

SAMSU
v.
CEYLON PETROLEUM CORPORATION

COURT OF APPEAL.
ABEYWARDENE, J.
WORKMEN'S COMPENSATION 578.
CA 3/84.
JUNE 10, 1987.

Workmen's Compensation—Occupational disease—Occupational disease not listed within Schedule III of the Workmen's Compensation Ordinance.

Oil dermatitis is not an occupational disease listed in the Schedule of diseases listed in Schedule III of the Workmen's Compensation Ordinance. A workman employed as an oil tank gauger who suffered from oil dermatitis which caused him to lose his job owing to frequent absence from work cannot be awarded compensation as the particular disease is not listed as an occupational disease in the said Schedule III.

APPEAL from order of Commissioner of Workmen's Compensation.

S. Sinnathambo for appellant.

S. J. Mohideen for respondent.

June 10, 1987.

ABEYWARDENE, J.

The applicant-appellant made an application to the Commissioner of Workmen's Compensation alleging that he had been in the service of the respondent-respondent from 1962-1978, and that during a period of time when he was in service as an oil tank gauger attached to the Ceylon Petroleum Corporation he contracted an occupational disease and he claimed compensation. According to the evidence led, he has been suffering from an ailment of the skin from 1964. During the course of inquiry evidence of the medical officer was recorded. According to Dr. Malik Fernando the specialist who examined the appellant the best medical opinion regarding the skin ailment should have been obtained from those medical officers who had examined the appellant at the early stages of the ailment. This specialist was unable to conclusively state that the ailment the applicant-appellant

was suffering from was oil dermatitis. However he stated that the best test in order to diagnose this appellant's disease was by a patch test which had not been done by him. There was also another opinion expressed by the medical officer who gave evidence. He stated that the skin ailment could be caused by nitrogen acid. The appellant has had allergic rashes for a long period of time, prior to the appellant's appointment in the service of the respondent as an oil tank gauger. Appellant was first appointed as a clerk-typist in 1936 before he was made an oil gauger. The illness has made him to be constantly away from work and finally as he has not reported for some time to work his services have been terminated. This is an application for compensation on the ground of wrongful dismissal and for compensation under the Workmen's Compensation Act.

Even if there is evidence to prove that appellant was suffering from oil dermatitis yet that illness does not come within the category of the occupational diseases within amended Schedule III of the Workmen's Compensation Ordinance.

For this reason I am in agreement with the findings of the learned Commissioner. I affirm his order and dismiss the appeal without costs.

Appeal dismissed.
