

EMPLOYMENT RELATIONS TRIBUNAL

AWARD

ERT/RN 05/14

Before:

Rashid Hossen	– President
Souarain Ramana	– Member
Rajesvari Narasingam Ramdoo (Mrs)	– Member
Georges Karl Louis	– Member

In the matter of :-

University of Technology Mauritius Employees' Union

Disputant

And

University of Technology Mauritius

Respondent

The University of Technology Mauritius Employees' Union, hereinafter referred to as the 'Union' and the University of Technology Mauritius, hereinafter referred to as the 'UTM' lodged the present dispute before the Tribunal for voluntary arbitration.

Both parties were assisted by Counsel.

The Terms of Reference of the said dispute are:

“Whether the excess payment as per UTM’s Policy Practice since 2008 should be payable by UTM to Heads of Schools/Heads of Department/Officers in Charge in post during the period January 2012 to July 2013 for Excess Work Done at the University (UTM).”

UTM resisted to the demand of the Union and both parties filed Statements of Case.

After considering all the documents produced (Statements of Case and annexures) the Tribunal invited the parties to endeavour through conciliation to resolve the matter in dispute.

The parties have since held discussions and negotiations under the supervision of the Tribunal. They willingly expressed their common desire not to pursue the dispute referred above and instead, decided to work towards an agreement in order to put an end to the dispute. The parties after several mutual and reciprocal concessions have therefore negotiated the present *“transaction”* which is expressly stated by the parties to be governed by the Laws of Mauritius Article 2044 of the Code Civil and more especially Article 2052 which provides that

“*transactions*” have “*l’autorité de la chose jugée en dernier resort*” and may not be revoked on the ground of error or of “*lesion*”.

UTM AND THE UNION HAVE AGREED AND COVENANTED AS FOLLOWS:

1. UTM agrees to effect payment to the following academic staff for the excess work done at UTM for the period of January 2012 to July 2013:
 - (a) To Chandradeo BOKHOREE, a total of Rs 398,160, payable in three instalments of Rs 132,720 at the end of February, June and November 2016.
 - (b) To Desai Soolakkshna BHIWAJEE, a total of Rs 156,030, payable in three instalments of Rs 52,010 at the end of February, June and November 2016.
 - (c) To Prabha Ramseook MUNHURRUN, a total of Rs 156,030, payable in three instalments of Rs 52,010 at the end of February, June and November 2016.
 - (d) To Banu Shireen PANCHOO, a total of Rs 161,910 payable in three instalments of Rs 53,970 at the end of February, June and November 2016.
 - (e) To Iqbal Ahmud Arshad PEER, a total of Rs 160,650, payable in three instalments of Rs 53,550 at the end of February, June and November 2016.

- (f) To Sameer Mohammad SUNHALOO, a total of Rs 398,160, payable in three instalments of Rs 132,720 at the end of February, June and November 2016.
 - (g) To Hans Rishi HEERASING, a total of Rs 99,960, payable in three instalments of Rs 33,320 at the end of February, June and November 2016.
 - (h) To Aleesha BOOLAKY, a total of Rs 53,550, payable in three instalments of Rs 17,850 at the end of February, June and November 2016.
 - (i) To Deepika FAUGOO, a total of Rs 223,300, payable in three instalments of Rs 74,433.33 at the end of February, June and November 2016.
 - (j) To Odit MOHUNPRASADSING, a total of Rs 114,240, payable in three instalments of Rs 38,080 at the end of February, June and November 2016.
 - (k) To Dambeegan PADACHI, a total of Rs 183,960, payable in three instalments of Rs 61,320 at the end of February, June and November 2016.
2. Mr Dudley TSE KAI WAI, the President of the Union and Mr Chandradeo BOKHOREE, another representative of the Union, as well as Mrs Sapna BONOMALLY, Acting Assistant Registrar of UTM who represents UTM are in attendance, declare being aware of the aforesaid statement and agreement, and ratify same.

Both parties having moved for an award in terms of the above agreement, the Tribunal awards accordingly.

(Sd) Rashid Hossen
(President)

(Sd) Sounarain Ramana
(Member)

(Sd) Rajesvari Narasingam Ramdoo (Mrs)
(Member)

(Sd) Georges Karl Louis
(Member)

9 December 2015