr. Cassim Mohamed |
| Miss M. H. Malini | Mr. S. Perumal |
| Mr. B. Newton Perera | Mr. Malcolm Perera |
| Mr. A. H. Piyadasa | Mr. S. Ranasinghe Silva |
| Miss K. G. Premawathie | Mr. L. Tudor |
| Miss H. A. Wimalawathie | Mr. A. M. Mansoor |
| Perera | Mr. H. A. Dharmadasa |
| Miss T. Wimala Peiris | Mr. A. Ranjith |
| Miss H. A. N. A. Perera | |
| Miss R. Irene Perera | |

(3) Whether the transfer, demotion and the subsequent termination of employment of the following employees is justified and to what relief each of them is entitled :—

- | | |
|-------------------------------|---------------------------|
| Mr. A. C. Abeywickrama | Miss Sumana Munasinghe |
| Miss Indrani Dalugoda | Miss Malini Nanayak- |
| Miss M. Irangani Dharmawathie | kara |
| Mr. K. G. David Appuhamy | Mr. B. Bandula Perera |
| Miss H. W. S. M. Caldera | Mr. Sirisena Peiris |
| Mr. S. Cecil Fernando | Mr. G. Somadasa Perera |
| Miss Susima Gunatilleka | Mr. H. A. Razaak |
| Mrs. L. N. Janenona | Miss R. A. Seelawathie |
| Mr. L. D. Jeevananda | Miss P. M. A. Siriyalatha |
| Mr. A. Kulatunga | Miss H. D. Siriyawathie |
| Miss Pathma Kumarasinghe | Mr. N. G. Seetin |
| Mr. Senaka Kithsiri | Miss K. A. L. Sarawick- |
| Miss M. Mayawathie | rema |
| | Miss W. Wimalawathie |
| | Miss N. Wanigasinghe |
| | Miss Dayawathie Walpola |

(4) Whether the transfer and demotion of, and subsequent non-offer of work to the following employees is justified and to what relief each of them is entitled :—

- | | |
|-------------------------|-------------------------|
| Mr. H. K. Arulandi | Mr. M. V. D. Gunasekera |
| Miss Soma Amarasekera | Mr. C. D. Godage |
| Miss Leelani Jayasinghe | Mr. H. Ananda Perera |
| Mr. N. P. Pekin Sena | Mr. B. A. Cyril |
| Mr. Merryl Perera | Mr. B. Sunil Perera |
| Miss K. Somawathie | Mr. D. B. R. Jayawar- |
| Miss K. Bamunusinghe | dane |
| Miss L. N. D. Lalitha | Mr. R. M. D. Piyasena |
| Miss P. G. Dhanawathie | Mr. G. H. Sugathapala |
| Miss Lalith Rupasinghe | Mr. Patrick Perera |
| Mr. K. M. Donald Perera | |

(5) Whether the interdiction of, and the subsequent non-offer of work to the following employees is justified and to what relief each of them is entitled :—

- | | |
|----------------------|------------------------|
| Miss Florene Collom | Miss P. Sheela Rodrigo |
| Mr. Saranapala Costa | |
| Miss Pearl Clyne | Mr. L. R. Perera |

(6) Whether the interdiction and subsequent termination of employment of the following employees is justified and to what relief each of them is entitled :—

- | | |
|--------------------|------------------------|
| Mr. N. B. Boange | Miss D. A. M. Weera- |
| Mr. S. A. Benedict | singhe |
| Mr. P. Nanayakkara | Miss Indrani Seharatne |
| | Miss R. J. Nandawathie |

(7) The following demands of the aforesaid Union made on behalf of its members :—

- (a) Letters of Appointment be issued to all employees specifying :—
 - (i) rates of pay,
 - (ii) hours of work,
 - (iii) leave entitlements, and
 - (iv) other terms and conditions.
- (b) All monthly paid, weekly, paid, daily paid and piece rate workers to be made permanent ;
- (c) The condition of employment which prohibits a female employee from continuing in employment on her marriage be withdrawn forthwith ;
- (d) Uniforms should be provided to all employees who are required to wear uniforms at the factories ;
- (e) Separate and proper Rest Room facilities to male and female employees should be provided ;
- (f) The present practice of intimating refusal of work to employees through the watcher at the gate to be discontinued forthwith and instead a suitable alternative system introduced ; and any interdiction or suspension from work of an employee should be effected after such employee has been issued with show cause notice and after considering the explanation tendered by him/her, and only on grounds warranting exclusion of such employee from the workplace.

The parties filed their statements in July, 1967 and thereafter the answers to the statements were filed by them.

It would be necessary to recall the circumstances which led to this dispute in order to understand and appreciate fully the nature of the dispute between the parties.

The respondent Company, according to the evidence produced before the Tribunal, was incorporated in 1954 as a Limited Liability Company and its main business was the manufacture of biscuits at their factories at Kotahena and Ratmalana. They also did their own packing, distribution and sales of their products throughout the island. It was also claimed by the Company that at the time of the incidents leading to this dispute the Company was also exporting their biscuits to the Middle East, the Persian Gulf and Red Sea Ports. The Company also had a specialised line in the manufacture of what was called "school biscuits" which they did with the collaboration of C. A. R. E. Organisation. For the manufacture of their biscuits the Company appears to have had extensive machinery and equipment specially imported from abroad at considerable expense. Round about 1966 the workforce, consisting of both males and females, amounted to about 750 workers. These workers had from the year 1959 formed themselves into a Trade Union called "Maliban Viskothu Karmantha Sevaka Sangamaya." Somewhere in May, 1966 a branch of the National Employees' Union was also formed among these workers. This branch Union had taken up with the management several disputes relating to dismissals, transfers and demotions of some of their members. At a conference held on 8.10.1966 under the aegis of the Department of Labour some of these matters were settled and an agreement was signed between the parties and this agreement was marked R1. However, further disputes, allegedly arising out of the implementation of the terms of settlement recorded in R1, followed and further discussions took place between the parties, once again under the aegis of the Department of Labour. As there was no satisfactory settlement of these matters parties had agreed to a reference of the dispute for settlement by voluntary arbitration. The Minister of Labour had by Gazette Notification dated 2.12.66 referred this dispute under Section 4 (2) of the Industrial Disputes Act to Mr. W. D. Thamootheram, Arbitrator, for settlement by arbitration. However before the Arbitrator could complete his inquiry the members of the National Employees' Union had resigned from the Union and joined the Ceylon Mercantile Union a branch of which had been formed about this time at the Company. As a result the National Employees' Union being no longer concerned with the matters in dispute had withdrawn from the arbitration. The Arbitrator accordingly made award in ID 361 dated 19th February, 1967, copy of which was marked R5, stating that there was no dispute between the said Union and the Company.

Meanwhile the Ceylon Mercantile Union which had formed its branch at the workplace of the respondent

on 4.12.66 informed the Company by letter dated 13.12.66 of the formation of the Branch Union. The Union followed this on 27.1.67 with written representations to the Company in regard to various disputes including those that were outstanding from the time of the earlier settlement. Within the subsequent few weeks there had passed considerable amount of correspondence between the parties in regard to these disputes and the Union wrote finally a personal letter to the Chairman of the Company on 5.3.67 marked R13 listing out all their grievances and stating that pursuant to their unanimous decisions, the Union would resort to direct trade union action if a satisfactory settlement, either by direct discussion with the Chairman or by negotiations through the Department of Labour, was not reached by 12th March, 1967.

