

IN THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA.

In the matter of an Application under and in terms of
Article 140 of the Constitution for mandates in the nature
of Writs of Certiorari and Prohibition.

Gestetner of Ceylon PLC,
No. 248, Vauxhall Street, Colombo 02.

Petitioner.

C.A Writ Application No. 439/2010.

Vs.

1. Hon. Gamini Lokuge,
Minister of Labour Relations and
Productivity Improvement, Ministry of
Labour Relations, Labour Secretariat,
Narahenpita, Colombo 5.
2. Secretary,
Ministry of Labour Relations and
Productivity Improvement, Labour
Secretariat, Narahenpita, Colombo 5.
3. Commissioner-General of Labour,
Department of Labour, Labour
Secretariat, Narahenpita, Colombo 5.
4. Mr.T. Piyasoma,
Arbitrator, No. 77, Pannipitiya road,
Battaramulla.
5. All Ceylon Commercial & Industrial
Workers' Union,
No. 457, Dr. Colvin R. de Silva
Mawatha, (Union Place), Colombo 02.

Respondents.

C.A. Writ Application No. 439/2010

Before : **S. Sriskandarajah, J. (P/CA)**

Counsel: Sanjeewa Jayawardena for the
petitioner.
Anusha Samaranayake SSC. for the
1st-3rd Respondent.

Argued &

Decided on: 15.05.2012

S. Sriskandarajah, J. (P/CA)

The petitioner is a Company and the workmen whose services were treated as terminated are belong to the 5th respondent Union . The petitioner in this application is seeking a writ of certiorari to quash the reference dated 13/01/2010 marked as P23. This reference is based on the statement of the matter in dispute contained in P24. The said reference was made by the Minister under Section 4(1) of the Industrial Disputes Act. The petitioner and the respondents agree that the said reference is not reflecting the real dispute between the petitioner and the members of the 5th respondent Union. As the said reference is not reflecting the real dispute between the parties this court quashes the said reference.

The above order is without prejudice to the Ministers right to make a fresh reference under section 4(1) of the Industrial Disputes Act as to whether the strike action in issue is legal or illegal.

In view of the above the application is allowed without costs.

President of the Court of Appeal

Jmr/-