



# NEWSLETTER

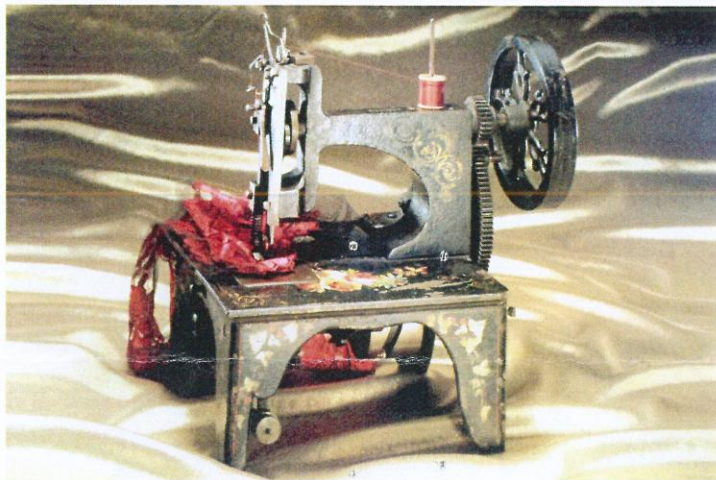
August 2016

Issue No 35

## ASSOCIATION OF PAST EMPLOYEES OF SINGER

80, Nawam Mawatha, Colombo 2

### THIRD IN THE SERIES OF ANTIQUE SINGER SEWING MACHINES



The first Singer Sewing Machine was patented in 1851. It was the first rigid arm model and included a table to support the cloth. A vertical presser foot kept the cloth in place during the upstroke of the needle;

#### FROM THE EDITOR'S DESK

It is very encouraging to note that one of our present Singer employees who had the opportunity to read a copy of our last Newsletter, expressing his appreciation of the hard work we put into the publication of our Newsletter. He has been greatly inspired by the financial assistance we have given our sick members and their immediate family members and also the praiseworthy contributions we have made under the social obligation program.

He has agreed to donate a certain amount annually towards the Benevolent & Scholarship Funds. He is Mr. Russell De La Motte, Business Development Manager-Wholesale Channel, who is yet to gain membership in our Association.

His voluntary gesture is highly appreciated by the Executive Committee and I wish to thank him on behalf of the Association,

Yet another present employee of Singer, Mr. Channa Karunanayake, Manager of Singer Plus, Wellampitiya who had also read a copy of the last Newsletter, spoke to me recently and inquired whether he could not become a member of our Association. I explained to Channa whom I had known since about 1984, that our constitution does not permit present Singer employees becoming members of our Association, but he could help the Association by making a contribution towards the Scholarship Fund. He readily agreed and promised to contact Mr. Nissar in this regard.

#### BENEVOLENT & SCHOLARSHIP FUNDS

Dear Sir,

It was wonderful to receive the second edition of the above newsletter in the latter part of last week. Thank you for thinking of me and forwarding a copy. I was extremely happy to read the contents and be up-dated of what's happening in the association.

I read Mr T V Perera's very interesting article in detail, I re-call the day's he was in the SIC Factory as assistant to Mr Gamini De Silva, later he worked as a Branch Manager at Kalutara where I had the opportunity of working with him. I wonder where he is at present, still at Panadura?

Yes, I was impressed to read the progress made by the Benevolent & Scholarship Fund's, I would like to contribute a sum towards this annually. Please let me have Mr Nissar's mobile number, so that I could contact him and contribute to the fund. The newsletter is well written & structured and certainly a good thing to be circulated among all past members. "Well Done" and keep it up.

Wishing the association all the very best for the future and Best Regards to all

Russel De La Motte

## NEWS ABOUT OUR MEMBERS

We are pleased to inform you that our member Mr. Manjula Wijemanne has been re-elected unanimously as the President of the Mercantile Hockey Association for another year.