On 12th March, 1967 at a conference under the aegis of the Department of Labour the Union made certain proposals to the Company suggesting the reinstatement of employees whose services had been terminated leaving the other matters to be settled by reference to arbitration. The Company's representatives had stated that they had no mandate to agree to this suggestion and, therefore, undertook to consult the management and make known its decision on 14.3.67. But further progress on these negotiations was prevented by the incidents of the night of 12.3.67 and thereafter, which have contributed to the present dispute, and the management formally informed the Union and the Department of Labour that they were unable to even consider the proposals of the Union. As a sequel to these incidents the Company forthwith decided to stop manufacture at their two main factories at Ratmalana and Kotahena and the workers were kept out. From 20.3.67 onwards the Company started issuing letters of termination to a large number of their workers on the ground of suspicion against some of the workers of alleged acts of sabotage and the poisoning of the meals taken by some of the workers in the factory. Along with the letters of termination the Company also had forwarded cheques amounting to a month's salary for March, 1967, a month's salary in lieu of notice and two weeks' salary for each completed year of service to each worker. All workers named in group (1) of the reference with the exception of T. D. M. Perera and Miss Padma Weerakkody, all workers named in group (3) and in group (6) received the above notice of termination. The present reference accordingly consists of all the workers referred to above and in addition also a number of others the subject matter of whose disputes are referred to under each group. The total number of the workers under the reference in these 7 groups amount to 420, all of whom are said to be members of the Ceylon Mercantile Union branch of the Company.

In the statement of the respondent Company certain preliminary objections were taken up. Submissions in regard to these preliminary objections were heard by the Arbitrator and order was made on 12th December, 1967, rejecting the preliminary objections. The respondent thereafter by petition dated 19th December, 1967, applied to the Supreme Court for mandate in the nature of a writ of Certiorari and/or Prohibition to quash the said order of the Arbitrator.

This application was heard by the Supreme Court on 26th and 27th January, 1968, and was dismissed on 9th April, 1968.

The respondent thereupon on 30th April, 1968, applied to the Supreme Court for conditional leave to appeal to the Privy Council, but the Supreme Court refused the application on the ground that it was not an order made in a civil suit or action. An appeal was taken direct to the Privy Council and on 25th February, 1970, the Privy Council made order granting the respondent special leave to appeal from the order of the Supreme Court. But as a result of the abolition of the jurisdiction of the Privy Council the matter could not be pursued before that forum. Thereafter the proceedings on the matters referred to this Tribunal commenced on 31st May, 1973, before the present Arbitrator.

When this matter was taken up for inquiry on this date Mr. K. Shanmugalingam instructed by Mr. S. Saverimuttu appeared for the applicant and Mr. S. J. C. Kadirgamar, Q.C., with Mr. S. C. Crossette Thambiah and Mr. H. A. Abeywardene instructed by Mr. S. L. Moonesinghe appeared for the respondent Company.

At the commencement of these proceedings, in view of the long period of time that had already elapsed over the preliminary issues, it was agreed between parties, in order to expedite proceedings that the

present inquiry be confined only to the issue of dismissals of the workers named in the reference and to leave out all the residual matters pertaining to their terms and conditions of service as well as disputes regarding transfers and demotions without prejudice to the Union's rights to pursue such matters if an when considered necessary and expedient to do so. It was also agreed that certain workers who had already come before the Labour Tribunal on the question of termination be left out of the reference as they had had final orders dismissing their applications. It was also pointed out that a large number of the workers referred to in the reference having already settled their disputes with the management were, therefore, not interested in this inquiry, and that such workers be left out of the inquiry. It was also agreed that a number of workers who were casual employees and whose names did not appear on the permanent checkroll of the Company need not be included in this inquiry. It was agreed that the inquiry be limited to the single issue of the question of termination of the workers as a result of the food poisoning incident of 12.3.67 and the incidents of alleged sabotage and damage to vehicles referred to by the respondent. Accordingly the parties agreed to file a joint statement giving the names of all the workers whose names appeared on the permanent checkroll of the Company and whose services have been terminated on the above issue. This joint statement is attached to this award as Schedule A.

At the inquiry the respondent led the evidence of 11 witnesses and the applicant Union called two witnesses. The first witness led by the respondent was Mr. K. G. N. Seneviratne, the Secretary of the respondent Company. In his evidence he gave a resume of the circumstances leading to the dispute between the respondent Company and the Applicant Union. He stated that he was present at the conference held on 12th March, 1967, when the proceedings had been adjourned to enable the lawyers of the respondent to consult the Directors in regard to the proposals made by the applicant Union. He returned to the factory about 4 p.m. and he noticed several workers coming out of the factory after the day's work. He said that they looked boisterous and they were shouting and jeering and talking about the following day's strike. It appeared to him that the workers who were members of the Union were contemplating strike action. The management had already taken steps to counter the strike by making arrangements for the non-strikers to remain within the premises for the night. Accordingly from 10th March, over 200 non-Union members were given accommodation in the temporary dormitory prepared for the purpose. On the night of 12th March, they were also given their night meal which was prepared in the kitchen of the factory. After the day's work was over he returned home, but somewhere about 9.15 p.m. he was hastily summoned by telephone as there had been some trouble at the factory. When he went there he found the workers who had remained in the factory for the night had taken ill and were purging and vomiting. These workers were sent to the Colombo South Hospital for treatment. Some of them were hospitalised and the others were brought back after outdoor treatment. The Company Doctor, Dr. D. W. Wijeratne also was summoned and he also attended to some of them in the premises.

He also had reports from various sections of the factory about sabotage of machinery. He received a report from the Transport Department that vehicles parked for the night on 12th March had been damaged. There was a report from the Factory at Kotahena of damage caused in the Cold Room. There was also an attempt to cause damage to the machinery in the factory at Ratmalana. The Company called several Engineers to report on these damages.

In view of the incident of 12th March, the Company decided to stop work at the Factory at Ratmalana on the following day. Accordingly a notice was put up stating that the factory was closed until further notice. Similarly, the work at the Kotahena Factory also was closed from 19th March after the sabotage in the Cold Room was detected. Thereafter, the Company issued letters of termination to all the workers who were members of the C. M. U. These letters were signed by him as Secretary of the Company on the orders of the Chairman and were despatched on the 20th, 21st and 22nd of March, 1967. A specimen of this letter of termination was marked R18.

The next witness to give evidence was M. Chandrasekera, Factory Assistant. This witness stated that he received instructions from the management to take necessary steps for the preparation of a meal for the night for about 200 workers who had consented to

remain in the premises on 12th March, 1967. Accordingly he made arrangements to prepare this meal in the permanent kitchen in the factory at Ratmalana where he had a permanent staff of 5 persons. He was generally in charge of the workers who were staying for the night. Cooking started about 3.30 or 4 p.m. and the meal consisted of rice, two vegetables, fish curry and onion sambal. The workers commenced eating about 7.30 or 8 p.m. in batches of 20 to 30 and the meal was served in the canteen attached to the factory. He too had his meals with them. Soon after there were complaints of acute abdominal pain, vomiting and purging. He asked the lady supervisor to give a carminative from the first aid box. He tried to get in touch with Dr. Wijeratne but he was not available. He left a message for him and as there was a large number of workers complaining of the same ailments, he despatched them in the Company vehicles to Kalubowila Hospital. He himself was ill and was vomiting and purging. Later in the night Dr. Wijeratne himself came to the factory with medicines and attended on the workers who were not so gravely ill. A complaint also was made to the Police and the Police visited the scene round about 9.30 or 9.45 p.m. The patients whose condition was serious were admitted to the hospital, while the others were brought back to the factory after outdoor treatment. These people were kept in the premises and treated by the Company Doctor and sent home after they were cured.

The next witness examined was Mr. M. K. Don Ratnaweera, Factory Foreman. He stated that the factory remained closed after the 12th of March till the 19th, during which period nobody was permitted to enter the factory premises. On the 19th the machine rooms of the factory were opened in the presence of two Engineers from Walker Sons & Co., Ltd., and the Head Baas who worked under him. When he turned on the main switch there was an explosion and it was found that this had been caused by someone bridging the phase lines supplying power with a wire. This had been deliberately done by someone. They also found that some bolts had been inserted in the drive chains of the laminator machine. If the machine had been started without this examination the laminator would have got considerably damaged.

