

**IN THE SUPREME COURT OF THE DEMOCRATIC SOCIALIST
REPUBLIC OF SRI LANKA**

***In the matter of an application for Special
Leave to Appeal under 128(2) of the
Constitution of Sri Lanka.***

1. Priyantha Serasundara

SC Appeal No : 97/2018

111/B8, Lakshapathiya Road,

Lakshapathiya, Moratuwa.

SC (SPL) LA No : 22/15

2. N.H.S. Gamini

CA (Writ) No : 284/2010

118/21, Mola Road, Katubedda,

Moratuwa.

3. Wijesiri Peiris

25, Wanduramulla Watte,

Wanduramulla, Panadura.

4. Saman Suranjith

119/28, Sri Gunendra Road,

Ratmalana.

5. B. Susiripala Mendis

105/27, Sri Gunendra Road,

Ratmalana.

6. A.M.R.C. Attanayaka

385/5, Kongahakotuwa, Thanthirimulla,

Panadura.

7. N.R.G.A. Ratnayaka
418, Yaya 19, Eraminiyaya,
Angunakolapelassa.

8. D.D.C De Silava
233/H, Molligoda,
Wadduwa.

9. W.D.S.T. Boteju
22/1, De Silva Road, Kalubowila,
Dehiwala.

10. L.K.S. Malkanthi
70/A, Chakkindarama Road,
Ratmalana.

11. P.S.D. Fernando
195/1, Nisala Mawatha, Kiriweriya Road,
Pinwala, Panadura.

12. D.K. Liyanage
Nawa Janapadaya, Gamagoda,
Kaluthara.

13. J.G.R. Jayasuriya
Meddawatta, Gangarama Road,
Maha Wadduwa.

14. S.K. Vehella
85/15A, Polhengoda Road,
Colombo 05.

15. S.I.M. Ganewatte
"Subodha", Nagoda Ihala, Nagoda,
Galle.

16. B.G.S. Malkanthi
257/29, Batadombatuduwa Road,
Alubomulla, Panadura.

17. N.C. Silva
Galle Road, Kuda Wadkaduwa,
Waskaduwa.

18. S.M.A. Ranjani
193/21, Main Road, Attidiya,
Dehiwala.

19. I Ganewatta
Ihala Gedera, Parana Thanayamgoda,
Mapalagama, Galle.

20. T.D.C.Ranjani
69/4, Pinnagoda,
Agalawatta.

21. M.B.S.P. Fernando
438, Station Road, Angulana,
Moratuwa.

22. A.P. Priyangani
311/J/2, Gonamaditta Road,
Kesbewa, Piliyandala.

23. D.R. Priyanthi
No. 72, Thelawala,
Mount Lavinia.

24. A.M.S. Deepani
No. 6/7B, Watarappala Road,
Mount Lavinia.

25. S.V.P.S. Rajapaksha
120, B 1/A, Bunt Road, Kuruppumulla,
Panadura.

26. M.R. Sujatha Nandani
31/5, Rathmalwatta, Puwakpitiya,
Avissawella.

27. Sudeepa Nandani
156/4, Halloluwa,
Weliweriya.

28. I.Kavitathna

40/31, S. Mahinda Mawatha,
Alubomulla, Bandaragama.

29. S.D.M. Hemalatha
266/1, Madapatha Road,
Piliyandala.

30. B. Kalyani
49/1, Hikgahawatta, Pirivena Road,
Pinwatta, Panadura.

31. P.K.G. Perera
357/B, Diganatuduwa Road,
Pamunugama, Alubomulla.

32. A.R. Udayangani Perera
336, Thalgahawila,
Millewa.

33. D.M.G.P.U. Kumari
Manamgoda, Batapola,
Via Ambalangoda.

34. P.P.N. Gunapala
381/A/1, Pragathi Mawatha,
Kahatuduwa.

35. K.K. Hiranthi De Silva
37/213, Kanatta Road,

Ambalangoda, Polgasowita.

36. H.V.R. Priyangani
82/81, Gardiniya Village Centre Road,
Kalpitiya North, Wadduwa.

37. C.A. Kusumawathi
Pusweltuduwa,
Walagedera.

38. W.R. Rupa Mendis
11/1, Dakshinarama Road,
Mount Lavinia.

39. K.H.A. Renuka Hettiarachchi
Pathira Gedera, Ihala Beligalla,
Beli Atta.

40. Dammika Alawatte
5/1, Tuduwawatta, Moranda,
Piliyandala.

41. T.M. Dammika
Grama Sanwardhana Road,
Molligoda, Wadduwa.

42. I.V.M. Priyanthi
724, Kandana,
Horana.

43. B.A.I.M. Dias
116/9, Medhananda Road,
Maha Wadduwa, Wadduwa.

44. M.A.T.D. Kumari
12, Weniwelketiya, Nagoda,
Dombagoda, Kalutara South.

45. O. Lalani
139, Wanduramulla Watta,
Panadura.

46. P.G. Dammika
38, Mirissa, Weligama.

47. P.G. Siriyalatha
38/8, Sri Dharmarama Road,
Ratmalana.

48. K.D.K. Mallika
Wedikandawatta,
Porawagama.

49. K.M. Gallage
Ihala Omatta, Deegala, Ganegoda,
Elpitiya.

50. R.Y. Hewamulla

423, D/2, Arukgoda,

Alubomulla.

51. B.W.S. Karunarathna

22, Main Railway Cross Road,

Ratmalana.

52. B.W. Priyadarshani

35/4, Thotupola Road, Deltara,

Piliyandala.

53. M.M.K. Namalgama

"Nishadi" Thuttiripitiya,

Haltota.

54. R.T. Athukorela

199, Weerasekera Mawatha,

Divulipitiya, Boralesgamuwa.

55. M.P.H. Silva

105/28, Sri Gunendra Road,

Ratmalana.

56. H.K.M. Malkanthi

820/10, Girimananda Mawatha,

Molligoda, Wadduwa.

57. R.K.D.A. Phillcia

30/1, Medakanda Road,

Kadalana, Moratuwa.

58. A. M. Kusum Alahakoon

"Kusum Sewana",

Grama Sanwardhana Road, Molligoda,
Wadduwa.

59. H.M.A. Damayanthi

465/2, Werahera,

Boralesgamuwa.

60. H.A.S. Perera

250/8, Andunwenna,

Aluthgama, Bandaragama.

61. K.A.R. Lakshmi Gunarathna

Akkara 8, Kosgahadeniya,

Walagedera.

62. P.A. Lalitha Ratnayaka

C/o. W.H. Ajith Rohana,

220, S.P. Mawatha, Ambegoda,

Morapitiya.

63. M.D.P. Nilanthi

C.W.W.Kannangara Mawatha,

Pannila, Matugama.

64. K.P. Perera

134, A8, Maharukma, Sohona Meda Para,
Mawala,
Wadduwa.

65. D.G.M.N. Wijerathna
"Saman", Dodampe, Thalpe,
Galle.

66. D.R. Silva
867/10, Pasala Pitupasa Para,
Molligoda, Wadduwa.

67. L.C. Smanthilaka De Silva
101, Wiskam Beeralu Wedapola,
Kandy Road, Pilessa.

68. M.K. Subasinghe
677, Kohalwila Road, Dalugama,
Kelaniya.

69. D.M.J.H. Wijethunga
30, Meegahawatta,
Delgoda.

70. R.P.W. Dharmawardhana
18, Mugalan Road, Kirulapona,
Colombo 06.

71. D.P.S. Dias

422/2, Owitigama, Old Road,
Meegoda.

72. K.A.S. Manel
71/10, Nawala Road,
Nugegoda.

73. K.C. Kusumalatha
48, Jayasumanarama Road,
Ratmalana.

74. W.K.D. Silva
Walawwatta, Kuda Waskaduwa,
Waskaduwa.

75. P.K. Perera
323-C, Mandawala Road, Malamulla,
Panadura.

76. W.M.S.K. Wijekoon
111/1, Sirimalwatta,
Gunnepana.

77. W. Sriyani
120/3A, Attidiya, Dehiwala.

78. A.M. Dayawathi
1937/20, Kumaran Ratnam Road,
Colombo 02.

79. P.V. Sumanawathi
95/6, Kindelpitiya,
Welmilla.

80. P.V.M. Perera
11, Hirana, Panadura.

81. H.J.K. Sandamali
236/8A, Hill Street, Dehiwala.

82. U.L.D.S. Malkanthi
302/B, Mahawala Road, Janapadaya,
Arugodda.

83. B.D. Dayakanthi
214/3/1, Temple Road, Madupitiya,
Panadura.

84. T.N. Fernando
13-A, 3rd Lane, Kadalana,
Moratuwa.

85. P.A. Witanachchi
81, Liyanagedera,
Agalawatte.

86. W.M.D.M. Weerasekara
Bambuwatta, Kotalawala,

Bandaragama.

87. G.W.D. Sumithra
Gulapita Road, Wedawatta,
Meegahatenna.

88. W.S.K. De Silva
Dikgoda, Ahungalla.

89. B.L.S. Perera
419/B1, Pathumretiyalagoda,
Arugoda, Alubomulla.

90. D.M.D. Priyadarshani
209/1, Sri Jinarathana Mawatha,
Batakettara, Madapatha.

91. K.U.C. De Silva
"Nandana", Kuda Waskaduwa,
Waskaduwa.

92. P. Suneetha
280/3-B, Alubogahawatta,
Wanduramulla, Panadura.

93. B.D. Priyanthi
Karapagala, Yagirala.

94. R.D. Lalani

16/8, Sirimal Uyana, Jamburaliya,
Madapatha.

95. S.G.L.K. Pathrnalatha
62/1, Palatota Road, Nagoda,
Kalutara.

96. T.H.R. Smanmali
174/2, Assemullawatta,
Viduchandra Mawatha, Ahangama.

97. K.M.C. Somalatha
Galketiya, Unawatuna.

98. R.P.G. Shayamali
9-B, Welipennagahawatta,
Bekkegama, Panadura.

99. G.M. Chandralatha
Ihala Hedawilegedera, Ullala,
Kamburupitiya.

100. U.D.A.K. Wijesuriya
119/20, Sri Gunendra Road,
Ratmalana.

101. K.D.L. Gunathunga
No.8-A, Near Station Road,
Balapitiya.

102. T.M. Bisomanike
22/15, Vivekarama Road,
Kalutara North.

103. K.M.P.J. Wijerathna
Woodlandwatta, Gonapinuwala.

104. P.G.P. Malkanthi
68/1, Maduraduwawatta, Dediyawala,
Waskaduwa.

105. N.K.J.S. Jayaseeli
30, Denuwara Walawwatta,
Molligoda, Wadduwa.

106. S.A. Kusumawathi
57, Gomaragoda, Paiyagala.

107. R.M.P.W. Manika
206, Pahala Kada Veediya,
Deraniyagala.

108. W.R. Perera
38/6, Thalgahawatta, Bandaragama.

109. H.D.K. Rodrigo
213, H.Y.Rodrigo Mawatha,
Pamunugama, Alubomulla.

110. M.W. Sriyalatha
388/1, "Thilini" Kiriweriya,
Panadura.

111. G. Sriyalatha
27/2, Kolamunna, Piliyandala.

112. S.H. Baby Nona
Paragahawela, Kumbukgama,
Devalegama.

113. W.A. Wimalawathi
Uswatta, Bopaththa, Urapol.

114. P.G. Dayawathi
7/8, Wewala Road, Suwarapola,
Piliyandala.

115. V. Paranamanna
Dalukgalpoththa, Elaganduwa,
Induruwa.

116. S.R. Kandanage
Delgahawatte, Anguruwatota.

117. B.N. Renuka
Karapagala, Yagirala.

118. D.L. Kusum

"Surali" Dalugalporththa, Walahanduwa,
Induruwa.

119. V.R. Chandralatha

555, Theltanwatta, Mahagoda,
Dodangoda.

120. W.A.A. Priyangani

378/9, Galle Road, Ratmalana.

121. L.K.J.P. Perera

"Samagi", Nichchawa, Arukgoda,
Alubomulla.

122. H.T. Ramani

45, Vihara Mawatha, Wellawatta.

123. S.A.M. Perera

157-A, Maharukma, Mawala,
Wadduwa.

124. N.S. Hapugoda

186-D, Walpola, Panadura.

125. S.A.P. Subasinghe

25/12-D, Dharmarama Road,
Ratmalana.

126. U.H.B. Irani

366-A, Digana Tuduwa Road,
Pamunugama, Alubomulla.

127. W.A.S.P. Weerasekara

28, Arampalawatta, Ambakote,
Kurunegala.

128. P.S. Chandrakanthi

Galpallahena, Amaragedera,
Bulathsinghala.

129. M.M.S. Chulangani

111/7, Hunupitiya Lake Road,
Colombo 02.

130. T. Nandani

58, Pubudupura, Rotarygama,
Bandaragama.

131. K.W.N. Kanthilatha

54/26, Sri Dharmarama Road,
Ratmalana.

132. H.M. Dayawathi

37/9, Gemunu Mawatha,
Kalutara North

133. J.M.W.W. Peiris

24/8, Gemunu Mawatha, Attidiya,
Dehiwala.

134. G.P. Senevirathna
Etambagahawatta, Tuduwegedera,
Malawangoda, Darga Town.

135. L.K. Somawathi
"Bandu", Gothatuwa, Baddegama.

136. G.M.P. Senevirathna
62, Kalutara North,
Kalutara.

137. R.L.N. Ramyalatha
200-A, Maithri Road, Vidagama,
Bandaragama.

138. G.D.R.J. Sriyanthi
11/6-A, Ihala Karagahamuna,
(Amponiyawatta), Kadawata.

139. K.K.D. Kanthilatha
189/1, 9th Lane, Philiminawatta,
Dodangoda.

140. M.T. Priyadarshani
219, Saranatissa Mawatha,
Kahatuduwa, Polgasowita.

141. W.A. Sriyawathi

Mahavidanawatta, Kalapugama,

Morontuduwa.

142. B.P. Obeysekara

134-B, Horana Road, Alubomulla.

143. K.V.D.R. Karunathilaka

Yatadola Road, Kalawila,

Beruwala.

144. W.R.C. Renuka

48/1, Wattapola, Panadura.

145. R. Indrani

No.11, Hermanwatta, Stage II,

Dodangoda.

146. W.A.K.C. Malkanthi

Ambalangoda Road, Kanda Addarapara

Elpitiya.

147. G.P. Fonseka

131, Detagoda, Dombagoda,

Horana.

148. D.H. Dilupa

No.1, Millagahalanda,

Maggona.

149. P.L.I. N. Cooray

Gallindawatta, Sagara Mawatha,
Kuda Paiyagala, Paiyagala.

150. U.L. Janaki

95, Batagoda, Galpatha.

151. G.K. Rohini

Suduwelipatha, Baddegama,
Baddegama East.

152. D.D.N. De Alwis

353/34, "Silvergrade" Korala Ima,
Tewatta Road, Gonapola Junction.

153. P.D.L. Malkanthi

Maduruduwa, Bombuwala,
Kaluthara South.

154. M.S.K. Peris

395, Coastal Road, Angulana,
Moratuwa.

155. U.C. Nilmini

"Nilmini", Thibbotugoda,
Pokunuwita.

156. A.K. Wettasinghe
86, Newdawa, Alubomulla.

157. L.C. Gunathilaka
Mawathgama, Haltota.

158. G.V. Priyadarshani
133, Panaluwa, Watareka,
Padukka.

159. P.D. Opanayaka
151, Polgahawatta, Kalutara Road,
Matugama.

160. M.M.S. Jayanandani
Madawala Bakery, Welipenna,
Matugama.

161. S.N.S.S. De Silva
574/F, Vijitha Mawatha, Nagoda,
Kalutara.

162. G.L.S. Jayadewa
4, Pulermanwatta, Stage I,
Gamagoda Road, Kalutara South.

163. K.J. Perera
Pematileka Mawatha, Meemana,
Pokunuwita.

164. S.P. Wickramarachchi
329, Pamunugama, Alubomulla,
Panadura.

165. V.S.K. Fernando
28/27, Field Mawatha, Nedimala,
Dehiwala.

166. B.P. Eranjani
15/4, Medial Road, Ratmalana.

167. N.S.N. Jayawardhana
310, Wedagewatta, Kotuwegoda,
Rajagiriya.

168. T.D. Gunasekara
21/M-14, Dabare Mawatha, Narahenpita
Colombo 05.

169. I.S.M. Fernando
34/5, Yogasrama Mawatha, Thelawala,
Mount Lavinia.

170. P.D. Ranjani
Circular Road, Munhena,
Maggona.

171. R.G.T. Priyanthi

180/64-A, Samagipura, Borupona,
Ratmalana.

172. W.G. Achala
7/A, Malangamuwa, Mithalawa,
Gampola.

173. H.P.C.H. Senavirathna
18/1A, Galhena Road, Gangodawila,
Nugegoda.

174. W.A.W. Kumari
Adhikarigoda, Near School,
Kalutara South.

175. M.S. Priyadarshani
486-C, Galketiyyagoda, Pothupitiya,
Wadduwa.

176. M.A.S. Priyadarshani
Malabe, Ittapanama,
(Via Matugama).

177. P.N.P. De Silva
94, Thalagala, Meepagala,
Gonapola Junction.

178. B.P. Hewage
181/A, Pragathi Mawatha,

Nagoda, Kalutara.

179. P.K. Prithika

6, Nawa Niwasa, Via Gurupura
Matugama.

180. H.A.M. Swarnalatha

Hammeliya, Baddegama.

181. W. C. Jayanthi

112, Rose Garden,
Gonapola Junction.

182. M.A. Priyadarshani

248-D, Ballantudawa,
Bandaragama.