We are also pleased and proud to announce that yet another member of our Association, Mrs. Sriyani Weerasinghe has been selected to compete in the Asian Masters Athletic Championships to be held in Perth, Australia in October, 2016. She has been selected after her excellent performance in the Asian Masters Athletic Championships held in Singapore in March this year. She will be competing in Shot Putt Discus Throw and Hammer Throw events.

Whilst congratulating both Manjula and Sriyani, we wish Manjula every success in his role as the President of the prestigious Mercantile Hockey Association and Sriyani more victories at the forthcoming competitions. She will no doubt bring fame and honour not only to Sri Lanka but also to Singer by displaying the Lion Flag at the victory podium.



Gold Medal winner of  
Asian Master Athletic Championship  
held in Singapore



Jubilant Sriyani proudly displaying  
The National Flag after winning the event

## BENEVOLENT & SCHOLARSHIP FUNDS

The response to our request for donations for the Scholarship Fund is fairly satisfactory with a few members already making contributions and many more promising to send contributions in due course.

If you really appreciate what we have done in the past to provide financial assistance to sick members to meet urgent needs such as undergoing laboratory tests, purchasing of drugs etc., and also our contribution to students of poor families to overcome the inability of their parents to finance their educational needs and help them to continue their studies and sports and extra curricular activities without any hindrance, express your appreciation by making even a small donation. The amount you donate is immaterial but you can be rest assured that every cent you contribute will be exclusively spent only to provide financial assistance under these two funds. Your donation will be duly acknowledged by our Treasurer Mr. Nissar.

### FORTHCOMING EVENTS

July	-	One Day Outing for Members and families
Postponed	-	Fund Raiser – Musical Show
<i>New date &amp; month to be decided</i>		
November	-	"Sing-a-Long" Musical Evening
December	-	Annual General Meeting

## SACKED FOR WEARING JEANS AND SLIPPERS

Ananda Perera's article titled 'Historic at the Labour Tribunal' (Newsletter Feb. 2016) prompted me to share a little bit of my first-hand experience in this forum which has 'Just and Equitable' as its theme. However I remember my boss Gamini de Silva telling me, "LTs are funny places", when I asked him how things went that day at the Labour Tribunal he just arrived from. "Krishantha Silva, one of my clerks in a company at Dehiwala, submitted his resignation stating that he had found another job at a higher salary than what he was drawing, and despite my assuring him of an even higher amount in January, three months hence, he regretfully left. Four months later he visited me seeking employment and explained that he had been dismissed for attending office on a Saturday, in denims and rubber slippers – a common practice among the office staff. I had no vacancy to offer him and felt obliged *faute de mieux* to seek relief for him in the labour tribunal. He was initially reluctant and cited financial strains in the litigation process and also enlightened me that his father was bed-ridden and his mother, a meager-wage rubber tapper. I assured him that I will personally handle the matter gratis, and filed application for compensation for wrongful termination as I guesstimated reinstatement could lead to subsequent victimization.

The case was called in Labour Tribunal No. 8 before LT President Francis Weerapperuma, but neither was the respondent company present nor answer filed. I moved court that the case be taken up *ex-parte* on the next date if the respondent defies court. On the second day, lawyer for the respondent company took up the position that the applicant's services were terminated for poor attendance and since he was a probationer, the tribunal cannot sit in judgment over the decision of the employer – the sole authority to judge the applicant's suitability for permanent employment. Apprising court that respondent's submissions were casuistry, I took up the position that the labour tribunal can examine the grounds for termination for the purpose of ascertaining whether the employer had acted *mala fide* or with ulterior motives, or was actuated by motives of victimization. I specified that courts have laid down the principle that relief would be granted to a probationer in respect of termination of services if the employer had acted *mala fide* and reiterated that the case be fixed for trial.

Confronted by the LT President on the development, the respondent began to back-pedal and agreed to reinstate the applicant which I objected to, drawing attention to the fact that I had not claimed same in my application. To cut short, Krishantha received three months salary as compensation, underlying the theme of the tribunal.