Mr. C. R. Perera, Foreman in charge of the Transport Department gave evidence in respect of the damage caused to the vehicles that had been parked in the Garage Section on the night of 12th March, 1967. He said that in all about 30 vehicles were parked for the night, most of them in the garage section and a few of them that came late into the factory were in the car park section. Of the drivers of these vehicles about 12 who did not belong to the C. M. U. were among those who remained in the premises for the night, and all these drivers had taken ill after the night meal. On the 13th he found that in some vehicles the brake hose connections had been cut and in some the wiring harness had been cut. He brought these matters to the notice of the management and some Engineers from the Automobile Association of Ceylon were got down to report on these vehicles. It was found that from among 27 vehicles parked in the garage section, about 9 vehicles had been damaged.

Mr. D. W. Wijeratne, Factory Manager, Kotahena, gave evidence in regard to the damage caused in the Cold Room of the Factory at Kotahena. On the 16th of March, 1967 he found that the Cold Room was not functioning and when he examined the room he found that one of the coils had been perforated by a sharp instrument. As a result the gas in the coil had leaked out. He got in touch with the Agents and also reported the matter to the management and he received instructions to close the factory from 19th March.

The respondent also led the evidence of Messrs P. D. A. N. Basnayake and L. Y. H. Pakstun of Messrs Walker Sons & Co., Ltd., in confirmation of the evidence in regard to the alleged sabotage within the factory premises at Ratmalana. In this connection the respondent marked the report of Walker Sons & Co., Ltd., dated 23rd March, 1967 as R19 and R19A. In confirmation of the evidence in regard to the damage caused to the vehicles in the garage section, the evidence of Mr. M. P. Abeyguneratne, Engineer, Automobile Association was led and his report dated 22nd March, 1967 was marked R20. The evidence of Dr. N. A. C. Wijeratne, Admitting Officer, Colombo South Hospital was led in connection with the patients admitted to the hospital and those who were given outdoor treatment. In his evidence, this witness marked 77 Admission Sheets in respect of these patients. It was his evidence that these patients had shown symptoms of diarrhoea, vomiting and abdominal pains after a night meal taken

earlier. In his opinion these symptoms were suggestive of food poisoning and he suspected that it was caused by an irritant type of poison. According to the information in the admission sheet, arsenic poisoning had been suspected and B. A. L. had been administered in certain cases.

The management also led the evidence of Dr. D. Chanmugam, M.D. (Ceylon), M.R.C.P. (London), a Specialist attached to the Faculty of Medicine, Colombo, who attested to the fact that the symptoms complained of were suggestive of a non bacterial poisoning and he ruled out the possibility of bacterial poisoning from putrid food in view of the very short duration of time for the manifestation of symptoms. The respondent also led the evidence of Mr. P. E. Mathew, Chartered Accountant and marked in evidence several statements of Accounts and balance sheets to indicate the present financial position of the Company.

The applicant Union led the evidence of Mr. S. J. Doresamy, a retired Assistant Government Analyst, who had tested these specimens in regard to the type of poisoning manifested by the symptoms referred to in respect of these patients. It was his opinion that bacterial poisoning could not be altogether excluded as such a situation could develop if the food consumed had deteriorated considerably prior to consumption. He also stated that the symptoms spoken of need not necessarily have been caused by a metallic poisoning like arsenic, but that it was also possible that croton oil, which was often used in Ayurveda, could also cause such symptoms. He also stated that there were no reliable tests which could detect very small quantities of croton oil which could cause considerable damage. He also stated that he made specific tests for arsenic in the samples but found none.

The Union also led the evidence of Mr. T. Kandasamy, Assistant Government Analyst, who produced reports marked A3 to A7 on specimens of stomach wash of several workers, cabbage, fish and potato curries, bread, string-hoppers, rice, several varieties of curry powder, water, as well as certain products of the Maliban Biscuit Co., at Ratmalana sent by the H. Q. I., Mt. Lavinia Police on 13.3.67 and 16.3.67 in sealed packets for examination in connection with the complaint of food poisoning at the Maliban Factory on the night of 12.3.67. These reports state that no poison was identified in any of the specimens sent.

The reason given by the Company for the termination of the services of these workmen in R18 was on the ground of "reasonable and justifiable suspicion" against some of the workers of alleged actions of sabotage and the poisoning of the meal taken by some of the workers in the factory. In the answer of the respondent dated 17th July, 1963, filed of record, the Company has further elaborated on their position in paras. 8, 9 and 10 as follows:—

8. "The Company carries on business, inter alia, of manufacturing biscuits for consumption by the public and employs very expensive and valuable machinery for the purpose. The Company's products are distributed widely and consumed by a large number of people. The Company has suffered at the hands of a section of its employees, sabotage and malicious action directed by some of its employees against other employees, as well as the Company.

This action was directed towards injuring the Company, as well as its employees. There was poisoning of the food of a considerable section of the Company's employees, which from all circumstances, appears to be directed to bring about the death of its employees.

The Company submits that it was well entitled in law to take protective action to ensure the safety of the lives of its employees, and in these circumstances the Company did decide to terminate the services of a section of its employees, which action it will justify by evidence before this tribunal, if this tribunal is empowered to have or maintain proceedings.

9. The Company submits it has a duty by the public, to which it sells its biscuits. The Company submits that it cannot take any risks and that in no event can the Company, which is engaged in the manufacture of food, ever reinstate workers suspected of such malicious acts of sabotage calculated to endanger the lives of humans.

10. The workforce of the Company is divided into two rival camps and there is a great deal of hostility between those working for the Company now and those whose services were terminated in consequence of sabotage and malicious action which resulted in injury to those working for the Company."

From the above statements it is evident that the respondent was urging two reasons for the termination of the services of the workers named in this reference, viz.,

- (a) These workers as members of the C.M.U. Branch were responsible for the poisoning of food and acts of sabotage on 12.3.67 and thereafter which actions were directed to cause damage to the Company and death to its loyal employees.
- (b) That the workforce of the Company was divided into two rival camps and that the dismissed workers were responsible for certain malicious actions calculated to cause injury to the workers of the rival camp.

The respondent has led a vast volume of evidence in their attempt to support their contention on these two grounds. This evidence undoubtedly leads to the conclusion that there has been poisoning of food on a very large scale on 12.3.67 and a large number of workers who had consumed this food had suffered considerably as a consequence; that the Company's vehicles had been damaged on the night of 12.3.67; that there has similarly been an attempt at the sabotage of machinery at the factories of the respondent Company at Ratmalana and Kotahena. There is, however, no evidence whatsoever that any member or members of the Ceylon Mercantile Union who were attached to this Company either had been responsible for any of these acts or suspected of having been so. On a very careful examination of the evidence of the various witnesses who gave evidence before this Tribunal, not one has been able to give any positive evidence of the complicity of any of the members of the C.M.U. in these malicious acts. In fact the question was pointedly put to some of the witnesses by the Counsel for the Union and none of them were able to state explicitly as to who had been responsible for these acts. To quote one or two examples, the evidence of Mr. K. G. N. Seneviratne is as follows :—

" Q. So that with regard to the food poisoning, you do not know who introduced the alleged poison into the food ?

A. I do not know.

Q. You did not know when it was introduced whether it was introduced before 4.45 or after 4.45 p.m. ?

A. Cooking started at about 3.30 or 4 p.m.

Q. Do you know when it was introduced ?

A. I do not know.

Q. It may have been after 4.45 p.m. ?

A. I do not know.

Then a little later :—

Q. You do not know whether a single member of the C.M.U. had anything to do with the alleged poisoning ?

A. I do not know.

Q. You do not know whether a single member of the C.M.U. had anything to do with alleged acts of sabotage which you have spoken to ?

