PERMANENT ARBITRATION TRIBUNAL

R N 241
In the matter of Industrial Dispute between:

Premduth Hujoory

and

The Mahatma Gandhi Institute

1. The Tribunal composed of

Mr. H. Balgobin – President

Mr. H. Seeballuck – Member

Mr. C.B. Daruty – Member

in lieu and stead of Mr. C.B. Daruty who stated at the Preliminary Meeting that he was a Member of the Industrial Relations Commission in a connected matter

2. The point in dispute is - whether Mr Premduth Hujoory should be appointed to the post of supervisor of Baitkas and Sunday schools or to any other equivalent post, or otherwise.

3. At the hearing of the matter Mr. D. Hurnam, Bar-at-Law, assisted Mr. Hujoory, hereinafter referred to as the Applicant, and Mr. D.Dabee, then Principal Crown Counsel, represented the Mahatma Gandhi Institute hereinafter referred to as the M.G.I.
4. Mr. A. Stephen, a Member of the Tribunal having passed away, the Award shall be delivered by the President and one Member under the relevant provisions of the Industrial Relations Act, 1973.

**APPLICANT'S CLAIM**

5. The Applicant avers that he applied for the post of Supervisor of Baitkas and Hindi Schools but was asked to accept the offer of a post of Liaison Officer pending his appointment as Supervisor.

6. He was, however, never offered the post of Supervisor of Baitkas and Hindi Schools inspite of repeated requests.

**MAIN SUBMISSIONS OF M.G.I.**

7. Mr. D. Burrenchobay, Secretary to the M.G.I. Board of Trustees wrote to the then Director of the M.G.I. to say that there is no objection to the M.G.I. offering employment to Mr. P. Hujoory as Supervisor of Baitkas and Sunday Schools (Annex A). There is no further letter in this connection and it should be noted that the Prime Minister's Office does not issue appointment letters on behalf of the M.G.I. It was the then Board of Trustees which ratified all nominations.

8. Mr. P. Hujoory was offered employment as Liaison Officer in Oriental Languages by the M.G.I. on 28 December 1976 (Annex B). The post of Supervisor of Baitkas and Sunday Schools did not exist on the establishment of the M.G.I.

9. Mr. P. Hujoory accepted this offer of employment on the terms and conditions laid down therein and assumed duty on 3 January 1977 (Annex C).

10. Applicant was working as Liaison Officer and visiting baitkas up to February 1982. The Director at that time felt that in view of financial constraints which affected the implementation of projects and the fact that the visits to the baitkas were not linked with any ongoing project, Mr. Hujoory could not go on
working in isolation. Hence, he was transferred to the Library on 23 February 1982 (Annex D). It should be noted that both Liaison Officers at the M.G.I. have been redeployed.

11. On 1 March, 1982, Applicant wrote a letter to the Permanent Secretary, Ministry of Education, Arts and Culture, whereby he requested that he should be returned to his Liaison Officer activities in the baitkas and was not satisfied of his posting in the Library. The said letter was forwarded to the Director of the M.G.I. for necessary action (Annex E). On 11 March, 1982, he wrote to the Acting Director of M.G.I. along the same lines (Annex F). There was no question of victimization in the letters and neither any mention was made of qualifications. It should also be noted that Applicant fervently wished to be reverted to his duties of Liaison Officer against which he seems to be protesting from the start.

12. On 17 March, 1983, he was transferred to the Department of Bhojpuri, Folklore and Oral Traditions where he reported on 21 March, 1983.

13. In view of certain allegations he made against some officers in the Department of Bhojpuri, Folklore and Oral Traditions and some of other departments, Mr. Hujoory was warned by letter of 24 February, 1984 that he may be liable to disciplinary proceedings (Annex G). On 25 April, 1984, he was transferred to the Department of Languages.

14. Since his transfer in April 1984 to the Department of Languages, Mr. Hujoory continued to send letters to the Director, making allegations and making representations. However, the M.G.I. has been quite lenient and has not taken any disciplinary action against him. The M.G.I is now seriously considering either taking disciplinary action against Mr. Hujoory or referring the matter to the Police.

15. Mr. S. Ramburn was appointed Supervisor on 3 June, 1980 much before the letter of 11 March, 1982 which talks of financial constraints. The scheme of duties of Mr. Ramburn as Supervisor is completely different from that of Mr. Hujoory as
Liaison Officer.

16.(a) The promotion of the Applicant was never discussed at any Board or Council meeting and therefore the question of offering him the post of Assistant Lecturer did not arise in 1984.

(b) There was provision for Assistant Lecturer/Lecturer post in the 1984/85 estimates and same was filled following an internal advertisement.
(c) Mr. Hujoory did not apply.
(d) The qualifications for the post of Assistant Lecturer/Lecturer as advertised were as follows

(i) a good degree in the subject

**together with**

(ii) a relevant higher professional or academic qualification normally obtained after one further year of full-time study

(iii) at least 3 years' experience in teaching - training.

(e) No post of Assistant Lecturer/Lecturer was contemplated in the Department of Bhojpuri, Folklore and Oral Traditions.

(f) The usual procedure for the preparation of annual estimates for the M.G.I. is effected after heads of department give their requirements to the Director. Miss S. Ramdin, Head of Department of Bhojpuri, Folklore and Oral Traditions makes recommendations for her department. This was done as a normal exercise of
planning for her department. No names are mentioned when recommendations are made for particular posts.

17. On 5 August, 1985, Mr. Hujoory was informed that his case will be considered when Council would be looking at the restructuring of the M.G.I. (Annex H). The Restructure Committee's report was being discussed at Council level when the Chesworth Commission made its recommendations.

The post of Liaison Officer has been restyled Curriculum/Production Assistant. It is to be noted that Mr. Hujoory has opted to be governed by the new terms and conditions laid down in the Chesworth Report.

18. The Tribunal has carefully gone through all the records and examined all the documents produced.

19. The Tribunal finds no merits in the claims of the Applicant. The M.G.I acted strictly in accordance with its rules and regulations.

20. The request of the Applicant is consequently rejected.

21. The Tribunal awards accordingly.

22. The Tribunal, however, recommends that the M.G.I. may consider any other alternative but suitable proposition put forward by the Applicant.

(H. Balgobin)
President

(H. Seebaluck)
Member

18th December 1992