

Permanent Arbitration Tribunal

AWARD

RN 825

Mr Raj Simatree

and

State Investment Corporation Management Services Ltd.

RN 826

Mr Pravin Bagumber

and

State Investment Corporation Management Services Ltd.

Before –

R. Hossen - Ag. President

B. Ramburn - Member

R. Sumputh - Member

The present disputes have been referred for compulsory Arbitration by the Minister responsible for Labour, Industrial Relations and Employment in accordance with **section 82 (1) (f) of the Industrial Relation Act 1973** as amended.

Mr P. Ruchpaul, of Counsel, appears for the Applicants. Mr M. Gujadhur, Attorney-at-Law, appears for the Respondent.

The items in disputes are:-

- *“Whether R. Simatree should have been or should be appointed as Assistant Surveillance Officer of Pit Boss”.*
- *“Whether P. Bagumber should have been or should be appointed as Assistant Surveillance Officer of Pit Boss”.*

The two cases have been consolidated as the disputes and the basic facts are the same.

Mr R. Simatree and Mr P. Bagumber are hereinafter referred to as the Applicant no 1 and no 2 respectively and State Investment Corporation Management Services Ltd as the Respondent. In his statement of case dated 7th July 2004, Mr R. Simatree avers that:

1. Sun Casinos Ltd is the applicant's employer.
2. SIC Management Services Ltd is a management company controlled by the State Investment Corporation of Mauritius. It manages the following casinos:-

Curepipe Casino, St Geran and La Pirogue (on behalf on Sun Casinos Ltd), Caudan, Troux aux Biches and Le Grand Casino du Domaine. SIC Management Services Ltd. is referred to as “the management company”.

3. All employees of the casinos may be posted by the management company at any one of the above casinos at any time and for any period of time. All employees who work under the control and supervision of the management company are remunerated by one or other of the above companies.
4. In the casinos there are and there have always been the following promotional post on the gaming floors of the casinos:

- | | | |
|----------------------|------------------------|---------------------------------|
| (a) Trainee Dealer, | (b) Dealer | (c) Trainee Inspector/Inspector |
| (d) Trainee Pit Boss | (e) Pit Boss | (f) Assistant Manager |
| (g) Duty Manager | (h) Senior Manager and | (i) Operations Manager. |

Any person from the rank of Inspector may be appointed Pit Boss.

5. Since 1991 there is a Surveillance Department under the control of a surveillance manager. The department acts as a security and surveillance service. Surveillance and Operations are 2 separate departments and the Surveillance Manager is not supervised by the Operations Manager.
6. The Surveillance Department recruits its staff from those who would have had the required gaming experience on the gaming floor of the casinos.
7. (a) These recruitments are and have always been made from the rank of Inspector from the gaming floor who have been in such post for at least 3 years and who have preferred to change from gaming to surveillance. If selected the recruit join surveillance as Assistant Surveillance Officers. They remain in this post for one year. Then assuming their performance is satisfactory, they are appointed Surveillance Officers.

(b) Any vacancies in the Surveillance Department for the initial post of Assistant Surveillance Officer are advertised internally.
8. At present the Surveillance Department has the following structure:-
 - (i) Assistant Surveillance Officers (A.S.O)
 - (ii) Surveillance Officers (S.O.)
 - (iii) Assistant Surveillance Managers
 - (iv) The Surveillance Manager.
9. For reasons stated in paragraph 7, it is possible that at any point in time there are no Assistant Surveillance Officers in the Surveillance Department.
10. Employees of grade (i) to (iii) in paragraph 8 may be posted by the management company at any one of the above casinos at any time for any period of time.
11. The Applicant no 1 is 41 years of age.

12. He holds a Cambridge School Certificate (1982) and a Certificate in Customer Care and Personal Grooming from the IVTB. He joined Sun Casinos Ltd as Dealer on 22 May 1988, working then on the gaming floors of the Curepipe, La Pirogue and Meridien Casinos, the last one then existing (all operated by the Management Company).
13. He was promoted Inspector in May 1991, a post he holds to this day.
14. He has a clean record, having never been reported for any fault, negligence or misconduct and has never received any warning, verbal or written.
15. He has an excellent attendance record and obtained an attendance award for 2002.
16. "Inspector" is promoted to "Pit Boss" following internal advertisement or memo.
17. The minimum requirement in terms of experience in the post of Inspector for promotion to the post of Pit Boss is 5 years.
18. For consideration for appointment in the casinos prior to the year 2000 (to any post) candidates had to go through an interview only. Since the year 2000, candidates do a written test followed by an interview.
19. Early in 2000 vacancies for the post of Assistant Surveillance Officer were advertised internally. Applicant no 1 applied for same and was interviewed in February 2000.
20. Following this interview, no appointments were made. Later the application procedure already completed was cancelled for no apparent reason(s).
21. Early in 2001 an internal advertisement was issued for the same vacant post of Assistant Surveillance Officer. However, applicant no 1 did not apply, and this for a number of reasons.