A. I do not know."

Similarly, Mr. M. Chandrasekera who supervised the preparation of the night meal on 12th March, 1967 was unable to throw any light as to how the alleged poison had been introduced into the food or as to who could have been responsible. He admitted that he had a staff of five people working in the kitchen and obviously these five would have been workers who were loyal to the Company. In regard to the sabotage of factory machinery and the vehicles, the witnesses who gave evidence were unable to state as to who was responsible for those acts nor were they with any degree of certainty able to say when these acts were done. The evidence in this connection of Mr. M. K. Don Rathaveera, the Foreman of the Factory is as follows :—

" Q. I am suggesting that this could have been done after the 12th ?

A. That I do not know.

Q. You do not know who caused it ?

A. I do not know.

Q. Even if it was done between 3.30 and 4.45 p.m. on the 12th, you do not know whether it was done by the C.M.U. members or anybody else ?

A. I do not know."

In regard to the damage caused to the vehicles parked in the garage on the 12th of March, once again the witness Mr. C. R. Perera, Transport Foreman, could only speak to the damage done but was unable to state who was responsible for it.

In the course of the evidence it transpired that a complaint was made to the Police on the 12th itself and Police arrived on the scene round about 9 p.m. After the investigations the Police had reported three people in case No. 79276/A in the Magistrate's Court of Colombo South as suspects, but on 9.5.67 these three had been discharged as, apparently, there was no evidence against them.

The respondent has led no evidence as to what steps were taken by the management to investigate into these malicious acts in order to ascertain as to who had been responsible for them. Apparently there was no such investigation. Nor have they placed any acceptable evidence to justify this stand of "reasonable suspicion" referred to in R18. It appears to me from the evidence of Mr. Seneviratne in particular, that the management had come to the conclusion that the C. M. U. members were responsible for these acts merely from their conduct in pressing for their trade union demands and their threat of trade union action. The Learned Counsel for the respondent has pointed out that Mr. Seneviratne overheard some C. M. U. workers as they were leaving the premises after the day's work, making the remark "We will give you to go from the mouth and back". It would appear that the Company has interpreted this remark to explain the subsequent incident of food poisoning. It is apparent that the respondent had come to the conclusion that the C. M. U. was responsible basing their suspicions on such flimsy grounds as desultory remarks made by a section of workers who were agitating for certain demands through their trade union. It is a matter for regret that the management did not pause to think over the result of the conference which had taken place that same afternoon and that the Union had agreed to await the decision of the management for another two days before they resorted to direct action. Instead they had come to a very hasty conclusion and proceeded to terminate the services of all the workers who belonged to the Union, without any vestige of evidence against either the Union or any of its members, and without a proper investigation, merely because they happened to be actively pursuing certain demands legitimately through their trade union.

The second ground urged by the respondent against the Union was that there were two rival camps at the workplace and that the workers belonging to the C. M. U. were out to harm the workers who were loyal to the Company. The respondent in his statement to the Tribunal has categorically stated so and also reiterated this position in the letter of the Chairman dated 13.3.67 marked R17. It would appear from R17 that the management was thinking in terms of two rival parties among the workers in their establishment, of whom those belonging to the C. M. U. were the disloyal ones and the rest who apparently belonged to the other Union were the loyalists. The Chairman appears to have been apprehensive for the safety of these loyal workers. Apart from this there is no other evidence to show that there has been such a degree of inter-union rivalry to warrant such a conclusion. No evidence whatsoever was led before the Tribunal that there was such acute rivalry between these two parties as to infer that the C. M. U. workers were out to destroy the rest.

Therefore on a very careful consideration of the evidence placed before the Tribunal, it is difficult for me to accept the position of the respondent that they had adequate grounds for the termination of the services of these workers. The respondent Company itself has never urged before the Tribunal that they had positive proof of all the malicious acts that have been done on 12th March and thereafter. In their letter of termination itself they had stated that they were terminating the services of these workers solely on grounds of suspicion of alleged acts of sabotage and food poisoning by some of them.

The Learned Counsel for the respondent has urged that there was sufficient ground for the management to suspect the workers of the C. M. U. of these actions, and that that degree of suspicion would be adequate ground for the termination of their services as the management was concerned with the safety of their loyal workers, the protection of their property and the

common good of the public who were the consumers of their produce. I am afraid I cannot agree with the contention of the Learned Counsel for the management in this regard. It would appear to me from the evidence produced before the Tribunal that this suspicion has been drawn from the flimsiest of grounds imaginable by the chance remark of some workers and by the general conduct of Union members who appear to have displayed a certain degree of restlessness in their anxiety for an early decision on their trade Union action. I am, therefore, of the view that the termination of the services of these workers has been without good cause. They would therefore be entitled to relief.

On the question of relief there are a large number of matters that has to be taken into consideration. The applicant Union has urged for reinstatement with backwages for all the workers involved in this arbitration. The respondent Company has also stated its case against re-instatement. The main arguments put forward by the Company against re-instatement are,

- (1) The present unsatisfactory state of the industry which, it is alleged, has been caused by the lack of raw material for production.
- (2) The Company's present financial position does not warrant any further expansion of the workforce of the Company.
- (3) The ill-feeling that exists between the present workers and those whose services have been terminated.
- (4) The lack of confidence of the management in the workers whose services have been terminated.
- (5) The long period of time that has lapsed since their termination.

In regard to the 1st and 2nd reasons urged by the Company a considerable amount of evidence has been placed by the Company through their auditors Messrs. P. E. Mathew & Co. They have also marked in evidence the audited accounts of the Company from the years 1966 to 31st March, 1972. It was the evidence of Mr. P. E. Mathew, Chartered Accountant, that this Company had made considerable profits up to the year ending 31st March, 1971 but for the years 1972 and 1973 there had been a loss of Rs. 89,775 and Rs. 888,676 respectively. He marked in evidence documents R22 and R23 giving a summary of the Statements of Accounts from 1966 to 1973. He also marked the Balance Sheets as R26 to R32 for the years 1966 to 1972. In cross-examination he admitted that the Department of Inland Revenue has not accepted the Returns of the Company from 1969 onwards. The Learned Counsel for the applicant Union has strongly challenged the Statements of Accounts from the years 1969 onwards and has stated that they are unreliable in coming to a conclusion on the true financial position of the Company. In fact in his submissions the Learned Counsel for the Union has pointed out several matters where Mr. Mathew was unable to give a satisfactory explanation. It was pointed out by him that the Company had spent a sum of Rs. 910,098 in 1967 as wages for 623 workers in the factory, while in 1970 for 230 workers the Company had spent as wages Rs. 1,040,010, and in 1971 for 239 workers the wages bill was Rs. 1,107,441. Mr. Mathew was unable to explain how with about 1/3rd the number of workers in 1970 and 1971 the wage bill was considerably more than in 1967.

Another important point that transpired from the evidence of Mr. Mathew is that two other subsidiary companies had been formed by the very same Directors of the respondent Company to take over two sections of the business of the Company. Thus A. G. H. Organization Ltd. had taken over the retail distribution of Maliban products while the Little Lion Associates had taken over the cake making business. It was admitted in the evidence of Mr. Mathew that both these organizations were run with the very same staff, vehicles and equipment of the original Company. From this evidence it would appear that though the expenditure of this Company had remained unchanged the profits have been siphoned off by these two new organizations.

In regard to the contention that the business was seriously affected by the shortage of raw materials, it is not possible to state that the Company has adduced sufficient evidence to establish this position. It is true that in 1972 there has been a decrease of about 12 1/2 percent on the quantity of raw materials used in 1967. However, in the intervening years there has been no shortage but a distinct increase in the raw materials consumed by the industry. An explanation for the reduction in 1972 can be found in the summary of the

consumption of raw materials indicated in R32. In this summary I find that the stock as at 31st March, 1972 was worth Rs. 1,654,153.79. This amount is 3 times the amount of stock as at 1st April, 1971. It would therefore appear to me that the Company for some reason or other had reduced their production for the year 1972 and held back their stock of raw material perhaps for future use. In these circumstances I have to agree with the submission of the Learned Counsel for the Union that the evidence in respect of the state of the industry as stated by the respondent is not a true picture of the actual state of affairs. On the other hand there does not appear to be any doubts that this industry is still in a viable state and I am inclined to think that the Company could continue to function as a going concern despite the stress placed upon it by this award.