183. P.C.U. De Silva

"Susitha", Kaluwamodera North,
Aluthgama.

184. C.D. Pitiyage

Mangala Mawatha, Medagoda,
Kamburugamuwa, Matara.

185. D.L.N.D. Pushpangani

Batagoda, Galpatha, Kalutara.

186. D.L. Niroshani

19/19, Manthrimulla Road,
Attidiya.

187. L.P. Gunawardhana
175/17, Mahawatta Road, Pelanwatta,
Pannipitiya.

188. H.D.S. Padmini
338/1, Gorakagoda, Agalawatta.

189. P.R. Dasanayake
Pelakatiyagoda, Pelawatta
(Via Matugama).

190. A.G. Thushari
44/54, Indrajothi Road, Ratmalana.

191. K.M.R. Thilerathna
Kanda Para, Kuriyampola,
Pothuhera.

192. H.I.S. De Silva
122/1, Kanda Kotuwa Road,
Malamulla, Panadura.

193. G.A.T. Kumari
58/6A, Raja Mawatha, Ratmalana.

194. A. Malani

No.23, Nugagahalanda, Meegama.

195. I.G. Vajira

Pelapolwatta, Higgoda, Akuressa.

196. S. Ranpathirana

Mugunatenna Road, Near School,

Kolonna.

197. H.S. De Silva

654, Walagedera, Balapitiya.

198. H.G.N. Inoka

18/1, Aluth Mawatha, Polhena,

Matara.

199. M.B.N. Wajiramali

STF Official Housing (G.2),

Katukurunda, Kalutara South.

200. P.G.C. Iroshani

374/3, Galle Road, Ratmalana.

201. J.P.C. Priyanthi

Alagodawata, Kodagoda,

Imaduwa.

202. K. Janaki

Godellawatta, Pitiduwa,

Weligama.

203. A.G.S. Dilrukshi

67/C, Raja Mawatha, Ratmalana.

204. M.V.C. Jayawardhana

26/1, Kehelwatta, Katuwana,

Matara.

205. J.N. Nimini

Omare Koratuwa, Pahala Obada,

Julampitiya.

206. I.I Weerasinghe

42/12-D, 6th Lane, Nagoda,

Kalutara.

207. P.G. Rohini

44/5A, Sangabo Mawatha,

Diggala Road, Keselwatta, Panadura.

208. S.L.A. Priyanga

381-C, Pragathi Mawatha,

Kahatuduwa.

209. T.D. Thilakasiri

297/8, Kuda Pokuna Road,

Thanthirimulla, Panadura.

210. Sunil Kularatna

36/1, Saranapala Mawatha,
Piliyandala.

211. T.J. Gallage

30, Niwantidiya, Piliyandala.

212. A.K. Wickramarathna

315/3, Wendesiwatta, Nadungahahena,
Malwatta Road, Kalutara North.

213. P. Somasiri Perera

310, Janapadaya, Arukgoda,
Alubomulla.

214. G. Weerarathna

465/2, Werahera, Boralesgamuwa.

215. K.A. Premarathna

47, 14th Street, Philominawatta,
Dodangoda.

216. M.E. Pemasiri

No. 8, Soysawatta, Molligoda,
Wadduwa.

217. M.S. Sarathchandra

134-C, Horana Road,
Alubomulla.

218. Pemadasa Perera

332/2, Pamunugama, Alubomulla.

219. T.N. Peiris

292/1, Dheewarajaya Mawatha

Egoda Uyana, Moratuwa.

220. D. Garusinghe

D-1, Dela Junction, Gonadeniya,

Wekadiwala.

221. M.G. Samantha

46, Stage I, Hermanwatta, Gan Ima,

Dodangoda.

222. L.A. Fernando

330/B/5, Jubilee Lane, Walana,

Panadura.

223. B.A.C. Perera

355, Sri Bodhirukkharama Road,

Pamunugama, Alubomulla.

224. M.D.P. Fernando

99/5, Tharunaweera Mawatha,

Kalutara North.

225. R.D.D. Gunawardhana

No.11-A, Uva Benhead Road,
Welimada.

226. R.K. Siripala
41/11-A, Jayasumanarama Road,
Ratmalana.

227. L.A. Nihal
62-B, Tissa Mawatha, Pamunugama,
Alubomulla.

228. C.V.L. Fernando
126/18, Janajaya Mawatha, Lakeview,
Hirana, Panadura.

229. S. Hemasiri Thisera
126/6, "Lakeview", Pinthella Road,
Hirana, Panadura.

230. EH.A. Gunasena
51/3, Angagoda, Bentota.

231. A.G. Deshabandu
192/1. Coastal Road, Angulana,
Moratuwa.

232. R.M. Muthubanda
116/S, Dhammodaya Mawatha,
Battaramulla.

233. M.K.S.P. Perera
340, 1/C, Cemetery Road, Malamulla,
Panadura.

234. G.D.T.A. Kumara
3/263, Thalapathpitiya Temple Road,
Nugegoda.

235. M.A.V.K. Sirisena
36, Adhikarigama Road,
Hanguranketha.

236. M.M. Athula Premalal
188/2, Del Inna, Batakettara,
Madapatha.

237. T.K. Batuwitage
194/32, Thalgahahena,
Kesbewa.

238. B.S. Kulathunga
"Nishadi", Thuttiripitiya,
Haltota.

239. H.D. Jayalath
47, Stage I, Hermanwatta, Dodangoda.

240. H.L. Jeewananda

85/4, Samindu Lane, Mawittara,
Pilyandala.

241. T.G. Mahinda

Divelwatta, Januregoda,
Weligama.

242. N. Somapala Perera

68, Nalandarama Road, Nugegoda.

243. W.A Senarathna

"Senani", Bisowela, Galigamuwa Town.

244. H.P. Chandradasa

No. 15, 4th Lane, Korosduwa,
Pothupitiya, Wadduwa.

245. K.A. Gnanadasa

250/8, Adunwenna, Welmilla,
Bandaragama.

246. S.H. Jayasiri

84/7, De Mel Road, Lakshapathiya,
Moratuwa.

247. G.S. Pushpakumara

Yasiru, Horana Road, Bandaragama.

248. G.W.P. Neil

Menikwela Hena, Naimwala,
Thihagoda.

249. G.A.S. Gunathunga

No.11, 4th Lane, "Golview",
Korosduwa, Wadduwa.

250. B.S.M. Mendis

155, Lakshapathiya Road,
Moratuwa.

251. H.W.M.L.K.K. Samaradiwakara

407-C, 3rd Lane, Mangawela Road,
Welamulla, Panadura.

252. U.G. Smarasena

Widyakanthi Vidyalaya,
Ihala Thellambura, Nakiyadeniya.

253. S.M. Jayasena

1/68, Maduruwatta, Dediyawala,
Waskaduwa.

254. D. Jayashantha Alwis

541/B, Janadhipathi Mawatha,
Kuda Arukgoda, Alubomulla.

255. J.A.R.W. Perera

94/1/A, Thanthirimulla, Panadura.

256. G.S. Hewawasam

G 1/4, Railway Housing, Kaldemulla,
Ratmalana.

257. W.H. Jayarathna

16, Swarnajothi Mawatha,
Thanthirimulla, Panadura.

258. M.D.R. Jayalal

226, Bokundara, Piliyandala.

259. A.G. Gunawardhna

10/C, Werawatta, Mihindu Lane,
Panadura.

260. W.V. Upul Priyantha

16, "Golview" 4th Lane, Korosduwa,
Wadduwa.

261. R.P.P. Rajapaksha

156/A, Hal Oluwa,
Weliweriya.

262. P.H. Srimal Silva

77/9-A, Angulana Station Road,
Moratuwa.

263. K.S.N. Perera

301/8-A, New Getambuwana Road, Mampe,
Piliyandala.

264. A.V. Perera

118/10, Kurusa Junction,
Alubomulla.

265. S.S. Kumarage

Kahangahaduwa, Meepawala, Poddala,
Galle.

266. C.A.S.S. Chaminda Lal

Bothale Ela Asala, Galwathura,
Bulathsinghala.

267. M.P.I.N. Pathirana

"Dayani", Palmada, Mirigama.

268. D.C.K. De Silva

115/1A, Bandarawela Road,
Badulla.

269. D.C.J. Singhabahu

15, Suhada Mawatha, Nagoda,
Kalutara.

270. N.L. Chaminda

Rabare Gedera, Thelijjawila,

Matara.

271. D.M.A.S.B. Dissanayaka
94, Thalagala, Meepawala,
Gonapola Junction.

272. M.A. Manawadu
47/2, Migara Mawatha, Pepiliyana,
Boralesgamuwa.

273. J.M.A. Jayalath
113, Doranagoda, Udugampola.

274. J.M. Wijesoma
130/37, Honnantara South,
Piliyandala.

275. A.M. Thilakerathna
109/A/1, Weera Uditha Mawatha,
Hedigama, Piliyandala.

276. M.K. Piyadasa
49, Devananda Road, Makulduwa,
Piliyandala.

277. T.R.K. Fernando
240/11/1, Samagi Uyana,
Samagi Mawatha, Hirana, Panadura.

278. M.D. Wijesinghe
15/3, Sri Dharmarama Road,
Ratmalana.

279. M.M. Chandrasekara
195/3, Nisala Mawatha, Thiveriya Road,
Panadura.

280. D.R. Karunathilaka
76, Herman Estate, Stage I,
Gan Ima, Dodangoda.

281. C.K. Wettasinghe
Opp. Provincial Health Service Office,
Siri Vijayapura Road, Moneragala.

282. W.S. Peiris
102, Melwatta, Kawadawela,
Panadura.

283. M.U. Fernando
428, Galle Road, Nalluruwa,
Panadura.

284. D.S. Wedisinghe
20, Millamullawatta, K/Walagedera.

285. K.D.T.S. Gunasekara
414, Galle Road, Ratmalana.

286. D.M.C.S. Dasanayaka

90, Gongitota, Wattala.

287. I.N.L. Silva

31, Miriyawatta, Keselwatta,
Panadura.

288. A. Kaluarachchi

36/A, Sandagiriwatta, Wethara,
Polgasowita.

289. L.H.DS. Priyantha

122/2A, Vihara Mawatha,
Bellanwila, Boralesgamuwa.

290. J.M. Imbulagoda

33, Jawatta Watta, Kalutara North.

291. L.R. Perera

95/1, Nisala Mawatha, Kiriweriya Road,
Pinwala, Panadura.

292. I.R.P. Perera

74/25, Sangagalawatta, Pamunugama,
Alubomulla.

293. Chaminda Totawatta

116/5/3, Beddewita, Thumbowila,

Piliyandala.

294. C.S. Weerathunga

"Upasevana", Hondegoda, Akurella.

295. T.N. Wickramarathna

"Wikumlath" Meerawala,

Anguruwatota.

296. R.A.T.E. Fernando

22, Joseph Place, Katukurunda,

Moratuwa.

297. A.K. Tantriwatte

46, Atigala Housing Scheme,

Hokandara, Piliyandala.

298. C.N. Jayakodi

352/1, Galkanda, Kiriwattuduwa.

299. C.N. Edirisinghe

Thalduwawatta, Anangoda,

Galle.

300. S.A.R. Dissanayaka

650/C/2, Wewa Road, Ragama.

301. P.T.R. Peiris

193/21, Main Road, Attidiya,

Dehiwala.

302. K.P.D. Narayana
27, (32D) Kalderam Maduwatta.
Wekada, Panadura.

303. M.M.M.S.S.C. Wijesinghe
423/D2, Arukgoda,
Alubomulla.

304. R.P.R. Sarath
16/8, Sirimal Uyana, Jamburaliya,
Madapatha.

305. V. M. Bulathsinghala
144/4A, Temple Road, Nawala,
Rajagiriya.

306. J. D. A. M. Kulathilaka
Isura, Paluwelgala, Kottaramulla.

307. B. A. D. W. Jayasekara
"Weeragiri", Hemaloka Mawatha,
Welmilla, Bandaragama.

308. A. K. Palliyaguru
102/39, Dolaman Mawatha,
Dias Place, Panadura.

309. M.M.M.S. Perera

121/7, Atidiya Road, Dehiwala.

310. R. A. C. Ranamuka

499/1D, Halbarawa Road, Talahena,
Malabe.

311. W.A. Wijerathna

250-A, Delgahawatta, Dibbedda,
Panadura.

312. R. Rathnasiri

74, P.B.Alwis Perera Mawatha,
Katubedda, Moratuwa.

313. A.Lasantha

28/13, Sarvoda Mawatha, Hokandara,
Kesbewa.

314. M.G.V. Peiris

3/6, Luvi Kumari Mawatha,
Uyana, Moratuwa.

315. Wastuni Pathirage

83/3, Ebert Lane, Kaldemulla, Moratuwa.

316. M. N. Imbulagoda

Sudasuna, Gamagoda, Kalutara.

317. V. J. R Fernando

Nadeeka Motors, Court Road,
Hingurakgoda.

318. M. M. Sunanda

208/8, Balika Niwasa Road,
Rukmale, Kottawa.

319. R. V. R. T. A. Ranasinghe

Medagama, Halpe, Mirigama.

320. L.A.D. Tarangani

380, Kurunduwatta, Malamulla,
Panadura.

321. A. Sayakkara

47/1, Pengiriwatta, 1 Lane,
Gangodawila, Nugegoda.

322. P .D. C. Sriyanjali

Sriya Sevana, Siyambalapitiya Road,
Habudugala, Kegalle.

323. G. V. N. Grero

20, Peiris Road,
Mount Lavinia.

324. A. K. P. Perera

1/C2, Gangabada Para, Suwarapola,

Piliyandala.

325. H. C. Ranasinghage
Old Road, Kandana, Horana.

326. U. L. K. Liyanage
32, Palligoda North, Matugama.

327. Prabath S. Edirisuriya
202/7, Medahena Watta,
Hirana, Panadura.

328. A. M. N. J. Mendis
209/1, Sri Jinarathana Mawatha,
Batakettara, Madapatha.

329. W. Jayantha Ananda Perera
465/2F, Galhenwatta,
Werahera, Boralesgamuwa.

330. R. A. D. Sathischandra
44/4, Wewdeniya, Kottawa,
Pannipitiya.

331. W. A. D. Roshan Wijesuriya
8/2A, 2nd Road, Gangabada Road,
Suwarapola, Piliyandala.

332. Sudath Wichramasekara

189/16, Sama Mawatha, Nawala Road,
Nugegoda.

333. W.H. Ajith Rohana Kumara
220, S.P. Mawatha, Ambagoda,
Morapitiya.

334. M.S. Ratnayaka
54/2, Udupila, Delgoda.

335. T. P. C. Peiris
36/1, Kumaratunge Munidasa Mawatha,
Gorakapola, Panadura.

336. K. M. T. D. Tamira Konara
10th Mile Post, Thaldena, Badulla.

337. P.G.V. Mathisha Samarawickrama
16/9, Station Road,
Pinwatta, Panadura.

338. R.G.L.K. Karunarathna
"Na Sevana", Horewala, Aranayaka.

339. N.R. Silva
37, Thambili Kotuwa, Peiris Road,
Mount Lavinia.

340. E.T.D. Silva

25, Littleton Estate, Kuda Waskaduwa,
Waskaduwa.

341. A.G. Wasntha
492/4, Arawwala, Pannipitiya.

342. M.M. Ravindralal
113/1, Katuwawala, Boralesgamuwa.

343. J.M. K. K. Menike
E13, Rukmale, Devanagala.

344. K. Manamperi
207, C/1, Samajawadi Mawatha,
Pamunugama, Alubomulla.

345. L.R. Muhandiramge
83, Kesbewa, Piliyandala.

346. M.P.K. Gunawardhana
Diwalakada, Bulathsinghala.

347. H.S. Piyal
Udagama, Girikola, Agalawatta.

348. H.G. Somathunga
232/26, Jayanthi Uyana, Honnanthara,
Piliyandala North.

349. A.K. Perera

366/A, Pamunugama, Alubomulla.

350. M.D. Tilakasiri

Pokunawatta, Kuda Waskaduwa.

351. A. Anura Chandana Perera

11/B, Jayatileka Mawatha, Panadura.

352. Mahinda Pemalal

438, Molligoda, Wadduwa.

353. P.G. Ananda

233/4, Molligoda, Wadduwa.

354. Upali Edirisinghe

"Goldview", Stage II, Korosduwa,
Wadduwa.

355. B.A. Nandasena

"Kusum Sevana", Grama Sanwardana Road,
Molligoda, Wadduwa.

356. B.LN. Fernando

194/3, Samagi Mawatha, Kahapola,
Madapatha.

357. M.D.I. Jayawardena

Wewa Road, Veedagama,

Bandaragama.

358. W.D. Piyadasa

369/33, Yasorapura, Attidiya

Dehiwala.

359. H.D. Manjula Kumara

198/E, Dampe, Piliyandala.

360. R.M.L. Gunasekara

Mahagahawatta, Wele Pansala Road,

Kuda Waskaduwa.

361. P.H.S. Jayalath

139, Wanduramulla Watta, Panadura.

362. Gayan Deepanath

56, Gomaragoda, Paiyagala.

363. N. Pathmasiri

10/A, 9th Lane, Borupana Road,

Ratmalana.

364. K. Bernard Silva

39/2, Pepiliyana Road, Nedimala,

Dehiwala.

365. V. Nimal

Road behind Junior School, Galle Road,

Molligoda, Wadduwa.

366. M. Wasantha Kumara

120/7, Attidiya, Dehiwala.

367. L. Mahanama

Medagama, Netolpitiya.

368. U.D. Ajith

"Shanthi" Boraluketiya, Elakaka, Haburugala.

369. S.A. Bandu Jayantha

359, Cemetery Road, Molligoda,

Wadduwa.

