

# EMPLOYMENT RELATIONS TRIBUNAL

## AWARD

**ERT/RN 19/15**

Before:

Rashid Hossen	– President
Raffick Hossenbaccus	– Member
Jay Komarduth Hurry	– Member
Renganaden Veeramootoo	– Member

In the matter of :-

**Dr Dharamraj Lutchmun**

**Disputant**

**And**

**State of Mauritius**

**Respondent**

On 15<sup>th</sup> December 2014, Dr Dharamraj Lutchmun reported to the President of the Commission for Conciliation and Mediation the existence of a labour dispute between himself and the Ministry of Health & Quality of Life in accordance with Section 64(1) of the

Employment Relations Act 2008, as amended. Conciliation meetings were held at the Commission but no settlement was reached. After consideration, the Commission referred the labour dispute with the consent of the worker to the Tribunal for arbitration in terms of Section 69(7) of the Employment Relations Act 2008 with the following Terms of Reference:

*“Whether, my salary as a Senior Specialist, appointed in the service of the Ministry of Health and Quality of Life, on 26 April 2005, be adjusted in compliance with recommendation EOAC 225, paragraph 34.46 B of the Errors, Omissions, Anomalies Committee 2013.”*

The Tribunal wishes to place on record the positive attitude of Respondent and Respondent’s Counsel to enable the proper party to be before the Tribunal. The Commission has been reminded on a number of occasions already of the importance of the referral. The Commission has to see to it that disputes are referred with the proper parties to the Tribunal.

Disputant avers that he is a general surgeon and is employed by Respondent as Specialist/Senior Specialist. He joined service with Respondent as a medical and health officer on the 31<sup>st</sup> July 1995. He was thereafter assigned duties as a specialist on the 10<sup>th</sup> March 2004 with effect as from the 1<sup>st</sup> January 2004 and was appointed in the grade of specialist/senior specialist on the 20<sup>th</sup> April 2004. With the

release of the PRB report 2008, he avers that an anomaly was created in the salary of specialists/senior specialists inasmuch as the salary of officers, including that of disputant, appointed in the grade of specialists/senior specialists prior to 1<sup>st</sup> July 2008 was lower to that of officers appointed in the same grade after the 1<sup>st</sup> July 2008. He further avers that the said anomaly arose when an allowance of one increment for each year of service in an acting capacity at the level of specialist was used to determine the entry point on a substantive appointment of a specialist.

On 14<sup>th</sup> July 2015, the parties informed the Tribunal that an agreement has been reached and which reads:-

***“AGREEMENT***

*The Respondent undertakes to adjust the salary of the Disputant and states that the salary payable as from January 2015 to the disputant is Rs 86,000 monthly. The disputant will get a back pay as from the 1<sup>st</sup> January 2013 as at date to compensate for the difference in the salary drawn and the salary payable in line with the EOAC Report. There are certain increments in the case of the disputant which date before 2013, which had not been paid and will therefore be adjusted accordingly. The salary payable and the adjustments will be effected in line with the table produced.”*

The parties moved for an Award in terms of the agreement.

The Tribunal awards accordingly.

***(Sd) Rashid Hossen  
President***

***(Sd) Raffick Hossenbaccus  
Member***

***(Sd) Jay Komarduth Hurry  
Member***

***(Sd) Renganaden Veeramootoo  
Member***

20<sup>th</sup> August 2015