In regard to the other two contentions of the respondent against re-instatement of these workers, it is not necessary for me to dwell at length on them in view of the findings already stated earlier.

Finally it has also been urged by the respondent that in view of the long period of time that has lapsed since their termination and the final conclusion of the matter it would not be just and equitable to order re-instatement in respect of these workers. This position would perhaps have been valid if others were recruited to replace them. But I observe from the proceedings before the Tribunal that the Company had not taken in any workmen to fill the vacancies created by these terminations. The Company had somehow managed to carry on with the 200 odd workers who survived the terminations of March, 1967. It is, therefore, not understood why the respondent should be unable to re-instate these workers.

It has also been urged by the Union that the main reason for the delay of nearly 8 years between the termination and the conclusion of these proceedings was solely due to the action of the Company and, therefore, the workers should not be made to suffer the consequences.

In outlining the history of this case at the commencement of this award I have already referred to the course of action taken by the respondent since this matter came up for hearing before this Tribunal. It must be stressed that it was as a result of this course of action that there has been such a long delay in the proceedings of this case. I could do no better than to recall what the then Lord Chief Justice had to state in this connection in dismissing the original application for a writ of Certiorari and/or Prohibition moved by the respondent on the ruling on the preliminary issue of jurisdiction.

"It is regrettable that advantage is often taken of the right of recourse to this Court without any substantial expectation of success, and with the consequences only that harassment is caused to opposing parties in the form of delays, inconvenience and expense.

I cannot leave this case without stressing the need for employers and their legal advisers to become reconciled to the existence of the Industrial Dispute Act and for the machinery which Parliament has therein provided in the public interest for the settlement of industrial disputes and the preservation of industrial peace. Obstructive tactics by an employer involved in such a dispute serve only to create the impression that the employer either has no faith in the merits of his own case or else that he is in rebellion against the law of the land." (71 N.L.R. 6-7).

If the respondent did not resort to this course of action this matter would have been concluded within a very reasonable period of time. I have no doubt that great hardship has been caused to a very large body of workers as a result of this long delay and as the Union has pointed out a considerable part of them had been compelled by circumstances to settle their matters with the Company outside this Tribunal.

On a consideration of all these matters I think it would be just and equitable to order the respondent to re-instate all these workers whose disputes are now before the Tribunal within one month from the publication of this award and also pay each one of them as backwages a sum of money amounting to 3 years' salary at the rate of the salary last drawn by them or in the alternative in lieu of re-instatement a sum of Rs. 3,000 each in addition to the above backwages. I have indicated in the schedule attached to this award the amount to be paid as back wages in the last column.

This total sum of money should be deposited with the Assistant Commissioner of Labour, (Colombo South), Labour Secretariat, Narahenpita, Colombo 5, within 4 calendar months from the date of publication of this award.

In regard to the workers whose names do not appear in the attached Schedule A, I make no award for the

reasons stated above at the very commencement of these proceedings on 31.5.73.

I make award accordingly.

R. C. DE S. MANUKULASOORIYA,
President,
Labour Tribunal (8).

Dated at Colombo, this 19th day of March, 1975.