370. Priyantha Kahingala.

15, Totawatta, Watugedera,

Ambalangoda.

371. K.G. Gunarathna

Malabada Junction, Yatadolawatta,

Matugama.

372. I.H Perera

74/4, Sandagalawatta, Pamunugama,

Alubomulla.

373. N.K.V. Anura

105/A, Daham Mawatha, Kaldemulla,

Moratuwa.

374. A. S. Haturusinghe

"Senani", Pelavitiyagoda, Thebuwana.

375. K. U. N. Kumarasiri

"River View", Janaraja Mawatha,

Uggalboda, Kalutara North.

376. J. A. Nishantha

"Sisira", Anguruwatota.

377. C. T. D. Wasntha

69, Silver Range, Panapitiya, Waskaduwa.

378. A. Wijesinghe

Pethigamuwa, Haltota.

379. H. D. Ratnapriya

199, Weerasekera Mawatha, Divulputiya,

Boralesgamuwa.

380. R.P. Ariyapala

Road behind School, Molligoda,

Wadduwa.

381. D. J. Fernando

319, Bodhirukkharama Road,

Pamunugama, Alubomulla.

382. T.R. Jayantha
247/B, Ihala Pitigala, Karagoda,
Uyangoda, Matara.

383. A.K.L. Prasanna
677, Kohalwila Road, Dalugama,
Kelaniya.

384. M. L. S. Joseph Perera
637/8, Horetuduwa, Keselwatta.

385. W.N.P. Tisera
45, Vihara Mawatha, Wellawatta.

386. P. V. C. G. Gunarathna
513, Yaya 5, Pandukabhayapura,
Anuradhapura.

387. K. K. V. Sumanadasa
Champalee Mawatha, Munhena,
Maggona.

388. G. R. P. Fernando
72, Thelawala, Mount Lavinia.

389. V. H. W. D. Fernando
126/7, Jayawardena Mawatha,
Egoda Uyana, Moratuwa.

390. M. A. Perera

77/62A, Katubedda, Depot Road,
Moratuwa.

391. M. D. H. Chandrasekara

Champani Mawatha, Munhena,
Maggona.

392. D. K. Vijtha Swarnasiri

247/32/1, Sooriyapaluwa, Kadawata.

393. Y.B.M.R.U.K. Abeyrathna

Sewendana, Wadakada,
Polgahawela.

394. R. M. Sudubanda

313/5B, Gonamaditta Road,
Kesbewa, Piliyandala.

395. K. A. B. Kulasiri

150/1, Diyagama, Kiriwattuduwa.

396. H. K. A. Fonseka

79/1, Molpe, Moratuwa.

397. Lionel Wittachchi

12/10, Polgahawatta Road, Matugama.

398. H. G. D. Weerakoon
18, Mugalan Road, Kirulapona,
Colombo 05.

399. A. Upali Kariyawasam
138, Wanduramulla Watta, Panadura.

400. G. S. L. Abeydheera
27/6-B, Waidya Road, Dehiwala.

401. C. S. Ranwalage
331/A/1, Pragathi Mawatha,
Kahatuduwa.

402. H. K. K. De Silva
32/81, Gardenia Village,
Thalpitiya North, Wadduwa.

403. I. A. Peter
29-B, Near Mahawala, Arukgoda,
Alubomulla.

404. S. G. Somarathna
79/17, Grama Sanwardana Para,
Moligoda, Wadduwa.

405. M. H. Susiripala
11/11A, Vidyala Mawatha,
Niwahan Pedesa, Koralawella,

Moratuwa.

406. Nimal Gunasekara

Mohotigeduwa, Panagamuwa, Wanchawala,
Galle.

407. H.J.S. Silva

135/B, Horana Road, Alubomulla.

408. K.A. Sudath Perera

2/5, Vihara Mawatha, Kolonnawa,
Wellampitiya.

409. H. A. Wasantha Jayasiri

218/3, Kirillawala, Weboda.

410. H.H.N.G. Thilakerathna

72/2, Chakkindarama Road,
Ratmalana.

411. D. F. P. S. J. Perera

30/61, Pragathipura Road, Madiwela,
Kotte.

412. N. P. Karunarathna

41/3, Railway Mawatha, Nugegoda.

413. K. D. Vijitha Gunathilaka

"Syndia", Gurugoda, Poruwedanda.

414. W. P. N. Sisira Kumara
121/6, Etikehelgalla, Weliweriya.

415. K. K. Premachandra
145/8, Bandaranayaka Mawatha,
Katubedda, Moratuwa.

416. C. D. Ashoka
48, D.M.Kolombage Mawatha,
Kirulapona, Colombo 05.

417. S. K. Gamini Dharmasena
103, Jayanthi Mawatha, Pamunugama,
Alubomulla.

418. M. D. Premadasa
331-A, Pamunugama, Alubomulla.

419. V. Ariyadasa
58-D, Sri Dharmarama Road,
Ratmalana.

420. N. D. D. Senanayaka
Homadolagama, Udugama, Kotalawala,
Galle.

421. S. Mahil Somachandra Silva
7/3, Gunatileka Road, Wadduwa.

422. K. D. Shantha Lalith Rohitha
136/3, Kulatunge Road, Mampe,
Piliyandala.

423. H. Gunadasa Perera
84, Miriswatta, Mahawila,
Panadura.

424. H. Lakshman Ruwan Kumara
No.5, Nithalawatta, Halmillawewa.

425. M.G. Ruwasiri
11th Mile Post, Juwantota Palama Asala,
Elpitiya.

426. W. T. Jayakody
134/13, Horana Road, Alubomulla.

427. I. B. Chandrasiri Jayasinghe
Malwahapura, Padagoda,
Beruwala.

428. J.M. Somapala
381/C, Pragathi Mawatha, Kahatuduwa.

429. K. A. Pushpananda
30, Anapada Sri Inikambedda,
Bandarawela.

430. M. Ramar
35/A, Galapitagoda Road, Kadalana,
Moratuwa.

431. M. Sandanam Lechchamne
139/9, Inkam Vidiya, Slave Island,
Colombo 02.

432. Muniyachchi Sandanam
143/18, Jinthupitiya Mawatha,
Colombo 13.

433. A. A. R. P. Wijerathna
128/11, Jayasumanarama Road,
Ratmalana.

434. Y. D. Chanaka Suminda
20-A, Averiwatta, Alubomulla.

435. A. L. Dougus
3B/1, Dombagahawatta, Kumara Kanda,
Maggona.

436. A.K. Wimalasiri
225, Stage III, Mada Ovita,
Mount Lavinia.

437. E. A. D. Sumathipala

196, Thalapathpitiya, Nugegoda.

438. Vithanage Priyantha

55, Temple Road, Front Road,
Labugama, Hiltota.

439. Dinesh Prasanna Weerasinghe

420/3, Mahawala Road, Kiriberiya,
Panadura.

440. H. W. Saman Indrasiri

595, Thelwatta, Mahagoda, Dombagoda.

441. M. Ranjith Ananda Walwala,

Godamuna, Pitigala.

442. K. Gamini Jayalath

Near Station Road, Hettimula, Beruwala.

443. O. Suriyaarachchi

540/14, Gal Edandugoda, Horana.

444. D. A. R. Deshapriya

41, Labugama, Haltota.

445. P. K. A. S. D. Kodituwakku

61, Rose Garden, Gonawala Junction.

446. W. K. A. K. Jayalath

6/13, 1st Lane, Uswatta, Moratuwa.

447. K. G. Wansapala

Wegapitiya, Morahela, Balangoda.

448. W.Wimalasiri Botheju

51/5, Kesbewa Road, Borelesgamuwa.

449. A. D. Saman Premalal

350/3A, Makumbura, Pannipitiya.

450. A. P. Sarath Pushpakumara

120, B1/A, Bunt Road, Kuruppumulla,
Panadura.

451. M. K. Chandrasena Silva

61/9, Gnanendra Road, Ratmalana.

452. N. Gnanasiri Silva

41/10, Jayasumanarama Road,
Ratmalana.

453. W. A. Nandasiri

42, Isuru Uyana, Seda Mawatha,
Siddamulla, Piliyandala.

454. W. N. C. Perera

891, Rukmale Road, Kottawa.

PETITIONER

Vs.

1. Commissioner General of Labour
Labour Secretariat, Colombo 05.
2. Gamini Lokuge
Minister of Labour and Labour Relations,
Labour Secretariat, Colombo 05.
3. Maliban Biscuit Manufactories Limited,
No.389, Galle Road, Ratmalana.
4. Dr. Irvin Jayasuriya
Arbitrator, Labour Secretariat,
Colombo 05.

RESPONDENTS

AND NOW BETWEEN

1. Priyantha Serasundara
111/B8, Lakshapathiya Road,
Lakshapathiya, Moratuwa.
2. N.H.S. Gamini
118/21, Mola Road, Katubedda,
Moratuwa.

3. Wijesiri Peiris

25, Wanduramulla Watte,

Wanduramulla, Panadura.

10. L.K.S. Malkanthi

70/A, Chakkindarama Road,

Ratmalana.

12. D.K. Liyanage

Nawa Janapadaya, Gamagoda,

Kaluthara.

14. S.K. Vehella

85/15A, Polhengoda Road,

Colombo 05.

21. M.B.S.P. Fernando

438, Station Road, Angulana,

Moratuwa.

24. A.M.S. Deepani

No. 6/7B, Watarappala Road,

Mount Lavinia.

31. P.K.G. Perera

357/B, Diganatuduwa Road,

Pamunugama, Alubomulla.

34. P.P.N. Gunapala

381/A/1, Pragathi Mawatha,

Kahatuduwa.

36. H.V.R. Priyangani

82/81, Gardiniya Village Centre Road,

Kalpitiya North, Wadduwa.

37. C.A. Kusumawathi

Pusweltuduwa,

Walagedera.

40. Dammika Alawatte

5/1, Tuduwawatta, Moranda,

Piliyandala.

44. M.A.T.D. Kumari

12, Weniwelketiya, Nagoda,

Dombagoda, Kalutara South.

45. O. Lalani

139, Wanduramulla Watt,

Panadura.

48. K.D.K. Mallika

Wedikandawatta,

Porawagama.

54. R.T. Athukorela

199, Weerasekera Mawatha,

Divulpitiya, Boralesgamuwa.

57. R.K.D.A. Phillcia
30/1, Medakanda Road,
Kadalana, Moratuwa.

59. H.M.A. Damayanthi
465/2, Werahera,
Boralesgamuwa.

60. H.A.S. Perera
250/8, Andunwenna,
Aluthgama, Bandaragama.

61. K.A.R. Lakshmi Gunarathna
Akkara 8, Kosgahadeniya,
Walagedera.

62. P.A. Lalitha Ratnayaka
C/o. W.H. Ajith Rohana,
220, S.P. Mawatha, Ambegoda,
Morapitiya.

65. D.G.M.N. Wijerathna
"Saman", Dodampe, Thalpe,
Galle.

66. D.R. Silva
867/10, Pasala Pitupasa Para,

Molligoda, Wadduwa.

98. R.P.G. Shayamali
9-B, Welipennagahawatta,
Bekkegama, Panadura.

102. T.M. Bisomanike
22/15, Vivekarama Road,
Kalutara North.

105. N.K.J.S. Jayaseeli
30, Denuwara Walawwatta,
Molligoda, Wadduwa.

106. S.A. Kusumawathi
57, Gomaragoda, Paiyagala.

110. M.W. Sriyalatha
388/1, "Thilini" Kiriweriya,
Panadura.

125. S.A.P. Subasinghe
25/12-D, Dharmarama Road,
Ratmalana.

126. U.H.B. Irani
366-A, Digana Tuduwa Road,
Pamunugama, Alubomulla.

128. P.S. Chandrakanthi

Galpallahena, Amaragedera,
Bulathsinghala.

130. T. Nandani

58, Pubudupura, Rotarygama,
Bandaragama.

132. H.M. Dayawathi

37/9, Gemunu Mawatha,
Kalutara North.

133. J.M.W.W. Peiris

24/8, Gemunu Mawatha, Attidiya,
Dehiwala.

140. M.T. Priyadarshani

219, Saranatissa Mawatha,
Kahatuduwa, Polgasowita.

144. W.R.C. Renuka

48/1, Wattalpola, Panadura.

145. R. Indrani

No.11, Hermanwatta, Stage II,
Dodangoda.

148. D.H. Dilupa

No.1, Millagahalanda,

Maggona.

149. P.L.I. N. Cooray

Galindawatta, Sagara Mawatha,

Kuda Paiyagala, Paiyagala.

158. G.V. Priyadarshani

133, Panaluwa, Watareka,

Padukka.

160. M.M.S. Jayanandani

Madawala Bakery, Welipenna,

Matugama.

161. S.N.S.S. De Silva

574/F, Vijitha Mawatha, Nagoda,

Kalutara.

166. B.P. Eranjani

15/4, Medial Road, Ratmalana.

167. N.S.N. Jayawardhana

310, Wedagewatta, Kotuwegoda,

Rajagiriya.

168. T.D. Gunasekara

21/M-14, Dabare Mawatha, Narahenpita

Colombo 05.

169. I.S.M. Fernando

34/5, Yogasrama Mawatha, Thelawala,
Mount Lavinia.

170. P.D. Ranjani

Circular Road, Munhena,
Maggona.

174. W.A.W. Kumari

Adhikarigoda, Near School,
Kalutara South.

175. M.S. Priyadarshani

486-C, Galketiyagoda, Pothupitiya,
Wadduwa.

176. M.A.S. Priyadarshani

Malabe, Ittapanama,
(Via Matugama).

179. P.K. Prithika

6, Nawa Niwasa, Via Gurupura
Matugama.

186. D.L. Niroshani

19/19, Manthrimulla Road,
Attidiya.

192. H.I.S. De Silva

122/1, Kanda Kotuwa Road,
Malamulla, Panadura.

198. H.G.N. Inoka
18/1, Aluth Mawatha, Polhena,
Matara.

209. T.D. Thilakasiri
297/8, Kuda Pokuna Road,
Thanthirimulla, Panadura.

214. G. Weerarathna
465/2, Werahera, Boralesgamuwa.

218. Pemadasa Perera
332/2, Pamunugama, Alubomulla.

222. L.A. Fernando
330/B/5, Jubilee Lane, Walana,
Panadura.

223. B.A.C. Perera
355, Sri Bodhirukkharama Road,
Pamunugama, Alubomulla.

229. S. Hemasiri Thisera
126/6, "Lakeview", Pinthella Road,
Hirana, Panadura.

240. H.L. Jeewananda
85/4, Samindu Lane, Mawittara,
Pilyandala.

244. H.P. Chandradasa
No. 15, 4th Lane, Korosduwa,
Pothupitiya, Wadduwa.

245. K.A. Gnanadasa
250/8, Adunwenna, Welmillia,
Bandaragama.

249. G.A.S. Gunathunga
No.11, 4th Lane, "Golview",
Korosduwa, Wadduwa.

251. H.W.M.L.K.K. Samaradiwakara
407-C, 3rd Lane, Mangawela Road,
Welamulla, Panadura.

258. M.D.R. Jayalal
226, Bokundara, Piliyandala.

259. A.G. Gunawardhna
10/C, Werawatta, Mihindu Lane,
Panadura.

260. W.V. Upul Priyantha
16, "Golview" 4th Lane, Korosduwa,

Wadduwa.

271. D.M.A.S.B. Dissanayaka
94, Thalagala, Meepawala,
Gonapola Junction.

272. M.A. Manawadu
47/2, Migara Mawatha, Pepiliyana,
Boralesgamuwa.

274. J.M. Wijesoma
130/37, Honnantara South,
Piliyandala.

277. T.R.K. Fernando
240/11/1, Samagi Uyana,
Samagi Mawatha, Hirana, Panadura.

278. M.D. Wijesinghe
15/3, Sri Dharmarama Road,
Ratmalana.

282. W.S. Peiris
102, Melwatta, Kawadawela,
Panadura.

285. K.D.T.S. Gunasekara
414, Galle Road, Ratmalana.

286. D.M.C.S. Dasanayaka

90, Gongitota, Wattala.

296. R.A.T.E. Fernando

22, Joseph Place, Katukurunda,
Moratuwa.

300. S.A.R. Dissanayaka

650/C/2, Wewa Road, Ragama.

329. W. Jayantha Ananda Perera

465/2F, Galhenwatta,
Werahera, Boralesgamuwa.

331. W. A. D. Roshan Wijesuriya

8/2A, 2nd Road, Gangabada Road,
Suwarapola, Piliyandala.

332. Sudath Wichramasekara

189/16, Sama Mawatha, Nawala Road,
Nugegoda.

333. W.H. Ajith Rohana Kumara

220, S.P. Mawatha, Ambagoda,
Morapitiya.

341. A.G. Wasntha

492/4, Arawwala, Pannipitiya.

342. M.M. Ravindralal

113/1, Katuwawala, Boralesgamuwa.

344. K. Manamperi

207, C/1, Samajawadi Mawatha,
Pamunugama, Alubomulla.

348. H.G. Somathunga

232/26, Jayanthi Uyana, Honnanthara,
Piliyandala North.

349. A.K. Perera

366/A, Pamunugama, Alubomulla.

351. A. Anura Chandana Perera

11/B, Jayatileka Mawatha, Panadura.

353. P.G. Ananda

233/4, Molligoda, Wadduwa.

354. Upali Edirisinghe

"Goldview", Stage II, Korosduwa,
Wadduwa.

358. W.D. Piyadasa

269/33, Yasoropura, Attidiya
Dehiwala.

361. P.H.S. Jayalath

139, Wanduramulla Watta, Panadura.

363. N. Pathmasiri

10/A, 9th Lane, Borupana Road,
Ratmalana.

