

THE OPEN UNIVERSITY OF SRI LANKA

LL.B. DEGREE PROGRAMME

LEVEL 6

CONTINUOUS ASSESSMENT TEST I – 2008

LABOUR LAW - LWU 4314/4323/3323

DURATION . 40 MINUTES



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DATE : 17th October 2008

TIME : 10.00 a.m. – 10.40 a.m.
.....

Answer one question only.

01. “It is of the very essence of the concept of probation that such a person is on trial regarding his suitability for regular employment and is liable to be discharged on being found to be unsuitable for permanent absorption”.

Giovanola Binny Ltd V. Industrial Tribunal (1969) cited by Wijetunga J. in *Ceylon Cement Corporation V. Fernando* (1990)

Discuss the above statement with special reference to Sri Lankan case law.

02. Manohara is running a taxi service called Mano Travels. He employed Nimal as a taxi driver. Nimal was not paid a regular salary or wages but was paid only 1/3 share of the day’s profit out of the total earnings from the taxi driven by him.

Suddenly Manohara dismissed Nimal without adducing any reason. Discuss whether Nimal is entitled for any relief as an employee of Mano Travels.

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