PERMANENT ARBITRATION TRIBUNAL

AWARD

R.N. 530

H. Balgobin - President
M. Serret - Member
Y.G.M. Atchia - Member

Parties

R. Bheemul

and

C.E.B

Terms of Reference

"Whether Mr. Ramessurnauth Bheemul, Field Supervisor, should be appointed Chief Technician in the Transmission and Distribution Department with effect from 31st August 1995, or otherwise."

The dispute was referred to the Tribunal by the Ministry of Industrial Relations for Settlement under Section 82(1)(f) of the Industrial Relations Act, 1973.

The Board submits that the appointment of the following candidates:

(a) Mr. R. Ramanan
(b) Mr. C. Augum
(c) Mr. M. Nithso
(d) Mr. R. Bheemul

Was contingent on the availability of vacancy and it is a principle of the Board that for appointment a vacancy should exist in the establishment otherwise administrative arrangements are made to create a post outside Establishment on a supernumerary basis.

The Board admits that due to important technological development in the electricity sector it has a tendency to look for professionally qualified engineers. However, it also considers that employees who have acquired a long experience and who have managed to obtain some technical qualifications should exceptionally be given the opportunity to rise to the position of Chief technician.

The Board maintains that it must appoint professional Engineers in order to face the challenges confronting it.

There is no doubt that the Board has the prerogative with regard to its manpower requirements and the filling of vacancies and that the Tribunal would only intervene in cases of injustice and inequity.
The Tribunal does not agree that the applicant was even appointed to the post of chief technician and it consequently declines to intervene.

The Tribunal awards accordingly.

The Tribunal notes however that Mr. Bheemul may be a fit case where the Board might consider his appointment as Chief Technician in the transmission and distribution Department and recommends accordingly.

(H. Balgobin)  
President

(M. Serret)  
Member

(Y.G.M. Atchia)  
Member

22nd September, 1998