In a similar instance, I filed application in the Panadura Labour Tribunal on behalf of a salesman of Galkanda Groceries, Panadura who complained to me that he was dismissed unfairly. When this case was taken up before LT President P. Thamootheram, I submitted preliminary facts in English as is the normal practice at Vauxhall Street. The LT President interrupted me to say, "You know English, I know English but the stenographer doesn't" and I switched over to Sinhala. In different circumstances, I was present in the Negombo Labour Tribunal when a case came up before LT President Mr. Ranhoti in which gratuity payment was awarded to a domestic servant despite provision not being available for same under the Gratuity Act.

Applicant claimed three months unpaid salary from the respondent mistress who admitted employment. She attributed delay in payment to unexpected financial losses from business and mentioned that the applicant had vacated the residence and there was no form of contact whatsoever. Applicant's lawyer next moved for gratuity payment and told court that the domestic had six years continuous service with the respondent. The respondent, not represented by counsel apparently unaware of gratuity clauses, agreed to payment and the LT President said that since respondent agrees, payment is awarded. What is happening here, I wondered. Would the maid next shout out like Shylock in Shakespeare's Merchant of Venice:

"A Daniel come to judgment! Yea a Daniel. O wise young judge, how I do honour thee!" when the learned doctor (Portia) sitting in judgment proclaimed: "A pound of flesh is thine. The law allows it and the court awards it".

I later drew conclusion in this land mark case that the gratuity payment was in personal gratuity for service to the household.

**By T.V. Perera**

## BIRTHDAYS

Following members will be celebrating their birthdays in the months of August and September.  
We wish them "HAPPY BIRTHDAY" and also Good Health, & Happiness

### AUGUST

Mr. Khalid M. Farouk	1 <sup>st</sup>
Mr. D.J. Nandasiri	1 <sup>st</sup>
Mr. K.L. Lawrence Peiris	2 <sup>nd</sup>
Mr. Upul Rajapakse	4 <sup>th</sup>
Mr. P. Ananda Dissanayake	9 <sup>th</sup>
Mr. Ruan Abeyratne	11 <sup>th</sup>
Ms. Varuni Sagarikka	11 <sup>th</sup>
Mr. P. Manawadu	12 <sup>th</sup>
Ms. Vimercia Fernando	13 <sup>th</sup>
Ms. Gwendalin David	13 <sup>th</sup>
Mr. Murali Prakash	17 <sup>th</sup>
Mr. Suren De S. Wijeratne	21 <sup>st</sup>
Mr. G.P. Katugampala	23 <sup>rd</sup>
Mr. George Hettiarachchi	24 <sup>th</sup>
Mr. G.C. Wasalathanthri	25 <sup>th</sup>
.Mr K.V.M.S.S. Bandara	28 <sup>th</sup>

### SEPTEMBER

Mr. E.D.Ariyasena	1 <sup>st</sup>
Mr. Vidya.Vidyaratne	2 <sup>nd</sup>
Mr. T.Vanniasinkam	6 <sup>th</sup>
Mr. Sarath.Rajapakse	7 <sup>th</sup>
Mr. Chrisan.Fernando	13 <sup>th</sup>
Mr. Rohan.Perera	14 <sup>th</sup>
Mr. Ranjith.Fernando	17 <sup>th</sup>
Mr. J.A,Lionel.Perera	17 <sup>th</sup>
Mr. Viraj.Mahapatuna	17 <sup>th</sup>
Mr. K..L.D.N.Nishantha	19 <sup>th</sup>
Mr. N.H.A.D.Wijesena	19 <sup>th</sup>
Mr. John.Emmanuel	22 <sup>nd</sup>
Mr. Dehan.Seneviratne	22 <sup>nd</sup>
Mr. G.P.Katugampala	23 <sup>rd</sup>
Ms. Lilian.Silva	28 <sup>th</sup>
Ms. Chandrani Gunawardena	28 <sup>th</sup>



### 'TUK TUK MAHATTHAYA

This is an incident which happened in the late sixties, may be 1968 or 1969. I was the District Manager in charge of Kurunegala District which comprised of 6 shops, namely Kurunegala, Kuliapitiya, Mawathagama Narammala, Chilaw and Nattandiya.