369. S.A. Bandu Jayantha

359, Cemetery Road, Molligoda,
Wadduwa.

373. N.K.V. Anura

105/A, Daham Mawatha, Kaldemulla,
Moratuwa.

389. V. H. W. D. Fernando

126/7, Jayawardena Mawatha,
Egoda Uyana, Moratuwa.

394. R. M. Sudubanda

313/5B, Gonamaditta Road,
Kesbewa, Piliyandala.

395. K. A. B. Kulasiri

150/1, Diyagama, Kiriwattuduwa.

401. C. S. Ranwalage

331/A/1, Pragathi Mawatha,
Kahatuduwa.

402. H. K. K. De Silva
32/81, Gardenia Village,
Thalpitiya North, Wadduwa.

403. I. A. Peter
29-B, Near Mahawala, Arukgoda,
Alubomulla.

421. S. Mahil Somachandra Silva
7/3, Gunatileka Road, Wadduwa.

426. W. T. Jayakody
134/13, Horana Road, Alubomulla.

430. M. Ramar
35/A, Galapitagoda Road, Kadalana,
Moratuwa.

433. A. A. R. P. Wijerathna
128/11, Jayasumanarama Road,
Ratmalana.

435. A. L. Dougus
3 B/1, Dombagahawatta, Kumara Kanda,
Maggona.

448. W. Wimalasiri Botheju
51/5, Kesbewa Road, Borelesgamuwa.

452. N. Gnanasiri Silva
41/10, Jayasumanarama Road,
Ratmalana.

PETITIONERS-APPELLANTS

Vs.

1. Commissioner General of Labour
Labour Secretariat, Colombo 05.

2. Gamini Lokuge
Minister of Labour and Labour Relations,
Labour Secretariat, Colombo 05.

3. Maliban Biscuit Manufactories Limited,
No.389, Galle Road, Ratmalana.

4. Dr. Irvin Jayasuriya (**Now Deceased**)
Arbitrator, Labour Secretariat,
Colombo 05.

RESPONDENTS-RESPONDENTS

4. Saman Suranjith
119/28, Sri Gunendra Road,
Ratmalana.

5. B. Susiripala Mendis
105/27,Sri Gunendra Road,

Ratmalana.

6. A. M. R. C. Attanayaka
385/5, Kongahekoluwawa, Thanthirimula,
Panadura.

7. N. R. G. A. Ratnayaka
418, Yaya 19, Eraminiyaya,
Angunakolapelassa.

8. D. D. C. De Silava
223/H, Molligoda
Wadduwa.

9. W. D. S. T. Boteju
22/1, De Silva Road, Kalubowila,
Dehiwala.

11. P. S. D. Fernando
195/1, Nisala Mawatha, Kiriweriya Road,
Pinwala, Panadura.

13. J. G. R. Jayasuriya
Meddawatta, Gangarama Road,
Maha Wadduwa.

15. S. I. M. Ganewatte
"Subodha", Nagoda Ihala, Nagoda,
Galle.

16. B. G. S. Malkanthi
257/29, Batadombatuduwa Road,
Alubomulla, Panadura.

17. N. C. Silva
Galle Road, Kuda Wadkaduwa,
Waskaduwa.

18. S. M. A. Ranjani
193/21, Main Road, Attidiya,
Dehiwala.

19. I Ganewatta
Ihala Gedera, Parana Thanayamgoda,
Mapalagama, Galle.

20. T. D. C. Ranjani
69/4, Pinnagoda, Agalawatta.

22. A. P. Priyangani
311/J/2, Gonamaditta Road,
Kesbewa, Piliyandala.

23. D. R. Priyanthi
No 72, Thelawala,
Mount Lavinia.

25. S. V.P. S Rajapaksha

120, B 1/A, Bunt Road, Kuruppumulla,
Panadura.

26. M. R. Sujatha Nandani
31/5, Rathmalwatta, Puwakpitiya,
Avissawella.

27. Sudeepa Nandani
156/4, Halloluwa,
Weliweriya.

28. I. Kavitathna,
40/31, S. Mahinda Mawatha,
Alubomulla, Bandaragama.

29. S. D. M. Hemalatha
266/1, Madapatha Road,
Piliyandala.

30. B. Kalyani
49/1, Hikgahawatta, Pirivena Road,
Pinwatta, Panadura.

32. A. R. Udayangani Perera
336, Thalgahawila,
Millewa.

33. D. M. G. P. U. Kumari
Manamgoda, Batapola,

Via Ambalangoda.

35. K. K. Hiranthi De Silva
37/213, Kanatta Road,
Ambalangoda, Polgasowita.

38. W. R. Rupa Mendis
11/1, Dakshinarama Road,
Mount Lavinia.

39. K. H. A. Renuka Hetiarachchi
Pathira Gedera, Ihala Beligalla,
Beli Atta.

41. T. M. Dammika
Grama Sanwaradhana Road,
Molligoda, Wadduwa.

42. I. V. M. Priyanthi
724, Kandana,
Horana.

43. B. A. I. M Dias
116/9, Medhananda Road,
Maha Wadduwa, Wadduwa.

46. P. G. Dammika
38, Mirissa, Weligama.

47. P. G. Siriyalatha

38/8, Sri Dharmarama Road,
Ratmalana.

49. K. M. Gallage

Ihala Omatta, Deegala, Ganegoda,
Elpitiya.

50. R. Y. Hewamulla

423, D/2, Arukgoda,
Alubomulla.

51. B.W.S. Karunarathna

22, Main Railway Cross Road,
Ratmalana.

52. B.W. Priyadarshani

35/4, Thotupola Road, Deltara,
Piliyandala.

53. M.M.K. Namalgama

"Nishadi" Thuttiripitiya,
Haltota.

55. M. P. H. Silva

105/28, Sri Gunendra Road,
Ratmalana.

56. H. K. M. Malkanthi

820/10, Girimananda Mawatha,
Molligoda, Wadduwa.

58. A.M. Kusum Alahakoon
"Kusum Sewana",
Grama Sanwardhana Road, Molligoda,
Wadduwa.

63. M.D.P. Nilanthi
C.W.W. Kannangara Mawatha,
Pannila, Matugama.

64. K.P. Perera
134, A8, Maharukma, Sohona Meda Para,
Mawala, Wadduwa.

67. L.C. Smanthilaka De Silva
101, Wiskam Beeralu Wedapola,
Kandy Road, Pilessa.

68. M.K. Subasinghe
677, Kohalwila Road, Dalugama,
Kelaniya.

69. D.M.J.H. Wijethunga
30, Meegahawatta,
Delgoda.

70. R.P.W. Dharmawardhana

18, Mugalan Road, Kirulapona,
Colombo 06.

71. D.P.S. Dias
422/2, Owitigama, Old Road,
Meegoda.

72. K.A.S. Manel
71/10, Nawala Road,
Nugegoda.

73. K.C. Kusumalatha
48, Jayasumanarama Road,
Ratmalana.

74. W.K.D. Silva
Walawwatta, Kuda Waskaduwa,
Waskaduwa.

75. P.K. Perera
323-C, Mandawala Road, Malamulla
Panadura.

76. W.M.S.K. Wijekoon
111/1, Sirimalwatta,
Gunnepana.

77. W. Sriyani
120/3A, Attidiya, Dehiwala.

78. A.M. Dayawathi
1937/20, Kumaran Ratnam Road,
Colombo 02.

79. P.V. Sumanawathi
95/6, Kindelpitiya,
Welmilla.

80. P.V.M. Perera
11, Hirana, Panadura.

81. H.J.K. Sandamali
236/8A, Hill Street, Dehiwala.

82. U.L.D.S. Malkanthi
302/B, Mahawala Road, Janapadaya,
Arukgoda.

83. B.D. Dayakanthi
214/3/1, Temple Road, Madupitiya,
Panadura.

84. T.N. Fernando
13-A, 3rd Lane, Kadalana,
Moratuwa.

85. P.A. Witanachchi
81, Liyanagedera,

Agalawatte.

86. W.M.D.M. Weerasekara

Bambuwatta, Kotalawala,
Bandaragama.

87. G.W.D. Sumithra

Gulapita Road, Wedawatta,
Meegahatenna.

88. W.S.K.De Silva

Dikgoda, Ahungalla.

89. B.L.S. Perera

419/B1, Pathumretiyalagoda,
Arukgod, Alubomulla.

90. D.M.D. Priyadarshani

209/1, Sri Jinarathana Mawatha,
Batakettara, Madapatha.

91. K.U.C.De Silva

"Nandana", Kuda Waskaduwa,
Waskaduwa.

92. P. Suneetha

280/3-B, Alubogahawatta,
Wanduramulla, Panadura.

93. B.D. Priyanthi

Karapagala, Yagirala.

94. R.D. Lalani

16/8, Sirimal Uyana, Jamburaliya,
Madapatha.

95. S.G.L.K. Pathrnalatha

62/1, Palatota Road, Nagoda.
Kalutara.

96. T.H.R. Smanmali

174/2, Assemullawatta,
Viduchandra Mawatha, Ahangama.

97. K.M.C. Somalatha

Galketiya, Unawatuna.

99. G.M. Chandralatha

Ihala Hedawilegedara, Ullala,
Kamburupitiya.

100. U.D.A.K. Wijesuriya

119/20, Sri Gunendra Road,
Ratmalana.

101. K.D.L. Gunathunga

No.8-A, Near Station Road,
Balapitiya.

103. K.M.P.J. Wijerathna
Woodlandwatta, Gonapinuwala.

104. P.G.P. Malkanthi
68/1, Maduraduwawatta, Dediyawala,
Waskaduwa.

107. R.M.P.W. Manika
206, Pahala Kada Veediya,
Deraniyagala.

108. W.R. Perera
38/6, Thalgahawatta, Bandaragama.

109. H.D.K. Rodrigo
213, H.Y.Rodrigo Mawatha,
Pamunugama, Alubomulla.

111. G. Siriyalatha
27/2, Kolamunna, Piliyandala.

112. S.H. Baby Nona
Paragahawela, Kumbukgama,
Devalegama.

113. W.A. Wimalawathi
Uswatta, Bopaththa, Urapol.

114. P.G. Dayawathi

7/8, Wewala Road, Suwarapola,
Piliyandala.

115. V. Paranamanna

Dalukgalporththa, Elaganduwa,
Induruwa.

116. S.R. Kandanage

Delgahawatte, Anguruwatota.

117. B.N. Renuka

Karapagala, Yagirala.

118. D.L. Kusum

"Surali" Dalugalporththa, Walahanduwa,
Induruwa.

119. V.R. Chandralatha

555, Theltanwatta, Mahagoda,
Dodangoda.

120. W.A.A. Priyangani

378/9, Galle Road, Ratmalana.

121. L.K.J.P. Perera

"Samagi", Nichchawa, Arukgoda,
Alubomulla.

122. H.T. Ramani

45, Vihara Mawatha, Wellawatta.

123. S.A.M. Perera

157-A, Maharukma, Mawala,
Wadduwa.

124. N.S. Hapugoda

186-D, Walpola, Panadura.

127. W.A.S.P. Weerasekara

28, Arampalawatta, Ambakote,
Kurunegala.

129. M.M.S. Chulangani

111/7, Hunupitiya Lake Road,
Colombo 02.

131. K.W.N. Kanthilatha

54/26, Sri Dharmarama Road,
Ratmalana.

134. G.P. Senevirathna

Etambagahawatta, Tuduwagedera,
Malawangoda, Darga Town.

135. L.K. Somawathi

"Bandu", Gothatuwa, Baddegama.

136. G.M.P. Senevirathna
62, Kalutara North,
Kalutara.

137. R.L.N. Ramyalatha
200-A, Maithri Road, Vidagama,
Bandaragama.

138. G.D.R.J. Sriyanthi
11/6-A, Ihala Karagahamuna,
(Amponiyawatta), Kadawata.

139. K.K.D. Kanthilatha
189/1, 9th Lane, Philiminawatta,
Dodangoda.

141. W.A. Sriyawathi
Mahavidanawatta, Kalapugama,
Morontuduwa.

142. B.P. Obeysekara
134-B, Horana Road, Alubomulla.

143. K.V.D.R. Karunathilaka
Yatadola Road, Kalawila,
Beruwala.

146. W.A.K.C. Malkanthi
Ambalangoda Road, Kanda Addarapara,

Elpitiya.

147. G.P. Fonseka

131, Detagoda, Dombagoda,
Horana.

150. U.L. Janaki

95, Batagoda, Galpatha.

151. G.K. Rohini

Suduwelipatha, Baddegama,
Baddegama East.

152. D.D.N. De Alwis

353/34, "Silvergrade", Korala Ima,
Tewatta Road. Gonapola Junction.

153. P.D.L. Malkanthi

Maduruduwa, Bombuwala,
Kalutara South.

154. M.S.K. Peris

395, Coastal Road, Angulana,
Moratuwa.

155. U.C. Nilmini

"Nilmini", Thibbotugoda,
Pokunuwita.

156. A.K. Wettasinghe

86, Newdawa, Alubomulla.

157. L.C. Gunathilaka

Mawathgama, Haltota.

159. P.D. Opanayaka

151, Polgahawatta, Kalutara Road,
Matugama.

162. G.L.S. Jayadewa

4, Pulermanwatta, Stage I,
Gamagoda Road, Kalutara South.

163. K.J. Perera

Pematileka Mawatha, Meemana,
Pokunuwita.

164. S.P. Wickramarachchi

329, Pamunugama, Alubomulla,
Panadura.

165. V.S.K. Fernando

28/27, Field Mawatha, Nedimala,
Dehiwala.

171. R.G.T. Priyanthi

180/64-A, Samagipura, Borupona,
Ratmalana.

172. W.G. Achala

7/A, Malangamuwa, Mithalawa,
Gampola.

173. H.P.C.H. Senavirathna

18/1A, Galhena Road, Gangodawila,
Nugegoda.

177. P.N.P. De Silva

94, Thalagala, Meepagala,
Gonapola Junction.

178. B.P. Hewage

181/A, Pragathi Mawatha,
Nagoda, Kalutara.

180. H.A.M. Swarnalatha

Hammeliya, Baddegama.

181. W.C. Jayanthi

112, Rose Garden,
Gonapola Junction.

182. M.A. Priyadarshani

248-D, Ballantudawa,
Bandaragama.

183. P.C.U. De Silva

"Susitha", Kaluwamodera North,
Aluthgama.

184. C.D. Pitiyage
Mangala Mawatha, Medagoda,
Kamburugamuwa, Matara.

185. D.L.N.D. Pushpangani
Batagoda, Galpatha, Kalutara.

187. L.P. Gunawardhana
175/17, Mahawatta Road, Pelanwatta,
Pannipitiya.

188. H.D.S. Padmini
338/1, Gorakagoda, Agalawatta.

189. P.R. Dasanayake
Pelakatiyagoda, Pelawatta
(Via Matugama).

190. A.G. Thushari
44/54, Indrajothi Road, Ratmalana.

191. K.M.R. Thilerathna
Kanda Para, Kuriyampola,
Pothuhera.

193. G.A.T. Kumari

58/6A, Raja Mawatha, Ratmalana.

194. A. Malani

No 23, Nugagahalanda, Meegama

195. I.G. Vajira

Pelapolwatta, Higgoda, Akuressa

196. S. Ranpathirana

Mugunatenna Road, Near School,
Kolonna.

197. H.S. De Silva

654, Walagedera, Balapitiya.

199. M.B.N. Wajiramali

STF Official Housing (G.2).

Katukurunda, Kalutara South.

200. P.G.C. Iroshani

374/3, Galle Road, Ratmalana.

201. J.P.C. Priyanthi

Alagodawatta, Kodagoda,
Imaduwa.

202. K. Janaki

Godellawatta, Pitiduwa,
Weligama.

203. A.G.S. Dilrukshi

67/C, Raja Mawatha, Ratmalana.

204. M.V.C. Jayawardhana

26/1, Kehelwatta, Katuwana,
Matara.

205. J.N. Nimini

Omare Koratuwa, Pahala Obada,
Julampitiya.

206. I.I Weerasinghe

42/12-D, 6th Lane, Nagoda,
Kalutara.

207. P.G. Rohini

44/5A, Sangabo Mawatha,
Diggala Road, Keselwatta, Panadura.

208. S.L.A. Priyanga

381-C, Pragathi Mawatha,
Kahatuduwa.

210. Sunil Kularatna

36/1, Saranapala Mawatha,
Piliyandala.

211. T.J. Gallage

30, Niwantidiya, Piliyandala.

212. A.K. Wickramarathna

315/3, Wendesiwatta, Nadungahahena,
Malwatta Road, Kalutara North.

213. P. Somasiri Perera

310, Janapadaya, Arukgoda,
Alubomulla.

215. K.A. Premarathna

47, 14th Street, Philominawatta,
Dodangoda.

216. M.E. Pemasiri

No. 8, Soysawatta, Molligoda,
Wadduwa.

217. M.S. Sarathchandra

134-C, Horana Road,
Alubomulla.

219. T.N. Peiris

292/1, Dheewarajaya Mawatha,
Egoda Uyana, Moratuwa.

220. D. Garusinghe

D-1, Dela Junction, Gonadeniya,
Wekadiwala.

221. M.G. Samantha
46, Stage I, Hermanwatta, Gan Ima.
Dodangoda.

224. M.D.P. Fernando
99/5, Tharunaweera Mawatha,
Kalutara North.

225. R.D.D. Gunawardhana
No 11-A, Uva Benhead Road,
Welimada.

226. R.K. Siripala
41/11-A, Jayasumanarama Road,
Ratmalana.

227. L.A. Nihal
62-B, Tissa Mawatha, Pamunugama,
Alubomulla.

228. C.V.L. Fernando
126/18, Janajaya Mawatha, Lakeview,
Hirana, Panadura.

230. EH.A. Gunasena
51/3, Angagoda, Bentota.

231. A.G. Deshabandu

192/1, Coastal Road, Angulana,
Moratuwa.