SCHEDULE A

Serial No.	Name	Date of Appointment	Salary per month Rs. c.	Amount of backwages Rs. c.	Serial No.	Name	Date of Appointment	Salary per month Rs. c.	Amount of backwages Rs. c.
1	Mr. W. P. Amaradasa	7. 8. 58.	142 65.	5,135 80	76	Miss W. A. Janenona	01. 03. 66.	60 0.	2,160 0
2	Mr. M. A. Abeysdeera	3. 5. 63.	122 50.	4,410 0	77	Miss W. A. Rupa Jayalath	01. 03. 66.	60 0.	2,160 0
3	Mr. W. K. Ariyapala	1. 9. 60.	135 0.	4,860 0	78	Mr. K. D. Francis Joseph	05. 09. 57.	150 0.	8,400 0
4	Mr. G. A. Amarapala	1. 9. 60.	145 0.	5,220 0	79	Miss S. K. Karunawathie	01. 02. 63.	90 0.	3,240 0
5	Miss H. M. Anula	5. 10. 56.	110 0.	3,960 0	80	Mr. S. D. G. Karunaratne	31. 01. 61.	230 0.	8,280 0
6	Mr. P. A. Albert	1. 10. 62.	95 0.	3,420 0	81	Miss M. V. Karunagoda	01. 04. 64.	80 0.	2,880 0
7	Miss T. M. Ariyawathie	1. 4. 66.	60 0.	2,160 0	82	Miss M. D. Keerthiwathie	04. 07. 65.	70 0.	2,520 0
8	Miss N. B. A. Agienona	21. 11. 58.	112 50.	4,050 0	83	Miss G. Kusumawathie	01. 04. 65.	70 0.	2,520 0
9	Miss V. W. Ariyawathie	4. 4. 65.	70 0.	2,520 0	84	Miss R. D. Karunawathie	02. 06. 65.	70 0.	2,520 0
10	Miss W. T. De Alwis	4. 8. 65.	60 0.	2,160 0	85	Miss D. Karunawathie	01. 04. 65.	80 0.	2,880 0
11	Miss A. P. Leela Abeysinghe	7. 6. 11.	100 0.	3,600 0	86	Miss A. D. Karunawathie	20. 11. 58.	112 50.	4,050 0
12	Miss L. Amarasinghe	1. 4. 65.	70 0.	2,520 0	87	Miss A. Kalyanawathie	02. 02. 65.	70 0.	2,520 0
13	Mr. P. M. Daya Bandara	1. 11. 63.	91 27.	3,285 72	88	Mr. N. Kalyanaratne	08. 10. 62.	95 0.	3,420 0
14	Mr. E. A. Bodipala	2. 2. 61.	230 0.	8,280 0	89	Mr. P. Kalugampitiya	31. 08. 61.	120 0.	4,320 0
15	Miss D. Boralessa	1. 4. 65.	70 0.	2,520 0	90	Miss S. Kotalawala	01. 04. 66.	60 0.	2,160 0
16	Miss D. M. A. Balasuriya	16. 8. 61.	100 0.	3,600 0	91	Miss A. M. Lokumenike	25. 04. 61.	100 0.	3,600 0
17	Miss Ranmuthu Chitra	1. 3. 66.	60 0.	2,160 0	92	Mr. M. A. Leelarathne	08. 10. 62.	195 0.	7,020 0
18	Miss G. A. Chandrawathie	25. 9. 61.	100 0.	3,600 0	93	Miss W. P. Leelawathie	25. 06. 62.	100 0.	3,600 0
19	Mr. K. D. Chalasingho	1. 10. 63.	148 92.	5,361 12	94	Miss T. Lilian	22. 02. 61.	112 50.	4,050 0
20	Mr. T. W. M. Chandratilleke	1. 6. 63.	148 92.	5,361 12	95	Miss J. D. Lalitha	01. 04. 66.	70 0.	2,520 0
21	Mr. D. A. M. Colonne	1. 12. 63.	130 0.	4,680 0	96	Mr. S. A. Manaratne	01. 10. 61.	185 0.	6,660 0
22	Miss B. A. Chitra	1. 10. 62.	90 0.	3,240 0	97	Miss I. P. W. Munaweera	01. 05. 64.	80 0.	2,880 0
23	Miss K. D. Caroline	1. 10. 62.	90 0.	3,240 0	98	Mr. I. H. Mendis	01. 01. 64.	148 92.	5,361 12
24	Miss R. A. Charlottenona	1. 4. 64.	80 0.	2,880 0	99	Mr. S. K. Martinsingho	22. 04. 57.	162 50.	5,850 0
25	Mr. B. P. E. Dharmasiri	14. 10. 59.	335 0.	12,060 0	100	Mr. R. P. Meththasuriya	16. 08. 66.	75 0.	2,700 0
26	Mr. S. H. Dayaratne	1. 10. 62.	95 0.	3,420 0	101	Miss P. Matilda	07. 05. 62.	100 0.	3,600 0
27	Miss G. Deldeniya	22. 3. 63.	90 0.	3,240 0	102	Miss A. P. Magilin	04. 07. 65.	70 0.	2,520 0
28	Miss P. A. Dias	28. 5. 62.	100 0.	3,600 0	103	Mr. B. A. Mahindadasa	06. 06. 61.	125 0.	4,500 0
29	Mr. M. Davidsingho	1. 3. 63.	148 92.	5,361 12	104	Miss L. Masinghe	09. 05. 62.	100 0.	3,600 0
30	Miss T. D. Dayawathie	1. 4. 65.	80 0.	2,880 0	105	Miss U. Managama	20. 11. 58.	112 50.	4,050 0
31	Miss B. L. Deva- kalarachchi	1. 7. 65.	70 0.	2,520 0	106	Miss W. A. Nandawathie	01. 11. 55.	112 50.	4,050 0
32	Miss T. G. Dayawathie	1. 4. 64.	80 0.	2,880 0	107	Miss W. H. Nandanie	02. 05. 62.	100 0.	3,600 0
33	Miss K. P. Dayawathie	1. 12. 58.	112 50.	4,050 0	108	Miss A. Nandawathie	01. 05. 64.	80 0.	2,160 0
34	Mr. K. L. E. De Silva	5. 1. 65.	90 0.	3,240 0	109	Miss R. P. D. Nandawathie	01. 05. 64.	80 0.	2,160 0
35	Miss Anna De Silva	24. 8. 57.	112 50.	4,050 0	110	Miss V. Nimalawathie	20. 03. 63.	90 0.	3,240 0
36	Mr. W. Dayananda	6. 9. 64.	148 92.	5,361 12	111	Mr. N. B. Nandadasa	16. 09. 63.	85 0.	3,060 0
37	Miss N. E. M. De Silva	1. 7. 65.	70 0.	2,520 0	112	Mr. S. P. Nandasiri	01. 06. 63.	85 0.	3,060 0
38	Miss T. Emalin	1. 1. 65.	70 0.	2,520 0	113	Miss K. D. N. Nanayakkara	01. 03. 66.	60 0.	2,160 0
39	Miss Seetha Edirisinghe	22. 9. 58.	112 50.	4,050 0	114	Miss K. Premalatha	01. 04. 65.	70 0.	2,520 0
40	Miss K. D. E. Ekanayaka	2. 6. 65.	112 50.	4,050 0	115	Miss L. A. M. Perera	01. 01. 65.	70 0.	2,520 0
41	Mr. C. N. Fonseka	1. 7. 61.	350 0.	12,600 0	116	Miss H. A. Premalatha	01. 04. 65.	70 0.	2,520 0
42	Mr. C. W. Fonseka	1. 7. 61.	245 0.	8,820 0	117	Miss U. L. Premawathie	24. 08. 57.	112 50.	4,050 0
43	Mr. G. S. Fernando	15. 4. 66.	75 0.	2,700 0	118	Miss W. A. D. Perera	01. 06. 65.	100 0.	3,600 0
44	Miss W. W. Fernando	1. 4. 66.	60 0.	2,160 0	119	Miss R. A. handrawathie	26. 03. 63.	90 0.	3,240 0
45	Mr. S. G. Fernando	15. 4. 66.	75 0.	2,700 0	120	Miss S. Pathirana	02. 09. 63.	80 0.	2,880 0
46	Miss Grace Gunawardene	12. 12. 56.	112 50.	4,050 0	121	Miss A. A. Podihamine	01. 04. 63.	80 0.	2,880 0
47	Miss G. K. Gunawathie	1. 3. 66.	60 0.	2,160 0	122	Mr. G. A. Piyadasa	01. 04. 62.	95 0.	3,420 0
48	Mr. N. A. C. Godamanne	1. 9. 62.	215 0.	7,740 0	123	Miss M. Dayawathie Perera	01. 07. 58.	112 50.	4,050 0
49	Mr. Harry Guilbert	1. 7. 64.	240 0.	8,640 0	124	Miss H. D. Perera	10. 05. 62.	100 0.	3,600 0
50	Miss K. A. Gettisonona	13. 9. 64.	100 0.	3,600 0	125	Miss I. C. C. Preera	01. 12. 62.	149 92.	5,397 12
51	Mr. K. H. Gunadasa	1. 3. 66.	148 92.	5,361 12	126	Miss O. V. C. Premalatha	01. 04. 64.	80 0.	2,880 0
52	Mr. R. D. Gunadasa	9. 12. 60.	115 0.	4,140 0	127	Miss R. J. M. Chandra	23. 06. 63.	90 0.	3,240 0
53	Mr. L. A. K. Gunatilleke	20. 9. 62.	280 0.	10,080 0	128	Miss T. W. Premawathie	01. 07. 65.	70 0.	2,520 0
54	Mr. J. P. Gunendra	1. 8. 63.	96 27.	3,465 72	129	Miss K. S. Perera	01. 04. 64.	70 0.	2,520 0
55	Miss E. S. G. Gunasekera	1. 4. 57.	107 50.	3,870 0	130	Miss B. N. Perera	01. 09. 64.	80 0.	2,880 0
56	Miss E. N. Hettiarachchi	1. 4. 65.	70 0.	2,520 0	131	Mr. K. A. D. Perera	01. 06. 65.	80 0.	2,880 0
57	Miss B. Hettiarachchi	1. 4. 65.	70 0.	2,520 0	132	Mr. K. W. Piyasiri	01. 12. 62.	149 92.	5,397 12
58	Mr. H. D. Hemapala	16. 12. 58.	132 50.	4,770 0	133	Mr. H. P. Piyasena	10. 11. 58.	85 0.	3,060 0
59	Miss S. Horadagoda	19. 6. 61.	100 0.	3,600 0	134	Mr. K. D. P. Piyasena	01. 09. 60.	145 0.	5,220 0
60	Miss W. D. Violet Hemantha	16. 8. 62.	90 0.	3,240 0	135	Miss A. V. Premawathie	01. 07. 65.	70 0.	2,520 0
61	Miss H. A. Hemalatha	1. 4. 65.	70 0.	2,520 0	136	Miss W. M. P. Pieris	02. 07. 65.	70 0.	2,520 0
62	Miss M. K. Harriet	1. 2. 65.	70 0.	2,520 0	137	Miss W. A. Punyalatha	01. 07. 65.	70 0.	2,520 0
63	Miss G. P. Indrani	1. 7. 65.	70 0.	2,520 0	138	Miss U. Piyawathie	01. 02. 63.	90 0.	3,240 0
64	Miss K. D. Iranganie	19. 9. 56.	112 50.	4,050 0	139	Miss K. Premawathie	01. 04. 65.	70 0.	2,520 0
65	Miss L. H. Indrawathie	27. 2. 61.	100 0.	3,600 0	140	Miss R. A. Neelani Perera	01. 04. 66.	60 0.	2,160 0
66	Miss D. D. Illeperuma	1. 6. 65.	70 0.	2,520 0	141	Miss P. R. Nimal Pathmini	01. 03. 66.	60 0.	2,160 0
67	Miss J. L. Jayalath	2. 7. 65.	70 0.	2,520 0	142	Miss S. A. Agnes Perera	01. 04. 66.	60 0.	2,160 0
68	Mr. K. N. Jayananda	8. 11. 57.	305 0.	10,980 0	143	Mr. N. J. M. Podiappuhamy	06. 06. 63.	91 27.	3,285 72
69	Miss Mary Joseph	2. 5. 62.	100 0.	3,600 0	144	Mr. P. V. Premaratne	04. 01. 58.	150 0.	5,400 0
70	Mr. R. U. Jinadasa	1. 12. 65.	70 0.	2,520 0	145	Miss Margret Palihena	01. 04. 66.	60 0.	2,160 0
71	Miss S. M. D. Mary Juliet	01. 06. 65.	70 0.	2,520 0	146	Mr. M. V. Padmadasa	10. 08. 65.	75 0.	2,700 0
72	Mr. K. T. Jinoris	07. 08. 65.	75 0.	2,700 0	147	Mr. S. K. Piyasena	03. 09. 62.	95 0.	3,420 0
73	Mr. L. S. K. Jinadasa	01. 03. 66.	95 0.	3,420 0	148	Mr. J. Ruban Perera	10. 10. 62.	95 0.	3,420 0
74	Miss S. M. E. Jayasinghe	14. 04. 66.	60 0.	2,160 0					
75	Miss Sunitha Jinadasa	01. 04. 66.	60 0.	2,160 0					

