

EMPLOYMENT RELATIONS TRIBUNAL

AWARD

RN 36/11, RN 37/11

Before

**Indiren Sivaramen – Vice-President
Geeanduth Gangaram – Member
Abdool Feroze Acharauz- Member
Hurryjeet Sooreea - Member**

In the matter of:-

RN 36/11

Mr Deoraz Gooriah

(Disputant No1)

And

Mauritius Revenue Authority

(Respondent)

RN 37/11

Mrs Maneshwaree Mavintah Ramdeny (Disputant No 2)

And

Mauritius Revenue Authority

(Respondent)

On 7 December 2010, the disputants reported to the President of the Commission for Conciliation & Mediation, the existence of a labour dispute between each of them and the Respondent. No settlement has been possible between the parties and both disputes were referred to the Tribunal in terms of section 69(7) of the Employment Relations Act 2008. The terms of reference in the case of Disputant No 1 are fairly similar to those in the case of Disputant No 2 except for the salaries mentioned and read as follows:

(i) Whether, having regard to the disputant's basic salary as at 1 July 2006, his gross salary as at June 2008 and the Conversion Tables, the Respondent has acted fairly by offering to the disputant, a salary of

Rs51250, with effect from 1 July 2008, effective date of implementation of the revised salaries, together with a non-pensionable allowance of Rs 12328 – in lieu of an increase in salary as per the Conversion Tables;

(ii) Whether the Respondent has, in its review of salaries and conditions, acted in a discriminatory manner, with regard to the disputant, inasmuch as on the basis of the conversion exercise carried out by the Respondent, the salary which ought to have been awarded to the disputant, having regard to the conversion, ought to have been above Rs 64 000, and in any case not less than Rs64 000 with effect from 1 July 2008;

(iii) Whether, in the circumstances, having regard to Respondent's review of salary and conditions applicable to its staff, Respondent was right to have offered to the disputant a revised pensionable salary of Rs 51250 together with a non-pensionable allowance of Rs 12328;

(iv) Whether the disputant should, with effect from 1 July 2008, have his salary of Rs50 024 drawn as at 30 June 2008 adjusted to include any increment due on 1 July 2008, and then converted to the corresponding point in the Conversion Tables, and thereupon maintain that converted salary as his personal pensionable salary.

Since the disputes in both cases relate to the same issues, the two cases were consolidated.

The matter has been started, arguments heard on a preliminary objection raised on behalf of the Respondent and a ruling has been delivered. There was an application made before the Supreme Court for leave to be granted for a judicial review of the ruling of the Tribunal. The present matter was thus called before the Tribunal and rescheduled on a number of occasions with the consent of counsel appearing for all the parties.

The parties have meanwhile been able to negotiate, and the Tribunal is pleased to note that they have finally reached an agreement which, in our view, can only restore and maintain harmonious industrial relations at the Respondent.

The parties have to-day moved for an award in terms of the agreement reached as follows:

“Mr. Deoraz Gooriah (“Disputant No.1”) and Mrs. Maneshwaree Mavintah Ramdeny (“Disputant No.2”), parties on the one hand, and the Mauritius Revenue Authority (the “MRA”), party on the other hand, have agreed as follows-

- 1.1 “Following the Salary Review of 2011, Disputant No.1 and Disputant No.2 have agreed to be bound by the new conditions of service and the salary structure provided by the said Salary Review.
- 1.2 Disputant No.1 and Disputant No.2 have accordingly signed their Option Form and returned the same to the MRA before 28 December 2011.
- 1.3 In virtue of the Salary Review of 2011, Disputant No.1 is presently drawing a basic salary of Rs 62,400, together with a pensionable allowance of Rs12,328 with effect from 1 July 2011.
- 1.4 In virtue of the Salary Review of 2011, Disputant No.2 is presently drawing a basic salary of Rs 62,400, together with a pensionable allowance of Rs 10,755 with effect from 1 July 2011.
- 1.5 The MRA has agreed to make the pensionable allowance effective as from 1 July 2008, notwithstanding the fact that relevant option forms were not signed by the Disputants in respect of the Salary Review of 2008.
- 1.6 Accordingly, the MRA shall pay to Disputant No.1 the sum of Rs 217,224, representing the net amount due by way of arrears of salary for the period 1 July 2008 to 30 June 2011 inclusive, after taking into account all statutory contributions for pension, FPS and other benefits as may be required.
- 1.7 Respondent shall pay to Disputant No.2 the sum of Rs 259,354, representing the net amount due by way of arrears of salary for the period 1 July 2008 to 30 June 2011 inclusive, after taking into account

all statutory contributions for pension, FPS and other benefits as may be required.

- 1.8 For the purposes of the computation of '*pension benefit*', that is both pension and lump sum, of both Disputants, the '*pensionable emoluments*' shall include the salary as well as the '*personal pensionable allowance*' drawn by Disputants at the date of their retirement from service, in accordance with the provisions of the Pensions Act and the Statutory Bodies Pension Funds Act."

Parties having moved for an Award in terms of the agreement, the Tribunal awards accordingly.

The disputes are otherwise set aside.

(SD) Indiren Sivaramen

Vice-President

(SD) Geeanduth Gangaram

Member

(SD) Abdool Feroze Acharauz

Member

(SD) Hurryjeet Sooreea

Member

22 March 2012