232. R.M. Muthubanda
116/S, Dhammodaya Mawatha,
Battaramulla.

233. M.K.S.P. Perera
340, 1/C, Cemetery Road, Malamulla,
Panadura.

234. G.D.T.A. Kumara
3/263, Thalapathpitiya Temple Road,
Nugegoda.

235. M.A.V.K. Sirisena
36, Adhikarigama Road,
Hanguranketha.

236. M.M. Athula Premalal
188/2, Del Inna, Batakettara,
Madapatha.

237. T.K. Batuwitage
194/32, Thalgahahena,
Kesbewa.

238. B.S. Kulathunga
"Nishadi", Thuttiripitiya,

Haltota.

239. H.D. Jayalath

47, Stage I, Hermanwatta, Dodangoda

241. T.G. Mahinda

Divelwatta, Januregoda, Weligama.

242. N. Somapala Perera

68, Nalandarama Road, Nugegoda.

243. W.A. Senarathna

"Senani", Bisowela, Galigamuwa Town.

246. S.H. Jayasiri

84/7, De Mel Road, Lakshapathiya,
Moratuwa.

247. G.S. Pushpakumara

Yasiru, Horana Road, Bandaragama.

248. G.W.P. Neil

Menikwela Hena, Naimwala,
Thihagoda.

250. B.S.M. Mendis

155, Lakshapathiya Road,
Moratuwa.

252. U.G. Smarasena

Widyakanthi Vidyalaya,

Ihala Thellambura, Nakiyadeniya.

253. S.M. Jayasena

1/68, Maduruwatta, Dediyawala,

Waskaduwa.

254. D. Jayashantha Alwis

541/B, Janadhipathi Mawatha,

Kuda Arukgoda, Alubomulla.

255. J.A.R.W. Perera

94/1/A, Thanthirimulla, Panadura.

256. G.S. Heawawasam

G 1/4, Railway Housing, Kaldemulla,

Ratmalana.

257. W.H. Jayarathna

16, Swarnajothi Mawatha,

Thanthirimulla, Panadura.

261. R.P.P. Rajapaksha

156/A, Hal Oluwa,

Weliweriya.

262. P.H. Srimal Silva

77/9-A, Angulana Station Road,

Moratuwa.

263. K.S.N. Perera

301/8-A, New Getambuwana Road,
Mampe, Piliyandala.

264. A.V. Perera

118/10, Kurusa Junction,
Alubomulla.

265. S.S. Kumarage

Kahangahaduwa, Meepawala, Poddala,
Galle.

266. C.A.S.S. Chaminda Lal

Bothale Ela Asala, Galwathura,
Bulathsinghala.

267. M.P.I.N. Pathirana

"Dayani", Palmada, Mirigama.

268. D.C.K. De Silva

115/1A, Bandarawela Road,
Badulla.

269. D.C.J. Singhabahu

15, Suhada Mawatha, Nagoda,
Kalutara.

270. N.L. Chaminda

Rabare Gedera, Thelijjawila,
Matara.

273. J.M.A. Jayalath

113, Doranagoda, Udugampola.

275. A.M. Thilakarathna

109/A/1, Weera Uditha Mawatha,
Hedigama, Piliyandala.

276. M.K. Piyadasa

49, Devananda Road, Makulduwa,
Piliyandala.

279. M.M. Chandrasekara

195/3, Nisala Mawatha, Thiveriya Road,
Panadura.

280. D.R. Karunathilaka

76, Herman Estate, Stage I,
Gan Ima, Dodangoda.

281. C.K. Wettasinghe

Opp. Provincial Health Service Office,
Siri Vijayapura Road, Moneragala.

283. M.U. Fernando

428, Galle Road, Nalluruwa,

Panadura.

284. D.S. Wedisinghe

20, Millamullawatta, K/Walagedera.

287. I.N.L. Silva

31, Miriyawatta, Keselwatta,

Panadura.

288. A. Kaluarachchi

36/A, Sandagiriwatta, Wethara,

Polgasowita.

289. L.H.DS. Priyantha

122/2A, Vihara Mawatha,

Bellanwila, Boralesgamuwa.

290. J.M. Imbulagoda

33, Jawatta Watta, Kalutara North.

291. L.R. Perera

95/1, Nisala Mawatha, Kiriweriya Road

Pinwala, Panadura.

292. I.R.P. Perera

74/25, Sangagalawatta, Pamunugama,

Alubomulla.

293. Chaminda Totawatta

116/5/3, Beddewita, Thumbowila,
Piliyandala.

294. C.S. Weerathunga
"Upasevana", Hondegoda, Akuressa.

295. T.N. Wickramarathna
"Wikumlath" Meerawala,
Anguruwatotota.

297. A.K. Tantriwatte
46, Atigala Housing Scheme,
Hokandara, Piliyandala.

298. C.N. Jayakodi
352/1, Galkanda, Kiriwattuduwa.

299. C.N. Edirisinghe
Thalduwawatta, Anangoda,
Galle.

301. P.T.R. Peiris
193/21, Main Road, Attidiya,
Dehiwala.

302. K.P.D. Narayana
27, (32D) Kalderam Maduwatta,
Wekada, Panadura.

303. M.M.M.S.S.C. Wijesinghe
423/D2, Arukgoda,
Alubomulla.

304. R.P.R. Sarath
16/8, Sirimal Uyana, Jamburaliya,
Madapatha.

305. V.M. Bulathsinghala
144/4A, Temple Road, Nawala.
Rajagiriya.

306. J.D.A.M. Kulathilaka
Isura, Paluwelgala, Kottaramulla.

307. B.A.D.W. Jayasekara
"Weeragiri", Hemaloka Mawatha,
Welmilla, Bandaragama.

308. A.K. Palliyaguru
102/39, Dolaman Mawatha,
Dias Place, Panadura.

309. M.M.M.S. Perera
121/7, Attidiya Road, Dehiwala.

310. R.A.C. Ranamuka
499/1D, Halbarawa Road, Talahena,
Malabe.

311. W.A. Wijerathna
250-A, Delgahawatta, Dibbedda,
Panadura.

312. R. Rathnasiri
74, P.B.Alwis Perera Mawatha,
Katubedda, Moratuwa.

313. A.Lasantha
28/13, Sarvoda Mawatha, Hokandara,
Kesbewa.

314. M.G.V. Peiris
3/6, Luvi Kumari Mawatha, Uyana,
Moratuwa.

315. Wastuni Pathirage
83/3, Ebert Lane, Kaldemulla,
Moratuwa.

316. M.N. Imbulagoda
Sudasuna, Gamagoda, Kalutara.

317. V.J.R. Fernando
Nadeeka Motors, Court Road,
Hingurakgoda.

318. M.M Sunanda

208/8, Balika Niwasa Road.

Rukmale, Kottawa.

319. R.V.R.T.A. Ranasinghe

Medagama, Halpe, Mirigama.

320. L.A.D. Tarangani

380, Kurunduwatta, Malamulla,

Panadura.

321. A. Sayakkara

47/1, Pengiriwatta, 1 Lane,

Gangodawila, Nugegoda.

322. P.D.C. Sriyanjali

Sriya Sevana, Siyambalapitiya Road,

Habudugala, Kegalle.

323. G.V.N. Grero

20, Peiris Road, Mount Lavinia.

324. A.K.P. Perera

1/C2, Gangabada Para, Suwarapola,

Piliyandala.

325. H.C. Ranasinghage

Old Road, Kandana, Horana.

326. U.L.K. Liyanage

32, Palligoda North, Matugama.

327. Prabath S. Edirisuriya

202/7, Medahena Watta, Hirana,
Panadura.

328. A.M.N.J. Mendis

209/1, Sri Jinarathana Mawatha,
Batakettara, Madapatha.

330.R.A.D. Sathischandra

44/4, Wewdeniya, Kottawa,
Pannipitiya.

334. M.S. Ratnayaka

54/2, Udupila, Delgoda.

335. T.P.C. Peiris

36/1, Kumaratunge Munidasa Mawatha,
Gorakapola, Panadura.

336. K.M.T.D. Tamira Konara

10th Mile Post, Thaldena, Badulla.

337. P.G.V. Mathisha Samarawickrama

16/9, Station Road, Pinwatta, Panadura.

338. R.G.L.K. Karunarathna

"Na Sevana", Horewala, Aranayaka.

339. N.R. Silva

37, Thambili Kotuwa, Peiris Road,
Mount Lavinia.

340. E.T.D. Silva

25, Littleton Estate, Kuda Waskaduwa,
Waskaduwa.

343. J.M.K.K. Menike

E13, Rukmale, Devanagala.

345. L.R. Muhandiramge

83, Kesbewa, Pilyandala.

346. M.P.K. Gunawardhana

Diwalakada, Bulathsinghala.

347. H.S. Piyal

Udagama, Girikola, Agalawatta.

350. M.D. Tilakasiri

Pokunawatta, Kuda Waskaduwa.

352. Mahinda Pemalal

438, Molligoda, Wadduwa.

355. B.A. Nandasena

"Kusum Sewana", Grama Sanwardana
Road,
Molligoda, Wadduwa.

356. B.L.N. Fernando
194/3, Samagi Mawatha, Kahapola,
Madapatha.

357. M.D.I. Jayawardena
Wewa Road, Veedagama,
Bandaragama.

359. H.D. Manjula Kumara
198/E, Dampe, Piliyandala.

360. R.M.L. Gunasekara
Mahagahawatta, Wele Pansala Road,
Kuda Waskaduwa.

362. Gayan Deepanath
56, Gomaragoda, Paiyagala.

364. K. Bernard Silva
39/2, Pepiliyana Road, Nedimala,
Dehiwala.

365. V. Nimal
Road behind Junior School,
Galle Road, Molligoda, Wadduwa.

366. M. Wasantha Kumara

120/7, Attidiya, Dehiwala.

367. L. Mahanama

Medagama, Netolpitiya.

368. U.D. Ajith

"Shanthi", Boraluketiya, Elakaka,
Haburugala.

370. Priyantha Kahingala

15, Totawatta, Watugedera,
Ambalangoda.

371. K.G. Gunarathna

Malabada Junction, Yatadolawatta,
Matugama.

372. I.H. Perera

74/4, Sandagalawatta, Pamunugama,
Alubomulla.

374. A.S. Haturusinghe

"Senani", Pelavitiyagoda, Thebuwana.

375. K.U.N. Kumarasiri

"River View", Janaraja Mawatha,
Uggalboda, Kalutara North.

376. J.A. Nishantha

"Sisira", Anguruwatota.

377. C.T.D. Wasantha

69, Silver Range, Panapitiya, Waskaduwa.

378. A. Wijesinghe

Pethigamuwa, Haltota.

379. H.D. Ratnapriya

199, Weerasekera Mawatha, Divulpitiya,
Boralesgamuwa.

380. R.P. Ariyapala

Road behind School, Molligoda,
Wadduwa.

381. D.J. Fernando

319, Bodhirukkharama Road,
Pamunugama, Alubomulla.

382. T.R. Jayantha

247/B, Ihala Pitigala, Karagoda,
Uyangoda, Matara.

383. A.K.L. Prasanna

677, Kohalwila Road, Dalugama,
Kelaniya.

384. M.L.S. Joseph Perera

637/8, Horetuduwa, Keselwatta.

385. W.N.P. Tisera

45, Vihara Mawatha, Wellawatta.

386. P.V.C.G. Gunarathna

513, Yaya 5, Pandukabhayapura,
Anuradhapura.

387. K.K.V. Sumanadasa

Champalee Mawatha, Munhena,
Maggona.

388. G.R.P. Fernando

72, Thelawala, Mount Lavinia.

390. M.A. Perera

77/62A, Katubedda, Depot Road,
Moratuwa.

391. M.D.H. Chandrasekara

Champani Mawatha, Munhena,
Maggona.

392. D.K. Vijitha Swarnasiri

247/32/1, Sooriyapaluwa, Kadawata.

393. Y.B.M.R.U.K. Abeyrathna
Sewendana, Wadakada,
Polgahawela.

396. H.K.A. Fonseka
79/1, Molpe, Moratuwa.

397. Lionel Wittachchi
12/10, Polgahawatta Road, Matugama.

398. H.G.D. Weerakoon
18, Mugalan Road, Kirulapona,
Colombo 05.

399. A. Upali Kariyawasam
138, Wanduramulla Watta, Panadura.

400. G.S.L. Abeydheera
27/6-B, Waidya Road, Dehiwala.

404. S.G. Somarathna
79/17, Grama Sanwardana Para,
Molligoda, Wadduwa.

405. M.H. Susiripala
11/11A, Vidyala Mawatha,
Niwahan Pedesa, Koralawella,
Moratuwa.

406. Nimal Gunasekara

Mohottigeduwa, Panagamuwa,
Wanchawala,
Galle.

407. H.J.S. Silva

135/B, Horana Road, Alubomulla.

408. K.A. Sudath Perera

2/5, Vihara Mawatha, Kolonnawa,
Wellampitiya.

409. H.A. Wasantha Jayasiri

218/3, Kirillawala, Weboda.

410. H.H.N.G. Thilakerathna

72/2, Chakkindarama Road,
Ratmalana.

411. D.F.P.S.J. Perera

30/61, Pragathipura Road, Madiwela,
Kotte.

412. N.P. Karunarathna

41/3, Railway Mawatha, Nugegoda.

413. K.D. Vijitha Gunathilaka

"Syndia", Gurugoda, Poruwedanda.

414. W.P.N. Sisira Kumara

121/6, Etikehelgalla, Weliweriya.

415. K.K. Premachandra

145/8, Bandaranayaka Mawatha,
Katubedda, Moratuwa.

416. C.D. Ashoka

48, D.M.Kolombage Mawatha,
Kirulapona, Colombo 05.

417. S.K. Gamini Dharmasena

103, Jayanthi Mawatha, Pamunugama,
Alubomulla.

418. M.D. Premadasa

331-A, Pamunugama, Alubomulla.

419. V. Ariyadasa

58-D, Sri Dharmarama Road,
Ratmalana.

420. N.D.D. Senanayaka

Homadolagama, Udugama, Kotalawala,
Galle.

422. K.D. Shantha Lalith Rohitha

136/3, Kulatunge Road, Mampe,
Piliyandala.

423. H. Gunadasa Perera
84, Miriswatta, Mahawila,
Panadura.

424. H. Lakshman Ruwan Kumara
No.5, Nithalawatta, Halmillawewa.

425. M.G. Ruwasiri
11th Mile Post, Juwantota Palama Asala,
Elpitiya.

427. I.B. Chandrasiri Jayasinghe
Malwahapura, Padagoda,
Beruwala.

428. J.M. Somapala
381/C, Pragathi Mawatha, Kahatuduwa.

429. K.A. Pushpananda
30, Anapada Sri Inikambedda,
Bandarawela.

431. M. Sandanam Lechchamne
139/9, Inkam Vidiya, Slave Island,
Colombo 02.

432. Muniyachchi Sandanam
143/18, Jinthupitiya Mawatha,

Colombo 13.

434. Y.D. Chanaka Suminda
20-A, Averiwatta, Alubomulla.

436. A.K. Wimalasiri
225, Stage III, Mada Ovita,
Mount Lavinia.

437. E.A.D. Sumathipala
196, Thalapathpitiya, Nugegoda.

438. Vithanage Priyantha
55, Temple Road, Front Road.
Labugama, Hiltota.

439. Dinesh Prasanna Weerasinghe
420/3, Mahawala Road, Kiriberiya,
Panadura.

440. H.W. Saman Indrasiri
595, Thelwatta, Mahagoda, Dombagoda

441. M. Ranjith Ananda
Walwala, Godamuna, Pitigala.

442. K. Gamini Jayalath
Near Station Road,
Hettimulla, Beruwala.

443. O. Suriyaarachchi

540/14, Gal Edandugoda, Horana.

444. D.A.R. Deshapriya

41, Labugama, Haltota.

445. P.K.A.S.D. Kodituwakku

61, Rose Garden, Gonawala Junction.

446. W.K.A.K. Jayalath

6/13, 1st Lane, Uswatta, Moratuwa.

447. K.G. Wansapala

Wegapitiya, Morahela,

Balangoda.

449. A.D. Saman Premalal

350/3A, Makumbura, Pannipitiya.

450. A.P. Sarath Pushpakumara

120, B1/A, Bunt Road, Kuruppumulla,

Panadura.

451. M.K. Chandrasena Silva

61/9, Gnanendra Road, Ratmalana.

453. W.A. Nandasiri

42, Isuru Uyana, Seda Mawatha,

Siddamulla, Piliyandala.

454. W. N. C. Perera

891, Rukmale Road, Kottawa.

PETITIONER-RESPONDENTS

BEFORE: **S. THURAIRAJA, PC, J.**

KUMUDINI WICKREMASINGHE J. AND
SAMPATH B. ABAYAKOON, J

COUNSEL: Saliya Peiris, PC with Shantha Jayawardena, Hirannya Damunupola and Azra Basheer instructed by Sanjeewa Kaluarachchi for the Petitioner-Appellants

Yuresha De Silva, DSG for the 1st and 2nd Respondent-Respondents
Uditha Egalahewa, PC with Damith Karunaratne instructed by Niluka Welgama for the 3rd Respondent-Respondent

WRITTEN 1st and 2nd Respondent-Respondents on 19th February 2025

SUBMISSIONS: 3rd Respondent-Respondent on 07th March 2025
Petitioner-Appellants on 07th March 2025

ARGUED ON: 14th February 2025

DECIDED ON: 31st July 2025

THURAIRAJA, PC, J.

