The following industrial dispute was referred to the Tribunal for settlement under section 82(1)(f) of the Industrial Relations Act 1973, as amended:

“Whether Mr. Luximon Cooshnea should be granted at least two increments in the context of existing regulations on increment credit for additional qualification on the basis of the fact that he possesses qualifications equivalent to a Diploma, or otherwise.”

2. In his statement of case, the applicant avers that the present dispute was referred to the Industrial Relations Commission on 21.12.99 under section 82(1)(c) of the Industrial Relations Act 1973 where he submitted that he was Instructor at the Industrial and Vocational Training Board (IVTB) and transferred to the Technical School Management Trust Fund. He was holder of the following qualifications:

(1) Certificate in Electrical work (Course A)- City and Guilds London Institute (1978)
(2) Basic training Course in Electrical Maintenance awarded by the Industrial Trade Training Centre- Beau Bassin (1978)
(3) National Trade Certificate (Electrician) awarded by the National Council for Vocational Training, India (1984).

3. He therefore claimed that two additional increments be awarded to him and he relied on a circular regarding recommendations of the Standing Committee on Incremental Credit for additional qualifications to support his claim. He further avers that IVTB management agreed before the Commission to grant applicant one additional increment as he had already been allowed one increment.
4. The Commission in its report dated 13.3.2001 recommended that applicant be allowed one additional increment and that the respondent (TSMTF) should make the necessary adjustment in his salary scale.

5. The respondent in return avers that the applicant, an Ex IVTB instructor has been permanently transferred to respondent’s establishment since December 1995 and admits as to the existence of the industrial dispute before the Industrial Relations Commission and its recommendations.

6. It is further averred that the matter was referred by the respondent for advice to the Ministry for Civil Service Affairs and the latter stated that applicant should invariably be granted one increment credit for additional qualifications, which increment according to the Ministry, he has already obtained.

7. It is an undisputed fact that applicant possesses qualifications equivalent to a Diploma and this is confirmed in the Industrial Relations Commission’s recommendations.

8. It is equally accepted that he studied for more than two years for the Diploma.

9. There is also no qualm regarding the first increment to be paid.

10. The sole issue left to be decided is that of the second increment and who should foot the bill.

11. A close look at the “Recommendations of the Standing Committee on Incremental Credit for Additional Qualifications” (03.07.95) shows the period of time required to be spent for studies to benefit for the number of increments, the relevant part of which reads:

   “Only a qualification which –
   (a) -----------------------------
   (b) has been obtained as a result of studies, whether
carried on one’s own or as a result of a fellowship,
of at least one academic year duration, full-time or
its equivalent in terms of contact hours/ part time
studies

would qualify for incremental credit subject to the following conditions:

   (i) -----------------------------
   (ii) -----------------------------
   (iii) -----------------------------
   (iv) -----------------------------
   (v) -----------------------------
   (vi) the number of incremental credits for
 additional qualifications would in no case
 exceed three. Increments would, subject to
 recommendation (vii) below, be granted as
 follows: -
For additional qualifications requiring

(a) up to 2 years study full time - 1 increment
   or equivalent part time
(b) above 2 years up to 3 years study - 2 increment
(c) above 3 years study full time or - 3 increment
   equivalent part time

12. However, a document dated 10.10.2002 emanating from the Ministry of Education and Scientific Research addressed to the applicant clearly and in no uncertain terms states that “The standing Committee set up to determine the award of incremental Credit for additional qualification requiring up to two years full time study or its equivalent part-time which may result in the award of a Diploma. The Standing Committee has ruled out that irrespective of the length of study undertaken to obtain a Diploma only one incremental credit will be granted to such level of qualification.” (Underlining is ours.)

13. We therefore conclude that the applicant who studied for the Diploma, albeit for more than two years, is not entitled to the second additional increment claimed.

14. The Tribunal awards accordingly.

R Hossen
Vice President

H Ghirdaree
Member

B Ramburn
Member

This 09.07.2003