Serial No.	Name	Date of Appointment	Salary per month Rs. c.	Amount of backwages Rs. c.	Serial No.	Name	Date of Appointment	Salary per month Rs. c.	Amount of backwages Rs. c.
149	Miss E. R. Perera	14.12.56	112 50	4,050 0	199	Miss Wansawathie Dharmasena	15.07.65	70 0	2,520 0
150	Mr. K. Sirisena Perera	26.8.63	85 0	3,060 0	200	Miss K. D. Florence	01.06.65	70 0	2,520 0
151	Mr. Palihakkara	1.5.61	148 92	5,361 12	201	Mr. G. L. Gunaratne	04.07.65	70 0	2,520 0
152	Miss W. H. Rupawathie	1.6.65	70 0	2,520 0	202	Miss S. A. Hemawathie	03.08.65	70 0	2,520 0
153	Miss D. P. Ratnayake	18.7.61	70 0	2,520 0	203	Miss H. Hettiarachchi	01.04.65	80 0	2,880 0
154	Miss K. Ranawecera	1.4.65	70 0	2,520 2	204	Mr. H. D. Jinadasa	01.12.68	195 0	7,020 0
155	Mr. P. Ram Banda	10.4.66	75 0	2,700 0	205	Miss Kusuma Kariyawasam	22.08.57	105 0	3,780 0
156	Miss L.H.S. Ramyawathie	3.6.65	70 0	2,520 0	206	Miss K. O. Lalitha	01.07.65	70 0	2,520 0
157	Mr. P. Ramanayake	1.9.64	166 42	5,991 12	207	Miss M. H. Malanie	01.04.65	70 0	2,520 0
158	Miss K.D.L. Ranjanie	1.7.65	70 0	2,520 0	208	Mr. A. H. Piyadasa	12.05.61	115 0	4,140 0
159	Miss R. A. Rupawathie	1.7.65	70 0	2,520 0	209	Miss K. G. Premawathie	01.04.65	70 0	2,520 0
160	Miss W. Somawathie	1.1.65	70 0	2,520 0	210	Miss H. A. Wimalawathie Perera	01.04.68	80 0	2,880 0
161	Mr. K. A. Subanerie	01.07.65	85 0	3,060 0	211	Miss T. Wimalawathie Peiris	27.01.67	100 0	3,600 0
162	Miss E. D. Somawathie	01.04.65	70 0	2,520 0	212	Miss R. Irene Perera	01.04.65	65 0	2,340 0
163	Miss H.W.K. Saumyalatha	01.05.64	80 0	2,880 0	213	Miss W. D. Ratnawathie	01.04.64	80 0	2,880 0
164	Miss R. Somawathie	01.07.65	70 0	2,520 0	214	Miss G. K. Somawathie	01.03.66	80 0	2,880 0
165	Mr. P. V. Seneviratne	01.03.66	75 0	2,700 0	215	Miss S. P. Seelawathie	01.06.65	70 0	2,520 0
166	Mr. D. A. Somaratne	01.05.60	148 92	5,361 12	216	Mr. J. W. Sandeman	09.08.61	148 92	5,361 12
167	Mr. K. K. Siripala	27.07.61	115 0	4,110 0	217	Mr. W. A. Somapala	11.11.61	166 42	5,991 12
168	Miss G. A. Sumanawathie	01.07.65	70 0	2,520 0	218	Miss K. G. Tilakawathie	01.07.65	70 0	2,520 0
169	Miss W.P.G. Somawathie	02.07.65	70 0	2,520 0	219	Miss H. V. Vineetha	01.04.57	112 50	4,050 0
170	Miss H.D. Sumanawathie	01.07.65	70 0	2,520 0	220	Miss M. H. Violet	02.07.65	70 0	2,520 0
171	Miss N.G.D. Somawathie	03.07.65	70 0	2,520 0	221	Miss Muriel Williams	20.03.61	100 0	3,600 0
172	Miss R.L.G. Malinie Silva	01.03.66	60 0	2,160 0	222	Miss Ramyalatha Vithana	05.07.65	70 0	2,520 0
173	Mr. W. D. Siriwardene	01.07.64	230 0	8,280 0	223	Mr. A. C. Abeywickrema	01.08.63	255 0	9,180 0
174	Mr. M. Simon	15.04.66	75 0	2,700 0	224	Miss Indrani Dalugoda	07.01.57	112 50	4,050 0
175	Mr. W. Samson	01.09.65	148 92	5,361 12	225	Miss M. Iranganie Dharmawathi	25.11.63	80 0	2,880 0
176	Miss K. Karunawathie Silva	21.05.56	102 50	3,690 0	226	Mr. K.G. Davidappuhamy	13.03.63	95 0	3,420 0
177	Miss B. G. Somawathie	02.07.65	70 0	2,520 0	227	Mr. S. Cecil Fernando	09.03.64	145 0	5,220 0
178	Miss D. G. Tillekaratne	06.06.65	70 0	2,520 0	228	Miss L. N. Janenona	24.09.58	112 50	4,050 0
179	Miss S. M. Tilakawathie	01.04.64	80 0	2,880 0	229	Mr. L. D. Jeevananda	01.04.63	95 0	3,420 0
180	Miss I. M. Tennekoon	04.06.65	70 0	2,520 0	230	Miss M. Mayawathie	29.05.58	112 50	4,050 0
181	Mr. M. H. A. Tissera	08.09.64	148 92	5,361 12	231	Miss Sumana Munasinghe	07.05.58	112 50	4,050 0
182	Mr. S. P. Tillekaratne	01.07.64	130 0	4,680 0	232	Miss Malinie Nanayakkara	25.04.63	90 0	3,240 0
183	Miss C. J. Mary Theresa	16.11.58	112 50	4,050 0	233	Miss P. M. A. Sriyalatha	07.08.62	100 0	3,600 0
184	Miss J. A. Udulawathie	15.07.65	70 0	2,520 0	234	Miss H. D. Sriyawathi	06.06.62	100 0	3,600 0
185	Miss V. G. Violet	02.07.65	70 0	2,520 0	235	Miss K. A. L. Samarawickrema	30.04.62	100 0	3,600 0
186	Miss K. G. Wimalawathie	01.08.58	112 50	4,050 0	236	Mr. M. K. Arulandi	01.03.66	75 0	2,700 0
187	Miss S. Wimalawathie	05.01.59	112 50	4,050 0	237	Mr. S. A. Benedict	27.09.59	173 92	6,261 12
188	Mr. W.M.N. Weerasinghe	12.01.59	325 0	11,700 0	238	Mr. P. Nanayakkara	10.08.61	115 0	4,140 0
189	Mr. D.C. Wickremasinghe	01.04.63	170 0	6,120 0	239	Miss D.A.M. Weerasinghe	01.08.62	90 0	3,240 0
190	Miss B. Weerasinghe	05.05.61	100 0	3,600 0					
191	Miss G.D. Wimalawathie	02.06.65	70 0	2,520 0					
192	Miss P. Wickrematilleke	06.06.65	70 0	2,520 0					
193	Miss M. A. Wickremaratne	01.10.62	115 0	4,140 0					
194	Miss D. Withanachchi	20.09.61	100 0	3,600 0					
195	Miss D. Prema Wijeratne	24.06.58	112 50	4,050 0					
196	Mr. S.A. Francis Wilson	01.06.64	85 0	3,060 0					
197	Miss T. W. Yasawathie	30.05.62	100 0	3,600 0					
198	Miss D. D. Aslin	06.04.66	60 0	2,160 0					
									Total .. 882,195 36