1. The subject matter of the instant application concerns an appeal from a judgment of the Court of Appeal dated 19th December 2014¹, exercising its writ jurisdiction, dismissing the application of the above-named Petitioner-Appellants, together with the Petitioner-Respondents, to quash the Award of the Industrial Arbitrator (hereinafter sometimes referred to as the "4th Respondent-Respondent") dated 16th February 2010.
2. The 1st Respondent-Respondent is the Commissioner General of Labour, the 2nd Respondent-Respondent is the Minister of Labour and Labour Relations, the 3rd Respondent-Respondent is the employer, Maliban Biscuit Manufactories Limited, and the 4th Respondent is Dr. Irvin Jayasooriya (now deceased), the Industrial Arbitrator appointed by the 2nd Respondent-Respondent. The remaining Petitioner-Appellants, Respondent-Respondents and Petitioner-Respondents are named in the caption preceding this judgment, and such caption is replicated as submitted by the Petitioners in the original Petition to the Supreme Court dated 30th January 2015.
3. The said Award was the result of arbitration proceedings bearing No. A 3131² held in respect of the dispute between the Petitioner-Appellants and the 3rd Respondent-Respondent abovenamed, Maliban Biscuit Manufactories Limited (hereinafter referred to as the "3rd Respondent-Respondent Company"), that had been referred for settlement by the 2nd Respondent under and in terms of Section 4(1) of the ***Industrial Disputes Act No. 43 of 1950*** (as amended). The Award held that 558 workmen previously employed by the 3rd Respondent-Respondent Company were not terminated from employment but vacated their own posts by striking for a non-industrial dispute, and on a balance of probabilities, are not entitled to relief.

¹ Marked "H".

² Marked "P1".

4. Being aggrieved by the said Judgment of the Court of Appeal, the Petitioner-Appellants appealed to the Supreme Court, which granted special leave to appeal on 20th June 2018 on the following questions of law set out in paragraphs 14(a), 14(b) and 14(c) of the Petition dated 30th January 2015:

“(a) Did the Court of Appeal err in law by failing to appreciate that the Petitioners were engaged in a legal strike and hence did not have the animus or intention to vacate their posts?

(b) Did the Court of Appeal err in law by failing to appreciate that the 4th Respondent-Respondent has stepped [sic] outside the terms of reference made by the 2nd Respondent-Respondent?

(c) Did the Court of Appeal err in law by failing to appreciate that the 4th Respondent-Respondent had acted outside his jurisdiction by coming to the finding that the workmen including the Petitioners have vacated their post?”

Facts according to the Petitioner

5. In the Petition, the Petitioner-Appellants have stated that they were permanent employees of the 3rd Respondent-Respondent Company. During this period, the 3rd Respondent-Respondent Company was the leading biscuit manufacturer in Sri Lanka for several decades. By the end of 2003, however, the 3rd Respondent-Respondent Company was operating at a loss of approximately Rs. 100 million and experiencing a decline in its market share (said share falling to 30%).

6. On or about 23rd March 2004, a Collective Agreement³ was entered into in terms of Section 12(1) of the ***Industrial Disputes Act No. 43 of 1950*** (as amended) between the 3rd Respondent-Respondent Company and the registered Trade Union (“*Semasahitha Maliban Kamanthashala Sewaka Samithiya*”) of the employees of the Company, including the Petitioner-Appellants, before the Commissioner General of Labour.

³ Marked “A1” in the arbitration proceedings.

7. In accordance with the above Collective Agreement, all employees, including the Petitioner-Appellants, received significant salary increments and enhanced benefits. In exchange, the employees and the Trade Union agreed to collectively and severally render their efforts and contribute their fullest efforts to increase the productivity of the 3rd Respondent-Respondent Company.
8. Specifically, in terms of Clause 4 of the Collective Agreement, the 3rd Respondent agreed to pay all its permanent employees three bonuses—the third bonus being paid upon the Company making a net profit of Rs. 125 million.
9. In December 2004, the first and second bonuses were duly paid to the employees as per the Collective Agreement by the 3rd Respondent-Respondent Company. However, the Petitioner-Appellants state that the achievement of a Rs. 125 million net profit, upon which the third bonus was dependent, was an impossible target, according to the 3rd Respondent-Respondent Company's own assessment—the maximum target that would be realistically realised was a net profit of Rs. 80 million in the financial year of 2005/2006. As a result, the Company refused to grant the third bonus to its employees, despite the employees and the Trade Union urging the Company to do so.
10. Thereafter, on or about 15th June 2005, the Union filed a complaint⁴ with the Commissioner General of Labour in respect of several disputes, including the dispute pertaining to the non-payment of the third bonus. Pending the inquiry in relation to such disputes before the Commissioner of Labour (Industrial Relations), a poster campaign critical of the 3rd Respondent-Respondent Company's Chief Executive Officer (CEO), Mr. Keerthi Adhasuriya, and the Human Resources (HR) Manager, Mr. Ajith Mahendra Fonseka, erupted in the premises of the Company, seemingly suggesting an alleged link between the above two individuals and one Anura

⁴ Marked “A4”.

Deshapriya, who had been taken into police custody for purportedly being connected to the assassination of one Lieutenant Colonel Muthaleef of the Sri Lanka Army.

11. Additionally, on or about 27th June 2005, in response to the non-payment of the third bonus and, according to the Petitioner-Appellants, the failure to honour several other clauses of the Collective Agreement, the employees participated in a thirty-minute protest during the lunch hour.
12. According to the Petitioner-Appellants, on 12th July 2005, the management of the 3rd Respondent-Respondent Company decided to close the factory on the following day, 13th July 2005, and interdict 21 employees, 20 of whom were past and present office bearers of the Trade Union, on the allegation that the said 21 employees had threatened and intimidated the CEO and the Human Resources Manager of the Company inside the office of the CEO.⁵ The Petitioner-Appellants contend that the said 21 employees were interdicted without pay, prosecuted in the Magistrate's Court, and consequently dismissed from service by the 3rd Respondent-Respondent Company. Furthermore, the Petition states that the Company alleged that the 558 workmen entered the factory premises on the day following the shutdown, 14th July 2005, and refused to work as well as leave the premises, until the workmen were forcibly ejected by the Police on 18th July 2005.
13. Subsequently, according to the Petitioner-Appellants, by letter dated 08th August 2005⁶ and addressed to 552 of the 558 above-referred workmen, the said employees were informed of the termination of their services by the 3rd Respondent-Respondent Company. It is the contention of the Petitioner-Appellants that the Company had thus surreptitiously terminated approximately 80% of its total permanent workforce and evaded its legal liability to pay compensation and other statutory dues to the workmen.

⁵ The Notice dated 13th July 2005 interdicting the said 21 employees was produced in evidence marked "A12".

⁶ Marked "A21".

14. Thereafter, the 2nd Respondent-Respondent (Minister of Labour Relations and Foreign Employment), by reference dated 27th September 2005, referred the dispute for settlement by arbitration, and appointed the 4th Respondent as the Industrial Arbitrator for the proceedings. The Reference by the Minister spelt out the dispute as follows:

“සිලාස්තිත මැලිබන් බිස්කට මුළුක්වරිස් ලිමිටඩ විසින් මෙයට අමුණා ඇති උපලබනයේ නම සඳහන් සේවක සේවකාවන් 558 දෙනාගේ සේවය අවසන් කිරීම යුත්තේ සහගත ද යන්න නොඳේයාම්, ඔවුන් එකිනෙකාට කුමන සහනයන් හිමි ද යන්න පිළිබඳව ද වේ.”

The English translation is provided herewith:

“Whether the termination of the services of the Five Hundred and Fifty-Eight (558) whose names are referred to in the attached schedule by the Maliban Biscuit Manufacturers Limited is justified and if not what relief each of them is entitled.”

15. At the conclusion of the arbitration proceedings, the 4th Respondent Industrial Arbitrator, by Award dated 16th February 2010,⁷ held that the services of the workmen (including the Petitioner-Appellants) were not terminated by the 3rd Respondent but instead that the said workmen vacated their own posts by striking for a non-industrial dispute. The 4th Respondent further held that, on a balance of probabilities, the workmen were not entitled to any relief.

16. The Award was served on the Petitioner-Appellants by the Commissioner of Labour with a letter dated 16th March 2010. In terms of Section 18(1) of the **Industrial Disputes Act No. 43 of 1950** (as amended), the Commissioner published the said Award in the **Government Gazette (Extraordinary) No. 1643/41** dated 4th March 2010.⁸

⁷ Marked “P3”.

⁸ Copy of the publication of the Award is also marked “P4”.

17. The Petitioner-Appellants assert that the aforesaid Award made by the 4th Respondent is ultra vires the provisions of the Industrial Disputes Act, for reasons that include, *inter alia*, the contention that the 4th Respondent acted in excess of his jurisdiction in holding that the 3rd Respondent-Respondent Company had not terminated the services of the workmen in so far as the Reference by the Minister was to determine whether the termination of the employees' services is justified. Further, the Petitioner-Appellants contend that the 4th Respondent failed to consider the evidence and material placed before him, such as, according to the Petition, the fact that there was no intention on the part of the employees to vacate their posts, that the strike held by the employees was legal and justifiable, and that the Arbitrator's finding and subsequent Award was based on irrelevant considerations, whereas relevant factors were not taken into consideration.

18. In light of such views, the Petitioner-Appellants filed a Petition dated 26th April 2010 to the Court of Appeal, praying for, *inter alia*,

- (i) the granting of an order in the nature of a writ of certiorari quashing the Award made by the 4th Respondent,
- (ii) the granting of an order in the nature of a writ of mandamus directing the 4th Respondent to make an Award reinstating and/or granting just and equitable compensation to the Petitioners whose services were terminated by the 3rd Respondent-Respondent Company,
- (iii) and, as an alternative to (ii), the granting of an order in the nature of a writ of mandamus directing the 4th Respondent to make an Award afresh, according to law, in consideration of the evidence placed before the Arbitrator.

Facts according to the Respondents

19. According to the written submissions of the 3rd Respondent-Respondent Company dated 07th March 2025, the terms of the Collective Agreement entered into between

the Petitioner-Appellants and the Company in so far as paying bonuses to the workmen, were contingent upon the Company achieving the net profit targets. It is admitted that, by reason of the employees' contribution, renewed marketing strategies and sound financial management, the 3rd Respondent-Respondent Company was successful in achieving a net profit of 54.9 million by the end of June 2004. Accordingly, the employees were duly paid the first and second bonuses in December 2004, in compliance with the terms of the Collective Agreement.

20. However, as also admitted by the Petitioner-Appellants, the 3rd Respondent-Respondent Company did not succeed in meeting the target net profit of Rs. 125 million, which was the contingency upon which the granting of the third bonus was made. The 3rd Respondent-Respondent Company contends that, nevertheless, the employees illegally and unlawfully demanded the third bonus which the Company had rightfully refused in terms of the Collective Agreement.
21. As per Clause 40 of the Collective Agreement, the intervention of the Labour Department was required for any interpretation or dispute arising out of matters covered by said Agreement. Upon the Trade Union's submission of a complaint to the Commissioner General of Labour following the Company's refusal to pay the third bonus, the inquiry into the said disputes was scheduled to commence before the Commissioner of Labour (Industrial Relations) on 5th July 2005. Pending such inquiry, the 3rd Respondent-Respondent states that a poster campaign was organised by the union from 18th to 20th June 2005, pertaining to the issue of the non-payment of the bonus. As mentioned previously, the employees also engaged in a thirty-minute protest during the lunch hour on or about 27th June 2005.
22. The 3rd Respondent-Respondent Company avers that both actions, the poster campaign and the protest, amounted to Trade Union actions and were therefore direct violations of Clauses 39 and 40 (reproduced in later sections of this judgment) of the Collective Agreement, thereby manifestly constituting offences in terms of Section 40 of the ***Industrial Disputes Act No. 43 of 1950*** (as amended).

23. At the inquiry before the Commissioner of Labour (Industrial Relations) on 5th July 2005, the 3rd Respondent-Respondent Company firmly asserted that the employees, under and in terms of Clause 4 of the Collective Agreement, were not entitled to the third bonus due to the failure to reach the net profit of Rs. 125 million.

24. In its written submissions, the 3rd Respondent-Respondent paints quite a grave picture of the actions of the workmen in relation to the allegations surrounding the Chief Executive Officer and the Human Resources Manager, who were falsely linked to events surrounding the assassination of a Lieutenant Colonel of the Sri Lanka Army.

25. According to the Company, on 06th July 2005, a separate poster campaign was orchestrated by the union within and outside the premises of the 3rd Respondent-Respondent factory premises, suggesting links between the CEO and HR Manager of the Company to one Anura Deshapriya, who had been taken into police custody on suspicion of connection with the assassination of the Lieutenant Colonel.

26. Furthermore, by a letter dated 7th July 2006, the Union requested the Chairman of the 3rd Respondent-Respondent Company to remove the Chief Executive Officer and the Human Resources Manager from their posts based on the aforementioned allegations. The Chairman, categorically denying such allegations, requested the employees to re-establish normalcy within the Company by letter dated 08th July 2005.⁹

27. It was subsequently confirmed by the Criminal Investigations Division (CID)¹⁰ that the allegations in the said posters were, in fact, merely fabrications, and both individuals, the Chief Executive Officer and Human Resources Manager of the Company, were exonerated of any links to the murder of Lieutenant Colonel Muthalif or any other related terrorist activities. Importantly, in any event, such issue was not an industrial dispute in any manner or form. Further, the individual named Anura Deshapriya, to

⁹ Marked “R2”.

¹⁰ Marked “R30”.

whom the CEO and HR Manager were purported to have links, was revealed to be only a sub-contractor who had sub-contracted his employees to Golden Bank (Private) Ltd, a subsidiary of Little Lion Associates (Pvt) Ltd, a private company owned by the Chairman of the 3rd Respondent-Respondent Company. The management of Golden Bake (Private) Ltd was handed over to a third party, namely the Edna Group, during the period from 2001 to 2004.

28. According to the written submissions of the 3rd Respondent-Respondent, the termination of the 21 employees was triggered by the actions of a mob led by one Nishantha Pieris on 12th July 2005, a Trade Union leader and the main witness of the Petitioner-Appellants in the arbitration proceedings, who purportedly entered the CEO's room, threatened and intimidated the CEO and the HR Manager, and ultimately forcibly ejected the two officers from the Company premises. Subsequently, the two officers managed to leave the office premises under the protection of the Company's Security Manager and filed a complaint at the Mount Lavinia Police Station on the same day against the unprecedented and illegal acts of the employees.¹¹
29. On the same evening, the Board of Directors of the 3rd Respondent met outside the company premises and declared the following day, 13th July 2005, as a paid holiday for all employees in order to facilitate investigations into the aforesaid incident. The Board of Directors also decided to immediately suspend the services of the employees who were directly involved in the poster campaign and the forcible eviction of the two officers from the Company premises with immediate effect pending inquiry.
30. Thereafter, a disciplinary inquiry was held against the abovementioned 21 employees, at the conclusion of which the services of all 21 employees were terminated. This termination was challenged by the workmen in the Labour Tribunal of Ratmalana, who affirmed that the said termination was just and equitable. Moreover, this finding

¹¹ Marked "R19".

was subsequently upheld by the appellate courts. In fact, the said 21 employees were also prosecuted before the Magistrate's Court of Mount Lavinia.

31. After the resumption of operations at the 3rd Respondent-Respondent Company following the above incidents on 14th July 2005, a notice was displayed, barring the aforementioned 21 employees from the company premises. However, contrary to the instructions of the notice, the said 21 workmen entered the company premises and persuaded the other employees to halt work and participate in an unlawful strike. As per the 3rd Respondent-Respondent, all employees, including the Petitioner-Appellants and the said 21 workmen, had struck work and unlawfully remained in the company premises until 18th July 2005, a period during which they engaged in acts of sabotage, intimidation and destruction.
32. The 3rd Respondent-Respondent Company also submitted that, as per the contents of the posters that emerged during this period, the foremost demand of the employees was to expel the Chief Executive Officer and the Human Resources Manager from their posts due to their involvement in the events surrounding the murder of a Lieutenant Colonel of the Sri Lanka Army and other terrorist activities. As already established above, such allegations were proved to be baseless by the CID.
33. Ultimately, the 3rd Respondent-Respondent Company obtained an eviction order from the Magistrate's Court of Mount Lavinia and evicted only those 21 employees from the company premises with the assistance of the fiscal of the Court, police and the Company's security officers. However, according to the Company, when the 21 employees who were leading the mob were evicted, other workmen, including the Petitioner-Appellants, also abandoned work and accompanied the aforesaid 21 individuals in gathering outside the Company premises.
34. Simultaneously, the inquiry pertaining to the non-payment of the third bonus before the Commissioner of Labour (Industrial Relations) resumed on 18th July 2005. However, the Company has stated that, in protest of the participation of the CEO and

Human Resources Manager in the inquiry, the representatives of the employees refused to participate in the inquiry themselves. As a result, the Commissioner General of Labour decided not to proceed further and to close the inquiry.

