CIVIL SERVICE ARBITRATION TRIBUNAL

AWARD

A. INTRODUCTION

1. In the matter of: The Union of Post Office Workers (hereinafter referred to as the Union) on behalf of Government: Postmen, Postmen drivers and Assistant Postmen and the Government of Mauritius.

The Tribunal composed of:

- L. J. Jacques Vallet - President
- D. Soopramanien - Assessor
- Dr. C. Yip Tong - Assessor

proceed to enquire into the following industrial dispute referred to it by the Minister responsible for the Public Service, namely the Prime Minister on the 27th February, 1975 in accordance with the provisions of Sections 82 (f), 99 & 100 of the Industrial Relations Act, 1973, viz:

“In view of paragraphs 2, 6 and 8.24.3 of the Sedgwick Report, the Union claims that the scheme of service for the post of Postal Officer should be amended to enable Postmen who do not hold the necessary academic qualifications to be considered for promotion thereto by way of a special entry examination.”

2. “The parties were represented by Messrs Shreedhyan Ramphul, Mohun Sungkur and Tamayah Kamayah, respectively President, General Secretary and Member "of the Union on behalf of the Staff Side and by Messrs L. Ramsamy and M. Garia, Administrative Officers, Prime Minister's Office and J. Purmessur, Postmaster General on behalf of the Official Side.

3. Written statements of case were presented to the Tribunal by all parties to the dispute, and were duly filed.

4. Two preliminary sittings were held in March 1975 at Port Louis and in the course of three sittings held at the premises of the Tribunal in Port Louis ending on the 8th July, 1975 oral and documentary evidence was adduced.

5. The Tribunal is thankful to both Sides for their unimpassioned approach to the problem posed to the Tribunal and for the help they readily gave whenever further information was needed.

B. CONSIDERATIONS

B. 1 The dispute referred to the Tribunal is whether Postmen, Postmen drivers and Assistant Postmen should be eligible for promotion to posts of Postal Officer by way of a special entry examination as recommended by the Salaries Commissioner, Mr. Sedgwick, at paragraph 8.24.3 of his Report, and the Union therefore claims that the scheme of service which requires academic qualifications be amended.

B. 2 The Official Side is opposed to the claim. It states that Government has accepted Mr. Sedgwick's wage and salary proposals only and not every recommendation or suggestion made. It also states that the Public Service Commission and the Government do not in principle conduct examinations for which facilities are available locally.

B. 3 Inter alia, the Official Side's case is also that the Union's request, if agreed to, would be a
retrograde step when in general qualifications are" being raised for most, if not all, posts in the Service".

B.4 The Staff Side relies on the relevant paragraphs of Mr. Sedgwick's Report and the fact that previously Postmen who did not possess the required qualifications could aspire to promotion to the post of Postal Officer; and several names are quoted in support of their contention.

B.5 There is no controversy about the fact that for quite a long time, candidates to the posts of Postal Officer had to have specific academic qualifications. As from 1955 however it was made clear that Postmen who did not possess these qualifications could still be eligible, provided they were recommended as required and were" considered as being in every way suitable for promotion to the higher class or grade ".

B.6 In this connection there was a Circular instruction emanating from the Office of the Postmaster General dated the 13th October, 1955.

B.7 In 1965, as there were a number of differences existing between the Official Side and the Union, a special Committee of the Posts and Telegraphs Departmental Whitley Council was appointed under the Chairmanship of Mr. A. R. Osman, a retired Judge of the Supreme Court, as he then was,

B.8 It appears that the present question was also considered and the Committee recommended that the provision of G. O. E. 1/1/11 (c) might be incorporated in advertisements for posts of Postal Officer Grade II.

B.9 The Chairman of the Committee stated in his report that "...both the Official and Staff Sides appeared to accept the decision of the independent members with a good grace save on two items..."
(Note: The two items referred to have nothing to do with the present case).

B.10 It seems therefore that as far back as September 1966, the Official Side accepted the principle of promotion of Postmen etc. to the post of Postal Officer Grade II, provided Postmen, Postmen drivers and Telegraph Messengers had' sufficient experience and merit'. This is recorded in the minutes of the Departmental Whitley Council of 22nd September, 1966 which reads as follows:

"Item 6. Promotion to Postal Officer Grade II
It is not considered there is sufficient justification for the acceptance of the recommendations of the Special Committee as there is already sufficient latitude in G.O.E. 1/1/11 for serving Postmen, Postmen drivers and Telegraph Messengers to obtain promotion to Postal Officer Grade II, if they have sufficient experience and merit".

B.11 On the 12th August, 1967, the Public Service Commission became executive and the new regulations made by the Public Service Commission have superseded the General Orders (Establishment) which until then regulated appointments and promotions.

B.12 As from that date therefore G.O.E. 1/1/11 which merely a year before was specifically cited as being part of the conditions of service of Postmen, Postmen drivers and Telegraph Messengers
became obsolete.

B. 13 The Tribunal agrees with the official side with regard to the principle that the raising of qualifications for responsible posts will tend to raise the standard of the Officers and improve the Service, and that consequently it would be a retrograde step to do away with qualifications which are reasonably required for the filling of such posts. The Tribunal considers that the academic qualifications presently required for the post of Postal Officers are reasonable.

B. 14 On the other hand, the Tribunal feels that the circumstances have been such that something should be done for those officers who previous to the 12th August 1967 could legitimately aspire to be promoted to the post of Postal Officer Grade II, and whose aspirations became a dead letter when the Public Service Commission became executive.

B. 15 The Tribunal therefore is prepared to consider as an exception the case of these officers who may have suffered a prejudice because of a change in their conditions of service.

C. A WARD

C. 1 The Tribunal awards as follows;

(a) All Postmen and Postmen drivers appointed before the 12th August, 1967 shall be given an opportunity to be appointed as Postal Officer provided they pass a special examination to be held for all of them as soon as the matter can be arranged and in any case not later than 31st March, 1976. It is suggested that the Mauritius Institute of Education be approached with a view to conducting such an examination, the standard of which should aim at ascertaining that the candidates have sufficient knowledge of English, French and Arithmetic to perform the duties of Postal Officer.

(b) Postmen and Postmen drivers having successfully passed such an examination will not automatically be promoted, they will only become eligible for promotion;

(c) Any Postman or Postman driver who is appointed to the post of Postal Officer after having passed the special examination provided under paragraph (a), will not be entitled to further promotion unless he obtains the basic academic qualifications laid down for the post of Postal Officer.

L. J. J. VALLET
President

D. SOOPRAMANIEN
Assessor

C Yip Tong
Assessor

17th September 1975