One day I was engaged in carrying out an inventory check of stocks held at Kuliapitiya Shop. Quite unexpectedly, Mr. Robin Ebert, my Area Manager who was an ex Naval Officer, a strict disciplinarian, very active, very methodical in whatever he does walked into the shop. Being the methodical man, he made sure he had everything he needed for the tour. His tour paraphernalia included the Typewriter, Mosquito net, Alarm clock, Torch, Pens and Pencils and official stationery apart from his personal belongings to last a fortnights tour.

After exchanging greetings and partaking a nice cup of tea provided by the shop manager, I continued with the inventory check. Mr. Ebert, as usual commenced his pet subject of visiting bad hire purchase accounts. Selecting a few F128s (Hire Purchase Accounts Payment Record) he stepped out of the shop saying " I will see you at the Rest House in the evening "

At about 5 p.m. in the evening, he returned to the shop with the shop assistant carrying two machine heads which Mr. Ebert had re-possessed from two delinquent accounts. When it was time for the shop to be closed for the day, he suggested that we stop work and go the Rest House for a peaceful evening and good nights rest.

Mr. Ebert had been reserved a room on the right hand side of the corridor facing the entrance. It was one before the last. The last room was occupied by the Kuliapitiya Magistrate. My room was at the other end of the corridor.

After dinner, we went to our respective rooms to enjoy a peaceful night. The next morning when I came out of my room, I was surprised to see Mr.Ebert coming out from another room a little away from the original room. Immediately, I walked up to Mr.Ebert and inquired what happened after I left him. Without any hesitation, he said " That idiot of a magistrate, who was suffering from insomnia made a complaint to the Rest House keeper that he could not sleep as the noise of my typewriter was disturbing him, Furthermore, he had delivered an ex-parte judgement instructing the Rest House keeper to move Mr. Ebert to another room immediately. Poor Mr. Ebert.

This incident spread like a wild fire in the District and Mr.Ebert who was until then called " Kadiya" was thereafter known as " Mr. Ebert the Kadiya alias Tuk Tuk Mahaththaya "

G.C. Wasalathanthri

## ASSOCIATION GET-TOGETHER



Some of the participants with our Patron Mr. Hemaka Amarasuriya



Premlal, Nelson, Bertie, Vidiya with Mr. Hemaka Amarasurya

The Association organized a get-together on Sunday, 5th June at the Shalika Hall, Narahenpita. It was a programme with a difference! The day's event commenced with a post-Avuruddu breakfast of delicious Kiribath, Kavun and Kokis enjoyed by all. There was a good turn-out for the get-together.

Mr. Hemaka Amarasuriya, his wife and daughter graced the occasion with their presence. A very interesting game of tombola was organized and the members very actively participated in this, after which a couple of enjoyable games were organized in which both the ladies and gents participated and was full of fun and laughter.

A raffle was organized and a draw on the entrance tickets and grand prizes were given donated by some of the members. The get-together ended with lunch and hard drinks and some of the members were in high spirits

*Compiled by Judith Vannitamby*

### Please note:

The artical by T.V. Perera on Rukmani Devi and the Sinhala artical sent by Welaratne has being withheld. to be published in our issue scheduled for November 2016 due to lack of space. Our apologies to both T.V. & Welaratne.

We warmly welcome the following two members who have recently joined our Association, and .  
anticipate their support at all our activities.

Mem.No.228 - Mr. K. Sivapragasam

Mem.No. 229 - Mr. Dhammika Jayakody

### NEXT NEWS LETTER

We propose to release the next Newsletter in November 2016. Please therefore send in your articles for publication to reach the Editor by 20th October 2016. Post or e-mail your articles to:

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