35. As narrated above, the 3rd Respondent-Respondent Company have submitted that, when the aforementioned 21 employees were evicted upon order of the Magistrate's Court, all other employees, including the Petitioner-Appellants, also vacated the premises and gathered outside the Company's office. When the Company re-opened the following day, 19th July 2005, the employees who had left the Company premises and assimilated outside, including the Petitioner-Appellants, were requested to report back to work and resume operations. However, according to the 3rd Respondent-Respondent, none of the employees complied with the request but instead continued to remain outside the Company premises. In these circumstances, the Chairman and the Board of Directors of the 3rd Respondent-Respondent Company, by letter dated 22nd July 2005,¹² urged the family members of its employees, including those of the Petitioner-Appellants, to request the said workmen to report back to work considering the history of the Company and the impact of recommencing operation to protect both their employment and the Company. In fact, certain senior officers of the Company purportedly personally telephoned the employees, including some of the Petitioner-Appellants, urging them to return back to work.
36. However, despite several such requests, most employees, including the Petitioner-Appellants, did not return or report back to work at the Company. Consequently, by letter dated 30th July 2005,¹³ the 3rd Respondent-Respondent provided an ultimatum to the workmen: they were requested to resume their employment at the Company on or before 05th August 2005, and should they fail to comply with such directions, the company would be compelled to treat them as no longer having an interest in continuing with employment and remove their names from the list of employees.

¹² Marked "R24".

¹³ Marked "A16".

37. After most of the said employees, including the Petitioner-Appellants, failed to comply with the above directions by 5th August 2005, the 3rd Respondent-Respondent Company aired public announcements on more than four occasions over the course of the day, requesting them to report back to work before 5 pm and restore normalcy. Most employees reacted to these announcements by displaying unruly behaviour such as hooting and shouting when such announcements were aired.

38. Over the course of the time period between 19th July 2005 and 05th August 2005, about 100 employees responded positively to the Company's efforts and reported back to work, and for such employees, the 3rd Respondent-Respondent has assured personal safety and protection of their employment without any impediments even to date (at the time of the present application). However, 558 employees, inclusive of the Petitioner-Appellants did not report back to work since 19th July 2005, thereby conveying their disinterest in continuing with their employment as specified in "R25".

39. Accordingly, the 3rd Respondent-Respondent Company, by letter "R12", informed the Petitioner-Appellants that their names had been removed from the list of employees as specified in "R25".

40. Upon a complaint made by the said 558 employees, the 2nd Respondent, holding the office of the Minister of Labour Relations and Foreign Employment at the time, referred the dispute for settlement by arbitration, and as already mentioned, appointed the 4th Respondent as the Industrial Arbitrator to oversee the proceedings.

First Question of Law

41. The first question of law invites this Court to consider whether the Court of Appeal erred in law by failing to appreciate that the Appellants were engaged in a legal strike and hence did not have the animus or intention to vacate their posts.

42. The written submissions of the 3rd Respondent-Respondent lay down a descriptive historical background pertaining to strikes. It is useful to reproduce some key legal

definitions, principles and case law developments to assist this Court's analysis of the present case. As an apt preface to the discussion, the definition of the term "strike" from the book titled "***Industrial Conflict*** by ***W. P. N. de Silva*** is elaborated as follows:

"The word "strike" appears to have come into usage during the latter part of the eighteenth century and is said to be derived from the sailor's term of "striking the mast" in the sense of bringing the movement to a stop. In the non-legal sense, a strike is the concerted cessation of work on the part of a body of workers for the purpose of obtaining some concession from the employer."

43. In the legal arena, and more specifically, the statutory definitions, can be found first in Section 2 of the ***Trade Union Ordinance No. 14 of 1935***, which provides that a strike means:

"...the cessation of work by a body of persons employed in any trade or industry acting in combination, or concerted refusal, or a refusal under a common understanding of any number of persons who are, or have been so employed, to continue to work or to accept employment."

44. The development of strike action as a tool employed by the labour movement is rooted in socialist ideology, shaping labour laws and industrial relations, and assisting workers to secure better wages, working conditions and workers' rights. However, legal protection is afforded to a trade union and its members to engage in a legal strike in furtherance of a "trade dispute". Section 2 of the ***Trade Unions Ordinance No. 14 of 1935*** (as amended) defines a "trade dispute" as follows:

"Trade dispute" means any dispute or difference between employers and workmen, or between workmen and workmen connected with the employment or non-employment, or the terms of the employment, or with the conditions or labour, of any person;"

45. As such, stoppage of work during a strike by workers under common law amounts to a breach of the employment contract, unless the strike is by members of a trade union in the context of a "trade dispute". As more fully, discussed below, even in the context of a "trade dispute", Section 40 of the **Industrial Disputes Act No. 43 of 1950** (as amended) enumerates the instances in which a strike could be illegal where it is conducted contrary to the provisions set out in Section 40(1).

46. In the present case, to determine the nature of the strike in which the Petitioner-Appellants participated, it is pertinent to examine the specific Clauses in the Collective Agreement.

47. Clause 39 of the Collective Agreement states that in the event an industrial dispute arises during the subsistence of the Agreement, the employees and the union agree to act in accordance with the **Industrial Disputes Act** prior to resorting to any trade union action. Verbatim, the clause reads as follows:

"මෙම ගිවිසුම ත්‍රියාන්තක වන කාලය තුළ යම්කිසි කාර්මික ආරුලක් ඇති තුවහොත් වෘත්තීය සම්බන්ධිත ත්‍රියාන්තක ගැනීමට ප්‍රථම කාර්මික ආරුල් පෙනෙන් විධිවිධාන අනුව කටයුතු කිරීමට වෘත්තීය සම්බන්ධිත හා සේවකයන් එකඟවේ."

48. Clause 40 of the Collective Agreement states that the parties agree to seek the intervention of the Labour Department for any interpretation or upon any dispute in respect of the said Agreement. Clause 40 is reproduced herewith:

"මෙම ගිවිසුම පිළිබඳව යම්කිසි ආර්ථකයන් හෝ ආරුලක් පැන තැගුනහොත් කමිකරු දෙපාර්තමේන්තුවේ මැදිහත් වීමෙන් එය විසඳා ගැනීමට අදාළ පාර්ශවයන් එකඟ වේ."

49. As previously discussed, Clause 4 of the Collective Agreement, which entitles the employees of the 3rd Respondent-Respondent Company to the third bonus upon the satisfaction of the condition that the Company would reach the target of a Rs. 125 million or above net profit, reads as follows:

“අායතනයේ සියලුම ස්ථීර සේවකයන්ට දැනට ගෙවනු ලබන ප්‍රසාද දීමනාව ගෙවීම සඳහා පහත දැක්වෙන පදනම උපයෝගී කරගැනීමට දෙපාර්තමේන්තු එකඟ වේ.

- අ) පලමු මාසය - දහනුවන මස වැටුප ලෙස නිත්‍ය ලෙස ගෙවීමටන්
- ආ) දෙවන මාසය - සම්ප්‍රධායික වශයෙන් එක් මසක වැටුප ගෙවීමටන්
- ඇ) තුන්වන මාසය - ආයතනයේ අද්ද ලාභය මිලියන 125 ක් හෝ ඊට වැඩිහිටි විට ගෙවීමටන්”

50. Section 40 of the **Industrial Disputes Act No. 43 of 1950** (as amended) provides for offences that are punishable under the Act. In terms of such section:

“(1) *An person who—*

(a) being bound by a collective agreement or by a settlement under this Act or by an award of an arbitrator or an Industrial Court, does any act or aids, abets or incites the commission of any act in contravention of, fails to comply with, any of the terms or conditions of that agreement, settlement or award;

[...]

(e) being bound by a collective agreement or by a settlement under this Act or by an award of an arbitrator or an Industrial Court and being a workman or a person other than a workman, incites or induces a workman to strike or to discontinue employment or work, with a view to procuring the alteration of any of the terms and conditions of that agreement, settlement or award;

(f) being bound by a collective agreement or by a settlement under this Act or by an award of an arbitrator or an Industrial Court and being a workman, takes part in a strike or discontinues employment or work, with a view to procuring the alteration of any of the terms and conditions of that agreement, settlement or award;

[...]

...shall be guilty of an offence under this Act.”

51. Despite the knowledge that the 3rd Respondent-Respondent Company did not achieve the target net profit value which would trigger the granting of the third bonus, not only did the Petitioner-Appellants unjustifiably demand for such bonus but also engaged in strike action as well as launch a poster campaign on the issue of the non-payment of the bonus mere 03 days from the filing of the complaint with the Commissioner General of Labour by letter dated 15th June 2005.¹⁴

52. The fact that the subject matter of the poster campaign was the issue of the non-payment of the third bonus is admitted in the evidence of the Trade Union leader, one Nishantha Peiris, who was called on behalf of the Union as the first witness at the arbitration proceedings:

“ප්‍ර: තමා කිවිවා එම පෝස්ටර් ව්‍යාපාරය ගැන තමා දැනුවත්ව සිටියා කියලා?

ස්ව: ඔවුන්.

ප්‍ර: එම පෝස්ටර් ලියපු අය කෙටිදී. අලවපු අය කෙටිදී? කොහොමද තමන් දැනුවත් වූවෙන්?

ස්ව: වංත්තිය සම්තියක් විදියට තීරණයක් ගන්නා මේ සම්බන්ධව දැනුවත් කරන්න අපිට තියෙන අයිතියක් හැටියට අපි මෙය පුද්රේගනය කරනවා කියලා.

ප්‍ර: මෙම පෝස්ටර් ව්‍යාපාරය වංත්තිය සම්ති විසින් කරන ලද්දක?

ස්ව: ඔවුන්.

[...]

ප්‍ර: වංත්තිය සම්තිය මේ පෝස්ටර් ව්‍යාපාරයට නායකත්වය දිලා තීරණයක් ගන්නා මේ ආකාරයට පෝස්ටර් පුද්රේගනය කරන්න.

ස්ව: ඔවුන්.

[...]

ප්‍ර: 17 වෙනි ජේදයේ සඳහන් පෝස්ටර් ලියන්න පටන්ගන්නේ කෙටිදී?

ස්ව: ජූලි 8 වෙනි දිනට ආසන්න දිනයක.

ප්‍ර: කෙටිදී ඒවා ලිවිලේ?

ස්ව: සම්තියේ නායකත්වය විසින්.”¹⁵

¹⁴ Marked “A4”.

¹⁵ Case brief, at pp. 140-142.

53. In the written submissions dated 07th March 2025, the 3rd Respondent-Respondent submits the following extract from ***Misconduct in Employment (In Public and Private Section) by B. R. Ghaiye, Eastern Book Co.*** which states the following on the issue of the legality of a strike:

*"When a strike is illegal – when we say that a strike is illegal what we mean is that the strike is in violation of some provisions contained in the State. Such statutory provisions are either Acts passed by the Legislature such as the Industrial Disputes Act or the Acts made by the State. Whenever, the strike contravenes the provisions or any Statute, the strike must be held to be illegal."*¹⁶

54. Sansoni J., in ***Ceylon Bank Employees Union v. Yatawara***,¹⁷ quoted the following passed from the judgment of Patanjali Sastri C. J. in the case of ***The State of Madras v. C. P. Sarathy and another***.¹⁸

"In view of the increasing complexity of modern life and the interdependence of the various sectors of planned national economy, it is obviously in the interests of the public that labour disputes should be peacefully and quickly settled within the framework of the Act rather than by resort to methods of direct action which are only too well calculated to disturb public peace and order and diminish production in the country, and Courts should not be astute to discover formal defects and technical flaws to overthrow such settlements."

55. In the present case, the Petitioner-Appellants have undoubtedly violated Clauses 39 and 40 of the Collective Agreement by engaging in activities such as the strike and launching the poster campaign. In turn, by violating such terms, the Petitioner-Appellants are also in contravention of the provisions of the ***Industrial Disputes Act***, specifically Sections 14(a), 14(e) and 14(f) of the Statute. Furthermore, the strike in

¹⁶ B. R. Ghaiye, *Misconduct in Employment (In Public and Private Sectors)* (2nd edn, Eastern Book Co., 1977) at p. 427.

¹⁷ 64 NLR 49.

¹⁸ AIR (1953) S.C. 83.

question was held pending the inquiry before the Commissioner of Labour (Industrial Relations) pertaining to the same issue—the culmination of these factors assigns an illegal nature to the strike.

56. In relation to the subsequent poster campaign launched on the subject matter of the alleged links between the Company's Chief Executive Officer and Human Resources Manager and the events surrounding the death of the Lieutenant Colonel Muthalif, it is largely clear that such dispute does not fall within the bounds of a "trade dispute."
57. The same witness, Nishantha Peiris, categorically admits to this and further to the fact that the allegations were baseless:

"ජ: තමන්ට මතකයෙන් කියන්න පුදුවන්ද ඒ පෝස්ටර් වල තිබුණ වැකි මොනවාද කියලු?

උ: පුදුවන්.

ජ: ඒ ඉල්ලීමේ මොනවාද?

උ: මෙහර මූතලිල් සාහනයට සම්බන්ධ සකකරුර ආරක්ෂාව, රකවරණය ලබාදුන් මැලිබන් ආයතනයේ ප්‍රධාන විධායක සහ මානව සම්පත් කළමනාකරු අත් අඩංගුවට ගන්න කියල පොලිස්පත් තුමාට කිවිවා.

[...]

ජ: මිය තොරතුර තමා දැනගන්නේ කොහොමද?

උ: ජනමාධ්‍ය තුළින්

[...]

ජ: විදුත් මාධ්‍ය වලින් කිවිවා ප්‍රධාන විධායක සහ මානව සම්පත් කළමනාකරු අනුර කරුණාරත්න කියන වූදිතට ආයුධ සැපයුව කියලු?

උ: එහෙම කියවුනේ නැහැ.

[...]

ජ: එම පුවත්පත්වල කොහොමත් තිබුණේ නැහැ නේද මැලිබන් සමාගමේ ප්‍රධාන විධායක තුමා සහ මානව සම්පත් කළමනාකරු මේ අත්අඩංගුවට ගත්ත පුද්ගලයට ආරක්ෂාව සහ ආයුධ දුන්න කියලා?

උ: ඒවායේ තිබුණේ නැහැ.

ජ: ඒ වෝද්‍යා කළේ පෝස්ටර් වලින්?

58. As already narrated above, the Criminal Investigations Division, in their letter dated 28th September 2005, cleared any doubts pertaining to such suspicions against the Company's officers:

"ප්‍ර: විද්‍යුත් මාධ්‍ය වලින් කිවිවිද ප්‍රධාන විධායක සහ මානව සම්පත් කළමනාකරු අනුර කරුණාරත්න කියන තුදිතට ආයුධ සැපයුවා කියල?

උ: එහෙම කියවුනේ නැහැ.

ප්‍ර: එම ප්‍රවත්තන්වල කොහොත්ත් තිබුණේ නැහැ නේද මැලිබන් සමාගමේ ප්‍රධාන විධායක තුමා සහ මානව සම්පත් කළමනාකරු මේ අන්තර්ඛිත තන්ත පුද්ගලයට ආරක්ෂාව සහ ආයුධ දන්න කියලා?

උ: ඒවායේ තිබුණේ නැහැ.

ප්‍ර: ඒ වෝද්‍යා කලේ පෝස්ටර් වලින්?

උ: ඔව්.

මෙය විසින් විමසා ඇති කරුණු අනුව එම ලිපියට යා කොට ඇති පෙන්සමෙහි සඳහන් කරුණු සම්බන්ධයෙන් පරීක්ෂණ පවත්වා ඇති අතර, කර්නල් මූතලිපි මහතාගේ සාතනාය සම්බන්ධයෙන් දැනට අන්තර්ඛිත සිටින සකකරුවෙකු සමඟ ඇති සම්බන්ධය පිළිබඳව පහත සඳහන් පුද්ගලයන්ගෙන්ද ප්‍රශ්න කරන ලදී.

I) කිරීති අදස්සුරිය මහතා

II) අලීත් ගොන්සේකා මහතා

මෙම පරීක්ෂණයේදී හෙළි වී ඇති කරුණු අනුව එම සිද්ධියට සඳහන් පුද්ගලයන්ගේ සම්බන්ධයක් ඇති බව හෙළි වී නොමැත. එසේම ත්‍රස්තවාදී තියා සම්බන්ධයෙන්ද මුත්තේ සම්බන්ධතාවයක් ඇති බව හෙළි වී නොමැත.

59. In written submissions dated 7th March 2005, the 3rd Respondent-Respondent has submitted that the Petitioner-Appellants, by virtue of the Trade Union action demanding the expulsion of the Chief Executive Officer and the Human Resources

¹⁹ At pp. 144-146 of the brief.

Manager, are not afforded immunity from legal action provided for by the **Trade Unions Ordinance No. 14 of 1935** (as amended).

60. Section 26 of the **Trade Unions Ordinance** grants limited immunity from civil actions and tortious liabilities to a trade union or any officer/member in respect of an act done in contemplation or in furtherance of a trade dispute. The provision reads:

"No action or other legal proceeding shall be maintainable in any civil court against any registered trade union or any officer or member thereof in respect of any act done in contemplation or in furtherance of a trade dispute to which a member of the trade union is a party on the ground only that such act induces some other person to break a contract of employment, or that it is in interference with the trade, business or employment of some other person or with the right of some other person to dispose of his capital or of his labour as he wills."

61. I find no reason to disagree with the position of the 3rd Respondent-Respondent in that the Petitioner-Appellants are not eligible to enjoy protection guaranteed under the Trade Unions Ordinance by reason that the demand to expel the two officers due to baseless allegations purporting a connection to fictional terrorist activities is, in fact, outside the strict limits of a "trade dispute".

