

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

Baddegama, Telikada-Majuwana Multi
Purpose Co-Operative Society Ltd.,
Kurumeme, Galle Road, Baddegama.
Respondent-Respondent-Petitioner

SC/SPL/LA/366/2022

SP/GA/LT/AP/1407/2019

LT CASE NO. 4/G/67/2017

Vs.

Wickrama Arachchi Ariyaratna
Abeywickrama, Ganegama North,
Baddegama.
Applicant-Appellant-Respondent

Before: Hon. Justice Janak De Silva
Hon. Justice Mahinda Samayawardhena
Hon. Justice Sobhitha Rajakaruna

Counsel: Ruwantha Cooray with Joshua Croos Moraes for the
Respondent-Respondent-Petitioner.
Chamara Nanayakkarawasam for the Applicant-Appellant-
Respondent.

Argued on: 02.09.2025

Written submissions:

By the Respondent-Respondent-Petitioner on 17.09.2025.
By the Applicant-Appellant-Respondent on 22.09.2025.

Decided on: 13.01.2026

Samayawardhena, J.

The employee-respondent filed an application before the Labour Tribunal under section 31B of the Industrial Disputes Act, No. 43 of 1950, as amended, seeking reinstatement with back wages on the basis that his services had been unjustly terminated by the employer-petitioner. After inquiry, the Labour Tribunal dismissed the respondent's application. On appeal, the High Court set aside the judgment of the Labour Tribunal and granted relief to the respondent. Being aggrieved by the judgment of the High Court, the petitioner filed the present application seeking leave to appeal.

On the date of support, learned counsel for the respondent raised a preliminary objection regarding the maintainability of the application on the ground that the petitioner had failed to deposit the sum awarded by the High Court in favour of the respondent at the Labour Tribunal and tender a certificate under the hand of the President of the Labour Tribunal to that effect, as mandated by section 31DD of the Industrial Disputes Act, as amended by the Industrial Disputes (Amendment) Act, No. 22 of 2022.

By the Industrial Disputes (Amendment) Act, No. 22 of 2022, the following sub-sections were introduced into the Principal Act immediately after sub-section (1) of section 31DD:

1A. Where an employer who is dissatisfied with a final order of a High Court established under Article 154P of the Constitution which is in favour of a workman on an appeal made by such workman against any order of a tribunal, appeals to the Supreme Court against such order, he shall furnish to the President of such tribunal, a security in cash, where the order which is the subject of such appeal directs—

(a) only the payment of a sum of money to the workman of an amount equal to such sum;

(b) both the payment of a sum of money to the workman and re-instatement of such worker, of an amount equal to such sum and twelve times the monthly salary or wages of such workman at the time his services were terminated.

1B. Every appeal preferred under subsection (1A), shall be supported by a certificate under the hand of the President of the Tribunal to the effect that the security as specified in subsection (1A) has been duly furnished by the employer.

1C. The President of every Tribunal shall cause all moneys furnished as security under subsection (1A) to be deposited in an account bearing interests, in any approved bank in Sri Lanka.

Learned counsel for the petitioner accepts that compliance with section 31DD of the Industrial Disputes Act, as amended by Act No. 22 of 2022, is mandatory. He submits that in the present case the Petitioner was unable to deposit the required sum because the Labour Tribunal could not accept the security owing to the non-availability of the High Court record with the Tribunal. There is, however, no material before this Court to substantiate the assertion that the Labour Tribunal refused to accept security on that ground.

In *Duro Pipe Industrial (Pvt) Ltd. v. Hettige Pradeep Silva* (SC/APPEAL/111/2022, SC Minutes of 02.12.2024), I examined this matter extensively and held that submitting the certificate issued by the President of the Labour Tribunal, as mandated by section 31DD(1B), confirming that the security has been deposited in cash, together with the leave to appeal application, is a condition precedent to the filing of an appeal and forms the very basis for conferring jurisdiction on this Court to entertain such an application. In other words, by virtue of subsections (1A) and (1B) of section 31DD, the attachment of the certificate issued by the

Labour Tribunal is mandatory when an employer seeks to invoke the jurisdiction of the Supreme Court.

Accordingly, the preliminary objection is upheld, and the application for leave to appeal is dismissed with costs.

Judge of the Supreme Court

Janak de Silva, J.

I agree.

Judge of the Supreme Court

Dr. Sobitha Rajakaruna, J.

I agree.

Judge of the Supreme Court