

# PERMANENT ARBITRATION TRIBUNAL

## AWARD

RN 579

Before:

Rashid HOSSEN	-	Acting President
Binnodh RAMBURN	-	Member
Rajendranath SUMPUTH	-	Member

In the matter of:

*Local Authorities Employees Union*

*and*

*The Municipal Council of Vacoas/Phoenix*

*And*

*In presence of:-*

*Ministry of Local Government*

This dispute has been referred by the Minister of Labour, Industrial Relations and Employment for Compulsory Arbitration by virtue of section 82(1) (f) of the Industrial Relations Act 1973 as amended.

The Local Authorities Employees Union is hereafter referred to as the applicant and the Municipal Council of Vacoas/ Phoenix, as Respondent.

The matter was called in presence of the Ministry of Local Government.

Both parties were represented by Counsel.

The points in dispute are:-

- (i) Whether the Head of Income should be sponsored by the Municipal Council of Vacoas Phoenix to follow a course at the University of Mauritius on the Diploma in Management with specialisation in Financial Management (2 year part time) or otherwise.*
- (ii) Whether employees as per Annex 1 should be paid incremental credit for additional qualifications as per Circular Note No 5 of 1995 (29/001/03/024/01) at Annex II or otherwise.*

*(iii) Whether Mrs Meghevedee Ramsamy (Typist/Stenographer) should be appointed Clerk as per scheme of service of Clerk ref MIG 18299/18 at Annex (iii) or otherwise.*

Counsel for the applicant made a motion to the effect that that disputes (ii) and (iii) be set aside. Both those disputes are accordingly set aside.

In its Statement of Case, the applicant avers that :-

- the head of Income of the Municipal Council of Vacoas/Phoenix in the present dispute is Mr. SANGOY SEERUTTUN.
- in March 1997, Mr. Seeruttun applied to the Municipal Council of Vacoas/Phoenix for the release and sponsorship to follow a two year part-time diploma course in Management with specialisation in Financial Management conducted by the University of Mauritius, the total fee payable to the University for the two-year course amounted to Rs 41,000.
- in May 1997, the Council approved his request and in August, he obtained a seat at the University and he was given clearance to attend the said course.
- in December 1997, Mr. Seeruttun was informed that the sponsorship has been rejected by the Ministry.

In its Statement of Case, the Municipal Council of Vacoas/Phoenix avers that:-

- in submitting his application for admission at the University of Mauritius to follow the course leading to the Diploma in Management with specialisation in Financial Management, he has on the 26<sup>th</sup> of March 1997, made a request that he may be sponsored and released to follow same. Council, at its meeting held on 14<sup>th</sup> May 1997, resolved that he be released on full pay and that the fees for the course be met by the Municipality, subject to approval of the Ministry of Local Government.
- as per Ministerial circulars dated 15<sup>th</sup> July 1991, and 27<sup>th</sup> November 1992, the case was referred to the Ministry for approval on 1<sup>st</sup> September 1997.

- in a letter dated 13<sup>th</sup> November 1997 from the Ministry, the town clerk was informed that the Head of Income should be considered as an officer following self-chosen course to whom leave may be granted to attend lectures at the University of Mauritius but should himself meet the course fees.

In its Statement of Case, the Ministry of Local Government avers that:-

- the course which Mr Seeruttun is following is considered to be self-chosen one, whereas the circular under reference empowers the local authorities to identify a training course for which they wish to sponsor a candidate, not a specific individual employee.
- the local authorities should, thereafter seek the approval of the Ministry before requesting the Local Government Service Commission to undertake a selection exercise to nominate the most suitable employee for sponsorship.

In the course of his testimony, the applicant denied that the course was a self-chosen one. He was not aware of the proceedings to be followed and the circulars on policy on training.

Mrs Yasmine Mamode CASSIM, Senior Personnel Officer, Ministry of Local Government explained the following:-

A self-chosen course means that the officer makes a request and the Council accepts. Normally, it is the Council which identified the training needs and then it sponsored the officer accordingly. Proper proceedings were therefore not followed. According to the witness there are circulars from the Ministry and the Local Government Service Commission to all local authorities, and the letter dated 5<sup>th</sup> of July 1991 gives all the criterias whereby officers are selected and how these are carried out. In all these procedures there is a bond, there is a condition for leave with full pay. The course is considered a priority requirement and then the officer has under regulation 12(a) of the Local Government Service Regulations 1984 as amended by Section 63 of the Local Government Act to be selected by the Local Government Service Commission.

The Tribunal has studied all the statements of case, documents produced and evidence adduced before it, and has had to decide on the specific point – “whether the course attended by Mr Seeruttun at the University of Mauritius was a self-chosen one”.

Referring to the Ministry's circular letter dated 5<sup>th</sup> of July 1991 – Responsible officers are reminded that while local authorities may decide to sponsor parties in training courses which is a priority requirement in the Local Government Service as approved by the Ministry of Local Government, they cannot sponsor an individual Local Government Officer, such sponsorship resting solely with the Local Government Service Commission.

Mr Seeruttun applied for admission at the University of Mauritius to follow the course leading to the Diploma in Management with specialization in Finance Management, following which, on the 26<sup>th</sup> of March 1997, he made a request for sponsorship.

The request for sponsorship, although, approved by the Council of the Municipality of Vacoas-Phoenix was subject to the approval of the Ministry and the Local Government Service Commission and was turned down for being a self chosen course.

Procedures for selection and sponsorship were not followed by the Municipality of Vacoas-Phoenix and Mr Seeruttun.

The dispute is therefore set aside.

**Rashid Hossen**

**Ag President**

**B. Ramburn**

**Member**

**R. Sumputh**

**Member**

**Date: 31<sup>st</sup> August 2006**