62. Another extract that was submitted from ***Misconduct in Employment (In Public and Private Sector) by B. R. Ghaiye, Eastern Book Co.*** reads:

"Strike to be justified should be launched for economic demands – the first and foremost requirement of a justified strike is that it should be launched only for economic demands of the workmen like basic pay, dearness allowance, bonus, provident fund, gratuity, leave and holidays, etc. which are the primary objects of a trade union. The strike is justified only if it is connected with the current labour

*disputes. If a strike is launched for political reasons and not for any trade union object, the strike is not justified.*²⁰

63. In the development of legal principles surrounding a strike, judge-made law has established that conducting a strike for purposes other than an industrial dispute can render the strike unjustified, thereby providing the employer with the liberty to take appropriate action against such strikers. In the landmark case of **Best Footwear (Pvt) Ltd v. Aboosally**,²¹ notwithstanding that a strike is legal in nature, the strike may be deemed unjustifiable due to reasons such as the primary purpose of the strike being to embarrass the employer rather than to address legitimate grievances. Further, the case elaborated that the weapon of a strike ought to be used only as a last resort where all other avenues for the settlement of the industrial dispute have proved to be futile and fruitless. Commenting on the economic effect of a strike, Jayasuriya J. stated that:

*"It is a trite proposition that since the commencement and the continuance of a strike has an adverse effect upon production and upon the industry and because it may ultimately lead to a closure of manufacturing establishments, this weapon of a strike ought to be used as a last resort when all other avenues for settlement of industrial disputes have proved to be futile and fruitless. In the circumstances, Courts of law by their orders ought to discourage the misuse of strikes and to control and minimise the deleterious and harmful consequences of its misuse in respect of industries as far as possible so that the economy of the country would not be adversely affected. I hold that the strike in this case has not been utilised as a last resort and this hasty and ill-considered decision to strike has caused cessation of production, considerable financial loss and detriment to the employer and an adverse effect on the economy of the country..."*²²

²⁰ B. R. Ghaiye, Misconduct in Employment (In Public and Private Sectors) (2nd edn, Eastern Book Co., 1977) at p. 414.

²¹ (1997) 2 S.L.R. 137 (CA).

²² Ibid at p. 151.

64. In the present case, the 3rd Respondent-Respondent Company has submitted that, at the inquiry held before the Commissioner of Labour on 05th July 2005, the Chief Executive Officer and Human Resources Manager of the Company firmly took up the position that the employees were not entitled to the third bonus by reason that the target net profit was not satisfied. This, according to the 3rd Respondent-Respondent, caused a rift between the employees, the Trade Union and the two officers of the Company. As a result of this disagreement, the Union, from 06th July 2005 onwards, conducted a poster campaign on an entirely new issue targeting the Chief Executive Officer and the Human Resources Manager for alleged links to the assassination of Muthalif. The subsequent actions of the members of the Trade Union—in demanding the expulsion of the two officers by letter dated 07th July 2006,²³ launching a poster campaign publicising the aforesaid allegations which were confirmed to be fabricated and baseless, and leading a mob to enter the Chief Executive Officer's office to threaten, intimidate and evict the two officers—are indicative of the fact that the employees deviated from the original dispute over the third bonus to an issue that cannot be classified as a “trade dispute” and has no relevance to their employment whatsoever.

65. Thus, I answer the first half of the first question of law in the negative; the Court of Appeal did not err in law by failing to appreciate that the Appellants were engaged in a legal strike.

66. The second half of the question of law requires this Court to consider whether, by failing to appreciate that the Appellants were engaged in a legal strike, the Court of Appeal erred in law by affirming that the Petitioner-Appellants had the animus or intention to vacate their posts.

²³ Marked “R2”.

67. In the case of **Building Materials Corporation v. Jathika Sevaka Sangamaya**,²⁴

Perera J held,

"Where an employee endeavours to keep away from work or refuses or fails to report to work or duty without an acceptable excuse for a reasonably long period of time such conduct would necessarily be a group which justifies the employer to consider the employee as having vacated service."

68. The Court of Appeal laid down the two elements, physical and mental, that need to be proven to establish vacation of post in **Nelson de Silva v. Sri Lanka State Engineering Corporation**.²⁵

"The concept of vacation of post involves two aspects. One is the mental element that is the intention to desert and abandon the employment while the second is the failure to report at the workplace of the employee. To constitute the first element; it must be established that the employee not reporting at the workplace, was actuated by an intention to voluntarily vacate his employment.

The physical absence and the mental element should co-exist for there to be a vacation of post in law. A temporary absence from a place does not mean that the place is abandoned; there must be shown also an intention not to return. So to the physical failure to perform a contractual duty there must be added the intention to abandon future performance. A reasonable explanation may negative the intention to abandon. A bona fide challenge to the validity of an order is a satisfactory expiation for not complying with it. By challenging the order the complainant was affirming the contract not abandoning it."²⁶

69. The 3rd Respondent-Respondent cited the case of **Nandasena v. Uva Regional Transport Board (supra)** also in support of the principle that a failure to comply with

²⁴ (1993) 2 SLR 316 at p.322.

²⁵ (1996) 2 S.L.R. 342.

²⁶ At p. 342.

a *bona fide* order of the employer is a deliberate and calculated act of disobedience and a virtual repudiation of his contract. It is the position of the 3rd Respondent-Respondent Company that by refraining from their official duties, engaging in an illegal and unjustified strike (from the 14th of July till 05th August 2005) and failing to report to work despite numerous attempts by the Company to resume operations, the Petitioner-Appellants have failed to comply with a *bona fide* order of the Company in an act of deliberate disobedience which translates to an intention to abandon their contract of employment.

70. In the case of ***Sri Lanka Insurance Corporation Ltd v. Jathika Sevaka Sangamaya***,²⁷ it was concluded by the Court that,

"An employee who is transferred as a punishment, consequent to the finding at a domestic inquiry, has to first obey it and comply with the transfer order and then complain against it by way of an appeal. The failure to report at the place to which he is transferred and keeping away from work, without obtaining leave to cover his absence from work, is a calculated act of disobedience and by his own conduct, secures his own discharge from the contract of employment with his employer.

[...]

*On the facts of this case, the workman, by his own conduct, had got himself discharged from his contract of employment after a period of service during which his continued attitude had been to have his own way in defiance of lawful orders, warnings and directions given by the management."*²⁸

71. Indeed, several ultimatums were provided to the Petitioner-Appellants prior to the final letter "R12", which informed the Petitioner-Appellants that their names had been deleted from the list of employees subsequent to their due to a lack of show of interest in remaining employed by the 3rd Respondent-Respondent Company. These

²⁷ 2011 2. S.L.R.

²⁸ At p. 122-125.

ultimatums include numerous official and personal requests, a direction to work on or before 05th August 2005, and several public announcements to the gathering of employees outside the Company premises after non-compliance with the said direction. It is my view that this does, in fact, satisfy both the physical and mental elements necessary to establish vacation of post, especially in the background of the knowledge that the Petitioner-Appellants did not, at any juncture, provide an explanation as to why they were refraining from resumption of work nor did they challenge the validity of the ultimatum given by the 3rd Respondent-Respondent.

72. As such, the second half of the first question of law, too, is also answered in the negative.

Second and Third Questions of Law

73. The next question of law requires this Court to consider whether the Court of Appeal erred in law by failing to appreciate that the 4th Respondent-Respondent (the Industrial Arbitrator) has stepped outside the terms of reference made by the 2nd Respondent-Respondent (the Minister of Labour and Labour Relations). The final question of law invites this Court to consider whether the learned Judges of the Court of Appeal erred in law by failing to appreciate that the 4th Respondent-Respondent had acted outside his jurisdiction by coming to the finding that the workmen, including the Petitioner-Appellants, had vacated their posts. As the second and third questions of law concern the bounds of the Reference by the Minister within which the Arbitrator is given the autonomy to act, and the jurisdiction of the Arbitrator, these two questions will be dealt with together.

74. In written submissions dated 07th March 2025, the Petitioner-Appellants have submitted that the Arbitrator's Award is *ultra vires* the Minister's terms of reference. According to the Petitioner-Appellants, the issue to be determined by the 4th Respondent-Respondent was whether or not the termination of the services was justified. However, it is contended that the Arbitrator exceeded the mandate given by

the Terms of Reference in deciding that the services of the workers have not been terminated by the 3rd Respondent-Respondent Company, but that the employees themselves have vacated their posts. As the Arbitrator derives jurisdiction from the Reference, and the Arbitrator's jurisdiction is limited to the dispute spelt out in such Reference, the argument is that the findings of the Arbitrator are outside the 4th Respondent-Respondent's jurisdiction and, therefore, *ultra vires*.

75. The written submissions of the 1st and 2nd Respondent-Respondents dated 19th February 2025 address this by stating that, following the Reference dated 26th September 2005, both parties submitted their respective Statements to the Arbitrator, and the Statement of the 3rd Respondent-Respondent Company, the employer, categorically denied termination, and stated that the Petitioner-Appellants had vacated their posts. In parallel, the Statement of the Petitioner-Appellants, the employees, denied, *inter alia*, vacation of post, asserting that there had been a termination of the services of the said employees.
76. The 1st and 2nd Respondent-Respondents submit that, therefore, both parties had evidently identified the dispute to be resolved by way of arbitration based on the Reference by the Minister and further that the dispute itself centered around the question of whether the employees had vacated their posts, and if not, what relief they were entitled to receive. It is, according to the Respondents, upon the identification of the dispute that the Arbitrator is required to make a decision based on the Reference.
77. Section 4(1) of the ***Industrial Disputes Act*** empowers the Minister to, *inter alia*, refer an industrial dispute to an Arbitrator for settlement by arbitration. The provision reads:

"(1) *The Minister may, if he is of the opinion that an industrial dispute is a minor dispute, refer it, by an order in writing, for settlement by arbitration to an arbitrator appointed by the Minister or to a labour tribunal, notwithstanding that*

the parties to such dispute or their representatives do not consent to such reference."

78. As already established, on 26th September 2005, the then Minister of Labour Relations and Foreign Employment referred the dispute between the parties in the present case for arbitration in terms of Section 4(1) of the **Industrial Disputes Act** in the following manner:

"Whether the termination of the services of the Five Hundred and Fifty-Eight (558) whose names are referred to in the attached schedule by the Maliban Biscuit Manufacturers Limited is justified and if not what relief each of them is entitled."

79. The 1st and 2nd Respondents have submitted that, having regard to Section 4(1) of the Act, the Minister cannot himself decide that the employees were terminated, as the powers conferred upon the Minister by Section 4(1) are to refer the dispute for settlement by arbitration, and therefore, it is implicit that the question couched in the aforementioned Reference was whether or not the employees were terminated. It has been further submitted that the Arbitrator, having regard to the evidence and material placed before him, concluded that the employer had not terminated the services of the employees but rather that the employees had vacated their posts owing to their conduct.

80. I find no reason to deviate from the reasoning provided by the learned Judges of the Court of Appeal in the judgment that is the subject matter of the present appeal before this Court. The appellate Court arrived at the following conclusion:

"The petitioners who kept away from work were sent letters to their houses to report back to work on the 5th of August 2005, but they have kept away from work and the 3rd respondent company has sent the vacation of post letters on the 8th of August three days after the date they were asked to resume work. The petitioners' counsel mentioned about the concept of vacation of post which is the

mental element and the physical element failed he said as the petitioners did not intend to keep away from work therefore the mental element fails. Petitioners even after the 3rd respondent sent letters to resume work did not respond which show they did not want to report back to work. Therefore, the petitioners cannot say there was no mental element

The petitioners argument was that the 2nd respondent's reference to the 4th respondent was to see the termination of services was justified or not and not to decide whether there has been a termination. To go into this he had to see what led to the termination, by doing so he had come to the conclusion that there was no termination but the petitioners have kept away without resuming work when asked to report, thereby they have vacated their posts. This is not ultra vires the 4th respondent has acted within the reference given to him by the Minister. One cannot say the 4th respondent exceeded his powers.

*Petitioners at the inquiry have not objected to the 4th respondent taking up the issue of termination of work therefore they now cannot say the 4th respondent acted in excess of jurisdiction.*²⁹

81. On a plain reading of the Minister's Reference, it is evident that the question presupposes the existence of a "termination of services" and invites the Arbitrator to determine whether such termination was justified. The Petitioner-Appellants argue that the Arbitrator cannot, in such a case, side-step this underlying assumption and conclude that there was, in fact, no termination at all, but rather, that the employees themselves vacated their posts.
82. However, this submission, when tested against both the evidentiary record and the statutory purpose of industrial arbitration, must be carefully scrutinised. The purpose of referring a dispute to arbitration under Section 4(1) is to achieve a binding

²⁹ At p.7-8.

determination of an industrial dispute, as defined in Section 48 of the Act. Section 48 of the **Industrial Disputes Act** defines an "industrial dispute" in the following manner:

"industrial dispute" means any dispute or difference between an employer and a workman or between employers and workmen or between workmen and workmen connected with the employment or non-employment, or the terms of employment, or with the conditions of labour, or the termination of the services, or the reinstatement in service, of any person, and for the purposes of this definition "workmen" includes a trade union consisting of workmen;"

83. The jurisdiction conferred on the Arbitrator by the Reference does not operate in a vacuum. In the present case, the 3rd Respondent-Respondent employer, in its Statement before the Arbitrator, clearly denied that there had been any termination on its part and instead took the position that the employees had vacated their posts. In response, the employees denied having vacated their posts and insisted that there was an unjustified termination. Thus, it became necessary for the Arbitrator, in deciding whether the termination was "justified", to first determine whether there had in fact been a termination at all.
84. "Was there a termination of services?"—This preliminary question cannot be construed as falling outside the scope of the Reference. Rather, it is a logical and necessary step in assessing the very issue referred for arbitration. To determine whether a termination is "justified", one must first determine whether a termination has occurred. Where the Arbitrator finds, based on the totality of the evidence, that no termination was effected by the employer, but that the employees voluntarily absented themselves and thereby vacated their posts, such a finding cannot be considered to exceed the jurisdiction conferred by the Reference. It is a finding on the merits that disposes of the core question: whether the employer is liable for wrongful termination. If the answer is that no termination occurred, the question of justification becomes moot.

85. Furthermore, it is not insignificant that at no point during the arbitral proceedings did the Petitioner-Appellants object to the framing of the dispute in these terms or challenge the Arbitrator's authority to consider whether a termination had, in fact, occurred. As the Court of Appeal correctly observed, parties cannot remain silent during the arbitration and subsequently challenge the Arbitrator's jurisdiction once an unfavourable award is rendered. The principle of acquiescence, rooted in procedural fairness and good faith, bars such belated objections.

86. In this respect, the Court of Appeal rightly recognised that the Arbitrator's finding that the employees vacated their posts was not *ultra vires* but rather within the legitimate scope of determining whether the employer's actions amounted to a termination and whether any relief was warranted. The interpretation advanced by the Petitioner-Appellants would, in my opinion, artificially narrow the Arbitrator's fact-finding function and undermine the purpose of the dispute resolution mechanism contemplated by the Act.

87. Accordingly, this Court finds no merit in the submission that the Arbitrator exceeded his jurisdiction or acted outside the terms of the Minister's Reference. The Arbitrator remained within the jurisdiction conferred upon him and rendered a reasoned Award based on the factual matrix placed before him. There is no basis to disturb the reasoning of the Court of Appeal in this regard.

88. As such, I answer the penultimate and final questions of law in the negative. Further, given the contextual background to this case, it is, in my view, pertinent to make certain observations. It is often rightly stated that the modern function of labour law is to serve as a vehicle for protecting the employee, who is typically the economically weaker party in the employment relationship. However, this protective function must not be misconstrued as a licence to disregard the legitimate interests of the employer. Labour law is not, and was never intended to be, a unilateral instrument of redress. Rather, it is a carefully calibrated framework intended to strike a balance between the

rights and obligations of both employers and employees, in the wider interest of industrial harmony, economic stability, and social justice.

89. It is my firm opinion that the employer must not be viewed merely as a party to be restrained, but rather as a stakeholder that must also be protected when required. The inescapable reality is that the existence of an employee is inextricably linked to the survival of the employer. A viable employer sustains employment, contributes to the national economy, and serves as the foundation upon which the rights of employees can be meaningfully realised. Without an employer, there is no employment relationship to regulate or protect.
90. The conduct of the employees in this case, particularly in the events leading to the second strike, falls egregiously short of the standard expected in a lawful and responsible industrial environment. As discussed, the subject matter of the second strike bore no legitimate connection to any existing industrial dispute. Rather, it was an unprovoked attempt to assert control over the management and operation of the enterprise, in a manner wholly incompatible with the law and the principles of orderly industrial relations.
91. Such conduct cannot be condoned under the guise of exercising labour rights. The right to strike and to protest must always be exercised within the boundaries of law and good faith. When employees take it upon themselves to effectively usurp management's functions, obstruct operations, and endanger the continued viability of the undertaking, they not only place their own employment at risk but also jeopardise the livelihoods of others who depend on the employer's continued functioning.
92. This is not the use, purpose, or legislative intent underpinning labour law. The legislature did not conceive of labour law as an instrument of industrial sabotage or corporate destabilisation. The statutory framework is designed to facilitate conciliation, promote mutual respect, and ensure a fair resolution of grievances, rather

than permitting the destruction of enterprises through acts of economic coercion or insubordination.

93. Therefore, the policy foundation must be one of mutual recognition and restraint: live and let live. The law must continue to protect the vulnerable employee, but not at the expense of the legitimate functioning and sustainability of the employer. In this context, the conduct of the employees, as revealed in the evidence, is not only unacceptable but fundamentally inimical to the spirit of the ***Industrial Disputes Act*** and the broader aims of labour jurisprudence in this jurisdiction.
94. The appeal of the Petitioner-Appellants is thereby dismissed. The Petitioner-Appellants are directed to pay Rs. 10,000 each as legal costs to the 3rd Respondent-Respondent Company, Maliban Biscuit Manufactories Limited. Such costs are to be paid within 6 months of this direction.

Appeal Dismissed.

JUDGE OF THE SUPREME COURT

KUMUDINI WICKREMASINGHE, J.

I agree.

JUDGE OF THE SUPREME COURT

SAMPATH B. ABAYAKOON, J.

I agree.

JUDGE OF THE SUPREME COURT