

# EMPLOYMENT RELATIONS TRIBUNAL

ERT/RN 53/14

## AWARD

Before

<b>Rashid Hossen</b>	-	<b>President</b>
<b>Ramprakash Ramkissen</b>	-	<b>Member</b>
<b>Rabin Gungoo</b>	-	<b>Member</b>
<b>Triboohun Raj Gunnoo</b>	-	<b>Member</b>

In the matter of:-

**Mr Awadhkoomarsing Balluck**

**(Disputant)**

**And**

**The State of Mauritius**

*represented by*

**Ministry of Labour, Industrial Relations &  
Employment**

**(Respondent)**

**In presence of: Ministry of Civil Service & Administrative  
Reforms**

**(Co-Respondent)**

On 10<sup>th</sup> March 2014, Mr Awadhkoomarsing Balluck, Deputy Registrar of Associations reported to the President of the Commission for Conciliation and Mediation the existence of a labour dispute between himself and the State

of Mauritius as represented by the Ministry of Labour, Industrial Relations & Employment in presence of the Ministry of Civil Service & Administrative Reforms as per **Section 64(1)** of the **Employment Relations Act 2008** (Act No. 32 of 2008) as amended.

No settlement could be reached and the Commission referred the labour dispute to the Tribunal for arbitration in terms of **Section 69(7)** of the **Employment Relations Act 2008** as amended.

The dispute is in relation to Recommendation **12A in paragraph 10.55C** of the **PRB Errors, Omissions and Clarifications Report 2008** and whether the Disputant should be paid an amount of Rs 11,250 (Rs1,250 per month for period July 2009 to March 2010).

In his Statement of Case, Disputant avers:-

1. At para 3.9 (i) of the PRB Errors, Omissions and Clarifications Report 2008, there is a recommendation which reads:

*“We recommend that officers who in the pre-PRB 2008 salary structure were drawing basic salary of:*

- (i) Rs 30000 to Rs 35000 should be granted one additional increment on conversion, subject to the maximum of the revised salary scale.*

*This recommendation shall be implemented only **hypothetically** from 1 July 2008 and effectively from 1 July 2009.”*

2. Para 10.55C, Recommendation 12A of the PRB Errors, Omissions and Clarifications Report 2008, reads:

*“We recommend that officers drawing salary in a scale the maximum of which is not less than Rs 45000 and not more than Rs 48750 and having reached the top of their respective salary scales should be allowed to move incrementally up to a maximum of one increment in the Master Salary Scale provided they have:*

- (i) drawn top salary for a year;*
- (ii) been consistently efficient and effective in their performance during the preceding two years and*
- (iii) not been adversely reported upon on ground of conduct.”*

3. Prior to the PRB 2008 Report, Disputant was drawing the monthly salary of Rs 32000.
4. On conversion, in accordance with the PRB 2008 Report, as from 01 July 2008, his monthly salary came to Rs 46250.
5. According to the recommendation cited at paragraph 1 above, he should have drawn, albeit **hypothetically**, one additional increment on conversion which brings the monthly salary to 47500 which is the top salary in his scale which was: Rs 33750 x 1250 – 47500.
6. In line with paragraph 5 above, he considers having drawn the top salary for one year **hypothetically** though not effectively, up to 30 June 2009.
7. In accordance with the recommendation cited at paragraph 2 above, he considers being entitled to move incrementally up to a maximum of one increment in the Master Salary Scale on 01 July 2009 as he drew the top

salary of Rs 47500, though **hypothetically**, for a year, that is, July 2008 to June 2009.

8. The Ministry of Labour, Industrial Relations and Employment, has in a letter dated 18 January 2013 addressed to his union, informed that his basic salary with effect from 01 July 2008 was Rs 47500 **hypothetically**.
9. He was effectively allowed to move incrementally up to a maximum of one increment in the Master Salary Scale with effect from 01 April 2010.
10. He considers that the Ministry of Labour, Industrial Relations and Employment should have allowed him to move incrementally up to a maximum of one increment in the Master Salary Scale with effect from 01 July 2009, the date at which he had already reached the top salary of Rs 47500, though **hypothetically** instead of 01 April 2010; he therefore claims Rs 11250 representing 9 months of increment of Rs 1250 each.
11. He prays that the Tribunal awards accordingly.

Mr Luchmyparsad Aujayeb, Assistant Parliamentary Counsel appeared for the Respondent and Co-Respondent. On the 10<sup>th</sup> of July 2014 he informed the Tribunal that the matter had been resolved and that the Co-Respondent had already informed the Ministry of Labour, Industrial Relations and Employment that the employer i.e. the Government of Mauritius had approved the grant of an increment beyond top salary to Disputant in accordance with **paragraph 10.55C of Errors, Omissions and Clarifications Report 2009**, as from 1<sup>st</sup> July 2009 instead of 1<sup>st</sup> April 2010 notwithstanding the fact that Disputant had not effectively drawn the top salary of Rs 47500 for a year.

The Disputant ratified same and moved for an Award in terms of the agreement.

The Tribunal awards accordingly.

**SD Rashid Hossen**  
**(President)**

**SD Ramprakash Ramkissen**  
**(Member)**

**SD Rabin Gungoo**  
**(Member)**

**SD Triboohun Raj Gunnoo**  
**(Member)**

**Date: 22 July 2014**