

1968

*Present : Sirimane, J.*

Mrs. N. E. BROHIER, Appellant, *and* W. P. MUNIDASA,  
Respondent

*S. C. 88/68—Labour Tribunal, G/3642*

*Industrial Disputes Act (Cap. 131)—Section 31 C—Duty of Tribunal to restrict its order according to the evidence led.*

Under section 31 C of the Industrial Disputes Act, a Labour Tribunal must make its order on the evidence led and must not go beyond the evidence. Accordingly, where a workman states in his evidence that his application is for salary for a certain number of months *for wrongful dismissal*, there is no justification for the Tribunal to order the employer to pay salary for a certain period *for loss of career*.

**A**PPEAL against an order of a Labour Tribunal.

*P. N. Wikramanayake*, for the respondent-appellant.

No appearance for the applicant-respondent.

December 15, 1968. SIRIMANE, J.—

This is an appeal by an employer against the order of a Labour Tribunal ordering the employer to pay 6 months' salary to a workman *for loss of career*. Though the workman in his petition asked for reinstatement, compensation, and backwages, he abandoned these claims at the hearing, and giving evidence before the Tribunal said, "My application is that I be paid 3 months' salary for *wrongful dismissal*". He did not claim any sum of money for loss of career and that matter was never in issue before the Tribunal. Under section 31 (C) of the Industrial Disputes Act (Chapter 131), a Tribunal must hear evidence and thereafter make an order which is just and equitable. But the order must be made on the evidence led. On the evidence led in this case by the workman himself there was no justification for ordering 6 months' salary for loss of career. In making this order the learned President has not acted judicially. He has, on the other hand, acted contrary to the evidence in the case. I would therefore vary the order by granting the workman all that he claimed in evidence, namely, 3 months' salary for wrongful dismissal, that is, a sum of Rs. 150.

*Order varied.*

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