

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

**CA (PHC) 105/2012**

PHC Kurunegala Case No.HCA 73/08

Percy Denipitiya  
City Undermakers,  
Colombo Road,  
Kurunegala.

**Petitioner**

**Vs.**

Commissioner  
Labour Department  
Kurunegala.

**Respondent**

**CA(PHC) 105/2012**

**PHC Kurunegala Case No.HCA 73/08**

BEFORE : A.W.A. Salam, J &

P.W.D.C. Jayathilake, J.

COUNSEL : Parties are absent and unrepresented.

DECIDED ON: 27.09.2013

A.W.A. Salam, J

This is an appeal preferred against the judgment of the learned High Court Judge dismissing the appeal preferred by the Respondent-Appellant-Appellant against the order of the learned Magistrate directing the enforcement of the certificate to recover the gratuity due to an employee. The learned High Court Judge has dismissed the appeal on the strength of the ratio in the judgment of this court in appeal No CA(PHC)APN 299/03 on the premise that no appeal filed against the order of the learned Magistrate under the Provisions of Act No 12 of 1993. As such, we see no reason to defer from the opinion held by the learned High Court Judge as to the

maintainability of the appeal had in the Provincial High Court.  
Consequently, this appeal stands dismissed.

JUDGE OF THE COURT OF APPEAL

P.W.D.C. Jayathilake, J.

I agree.

JUDGE OF THE COURT OF APPEAL

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