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Miscellaneous Departmental Notices

THE ANIMALS ACT, No. 29 OF 1958

Dates and Places selected for Cattle Branding in Nintavur Pattu, Amparai District—1975

(From July 1st to July 31st)

G.S.'s Div. Number	Name of Grama Sevaka Division	Date of Branding	Place of Branding
37	Division 5, Nintavur	01.07.75—03.07.75	G.S.'s Office
38	Division 4, Nintavur	04.07.75—06.07.75	do.
39	Division 3, Nintavur	07.07.75—09.07.75	do.
40	Division 2, Nintavur	10.07.75—12.07.75	do.
41	Division 1, Nintavur	13.07.75—15.07.75	do.
42	Division 3, Karativu	16.07.75—18.07.75	do.
43	Mavadipalli	19.07.75—21.07.75	do.
44	Division 1, Karativu	23.07.75—25.07.75	do.
44A	Malikaikadu	26.07.75—28.07.75	do.
45	Division 2, Karativu	29.07.75—31.07.75	do.

PERCY ABEYSINGHE,
Government Agent, Amparai District,

The Kachcheri,
Amparai, —.1975.

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THE ANIMAL ACT, No. 29 OF 1958

Dates and Places Selected for Cattle Branding in Akkaraipattu D.R.O.'s Division, Amparai District

G.S.'s No.	G.S.'s Division	Branding Dates	Branding Places
10	Thirukkovil	16.05.75—23.05.75 30.05.75—06.06.75 13.06.75—20.06.75	Thirukkovil R.D. S'Kanchirankuda R. D. S. lands, Koragroup Estate
11	Division No. 2, Thambiluvil	13.05.75—27.05.75 24.06.75—27.06.75 05.07.75—17.07.75	Pallaveli Div. 2, Thambiluvil
12	Division No. 1, Thambiluvil	20.05.75—28.06.75 20.09.75	G.S.'s Office
13	Panankadu	09.05.75—30.05.75 05.06.75—27.06.75	Near Panankadu School Ground, Puddam- bai, Kannakipuram
15	Division No. 1, Akkaraipattu	15.05.75—29.05.75 05.06.75—12.06.75	G.S.'s Office
16/17	2/3 Division Akkaraipattu	16.05.75—20.06.75 18.07.75—15.08.75 19.09.75—17.09.75	O. Y. L. Athamlebbe land, Main Street, Akkaraipattu
18/19	4/5 Division Akkaraipattu	05.06.75—12.06.75 19.06.75—26.06.75	Near Puthupalli, Akkaraipattu
20	Division No. 6 Akkaraipattu	05.06.75—13.06.75 20.06.75—27.06.75	Paddiyadipiddi, Akkaraipattu
21	Division No. 7, Akkaraipattu	07.05.75—14.06.75 21.06.75—26.06.75	Alayadivempu Division 7, Akkaraipattu
22	Division No. 8/9, Akkaraipattu	09.05.75—30.05.75 05.06.75—27.06.75	G.S.'s Office
23	Kolavil	12. 3.75—27.05.75 28.05.75—10.06.75	Near Vinayaga Vidiyalaya, Kolavil

W. K. A. P. P. ABEYSINGHE,
Government Agent, Amparai District.

The Kachcheri
Amparai.

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THE ANIMALS ACT, No. 29 of 1958

Dates and Places for Cattle Branding in Karavaku Pattu in Amparai District 1975

G. S.'s No.	Name of Grama Sevakas Division	Branding Dates	Branding Place
47	Sainthamaruthu Division 6	1st Wednesday of every month except the month of December	G. S.'s Office
47A	Sainthamaruthu Division 4/5	2nd Thursday of every month except the month of December	do.
50	Sainthamaruthu Div. 2/3	do.	do.
52	Sainthamaruthu Division 1	do.	do.
53	Sainthamaruthu Tamil Division	1st Wednesday of every month except the month of December	do.
54	Kalmunaikudy Division 5	1st Thursday of every month except the month of December	do.
55	Kalmunaikudy Division 4	do.	do.
56	Kalmunaikudy Division 2/3	do.	do.
58	Kalmunaikudy Division 1	1st Wednesday of every month except the month of December	do.
59	Kalmunai Division 3	2nd Thursday of every month except the month of December	do.
61	Kalmunai Division 1/2	1st Tuesday of every month except the month of December	do.
62	Naipaddimunai T. D.	4th Tue-day of every month except the month of December	do.
64	Naipaddimunai M. D.	do.	do.
66	Pandiruppu	1st Tuesday of every month except the month of December	do.
67	Maruthamunai Division 2	3rd Tuesday of every month except the month of December	do.
68	Maruthamunai Division 1	2nd Thursday of every month except the month of December	do.
69	Chenaikudiyiruppu	1st Wednesday of every month except the month of December	do.
71	Periyaneelavanai Division 2	2nd Tuesday of every month except the month of December	do.
72	Periyaneelavanai Division 1	1st Wednesday of every month except the month of December	do.

PERCY ABEYSINGHE,
Government Agent, Amparai District.

The Kachcheri,
Amparai.

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NOTIFICATION

IT is hereby notified that under regulation 8 of the regulations made under Section 9 of the National Museums Ordinance (Chapter 187) as amended by regulation published in *Gazette* No. 9859 of April 30, 1948, the Colombo, Kandy and Ratnapura National Museums and the Folk Museum at Anuradhapura will be closed to the public on 14th April and 25th May, 1975

on account of the Sinhalese and Hindu New Year and the Wesak Full Moon day respectively.

2nd April, 1975.
P. H. D. H. DE SILVA,
Director of National Museums,
Department of National Museums,
Colombo, 7.

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IMPORTANT NOTICE REGARDING PUBLICATION OF GAZETTE

THE Weekly issue of the *Gazette of the Republic of Sri Lanka (Ceylon)* 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 payments or subscriptions for the Government Gazette. Payments should be made direct to the Superintendent, Government Publications Bureau, P. O. Box 500, Secretariat, Colombo 1.

Note.—Payments for inserting Notices in the *Gazette of the Republic of Sri Lanka (Ceylon)* will be received by the Government Printer and not by the Superintendent, Government Publications Bureau.

Schedule

1975

Month	Date of Publication	Last Date and Time of Acceptance of Notices for Publication in the Gazette
APRIL	.. Friday 04.04.75	.. 12 Noon Thursday 27.03.75
	Friday 11.04.75	.. 12 Noon Friday 04.04.75
	Friday 18.04.75	.. 12 Noon Friday 11.04.75
	Thursday 24.04.75	.. 12 Noon Friday 18.04.75
MAY	.. Friday 02.05.75	.. 12 Noon Thursday 24.04.75
	Friday 09.05.75	.. 12 Noon Friday 02.05.75
	Friday 16.05.75	.. 12 Noon Friday 09.05.75
	Friday 23.05.75	.. 12 Noon Friday 16.05.75
	Friday 30.05.75	.. 12 Noon Friday 23.05.75
JUNE	.. Friday 06.06.75	.. 12 Noon Friday 30.05.75
	Friday 13.06.75	.. 12 Noon Friday 06.06.75
	Friday 20.06.75	.. 12 Noon Friday 13.06.75
	Friday 27.06.75	.. 12 Noon Friday 20.06.75

Department of Government Printing,
 Colombo, January 01, 1975.

L. W. P. PEIRIS,
 Government Printer.