22. Early in January 2002 applications were invited internally for a number of posts of Pit Boss. He applied and performed a written test on 15.2.02 and was interviewed on 21.3.02. Only 3 candidates were appointed. He was informed by letter that he has been positioned on a waiting list valid for one year.
23. It was for the first time Applicant no 1 heard of this one year rule.
24. In September 2002 the post of Assistant Surveillance Officer was advertised again. He applied, did the test on 15.11.02 and interviewed on 26.11.02. He was not selected for appointment and understands the same one year rule applied.
25. In mid-2002, 2 Pit Bosses were suspended from their duties and were dismissed in or about February 2003.
26. Applicant no 1 did not benefit from his automatic appointment despite the fact that vacancies occurred before the expiry of one year.
27. Furthermore, 3 Surveillance Officers were dismissed from their employment on different dates within the same year (i.e. from April 2002 to April 2003). Three existing Assistant Surveillance Officers were promoted left vacant following such dismissals – which means before 2003. however, those who were on the waiting list, including applicant should have been appointed Assistant Surveillance Officer but they were not.

In the light of the above, the Tribunal is moved to award for the complainant in terms of the item of dispute as stated by the Minister.

The respondent (SIC Management Services Co. Ltd. and Sun Casinos Ltd) as "Management" avers the following in its statement of case:-

1. Management takes note of the contents of the Disputant's Statement of Case.
 - 1.1 As regards to the last part of paragraph 5 thereof Management states that although there are 2 separate departments, the managers thereof work in very close collaboration with each other.

1.2 Management does not agree with the contents of paragraph 6, 7a, 9, 15 and 23.

2. Management lays stress:-

- (a) On the fact that there is no automatic promotion as mentioned by Disputant.
- (b) That since the termination of employment of 2 Pit Bosses by management and 2 Pit Bosses by resignation, there were no vacancies for these posts.
- (c) That since the termination of employment of 3 Surveillance Officers by Management in September 2002 and March 2003, and of the confirmation of 4 Assistant Surveillance Officers as Surveillance Officers there are no vacancies for these 2 posts (Surveillance Officers and Assistant Surveillance Officers) under the circumstances, management respectfully submits that the dispute be set aside.

The Statement of Case dated 7 July 2004 of the second complainant namely Mr Bagumber is in a large extent similar in details to that of the first applicant. Mr Bagumber avers the same (verbatim) from paragraphs 1 to 10 to what the first applicant has averred. These will not be repeated here. Mr Bagumber also avers:-

- 11. He is 34 years of age, is civilly married since 1999 and has 2 children, one aged 4 years and the other 4 months.
- 12. He holds the following qualifications:-
 - (a) Cambridge School Certificate (1988) with credits in English, French, Mathematics, Technical Drawing, Art and Accounts.
 - (b) National Trade Craft Levels I, II and III taken in 1992. he joined Sun Casinos Ltd as Dealer on 1 October 1989, working then on the gaming floors of the 2 casinos operated by the company namely the St Geran and La Pirogue Casinos.
- 13. He was promoted Inspector in July 1993, a post he holds to this day.

14. He has a clean record, having never been reported for any fault, negligence or misconduct. He has further never received any warning, whatsoever, verbal or written.
15. He has an excellent attendance record and obtained an attendance award for 2002 and is expecting another one for 2003.
16. The post of Pit Boss is promotional from that of Inspector following internal advertisement or memo.
17. The minimum requirement in terms of experience in the post of Inspector for promotion to the post of Pit Boss is 5 years.
18. Ever since the casinos now operated by State Investment Corporation Management Services Ltd were founded up to the year 2000, for consideration of appointment in the casinos to any post including those of Assistant Surveillance Officers and Pit Boss, candidates only had to go through an interview. Since the year 2000, candidates do a written test followed by an interview.
19. Early in 2000 a number of vacancies for the post of ASO was advertised internally. No mention was made of the number of posts. Applicant no 2 applied for same as he satisfied the requirements for the post. He was interviewed in February 2000 and a few days later was informed verbally that he has not been selected for the post.
20. However, for months no appointments were made following the set of interviews of dozens of candidates. Later the application procedure already completed was cancelled for no apparent reason(s).
21. Early in 2001, an internal advertisement was issued for the same vacant post of Assistant Surveillance Officer. Again no mention was made of the number of posts. Complainant applied again for one of the posts.

22. This time he wrote a written test on 23 February 2001 and went through an interview.
23. Following this selection procedure, 7 persons were appointed to the post of Assistant Surveillance Officer. Complainant was verbally informed that he has been ranked 8th and as such would have to wait for an appointment to the post later, as he has been placed on a waiting list. This meant, complainant was told, that if for example someone in the post of Assistant Surveillance Officer was promoted to that of Surveillance Officer. He would be automatically promoted Assistant Surveillance Officer without any further selection procedure.
24. Early in January 2002, applications were invited internally for a number of posts of Pit Boss. Complainant applied again. He performed a written test on 15 February 2002 and was interviewed on 21 March 2002. Only 3 candidates were appointed. He was ranked 5th and was informed, this time by letter, that he has been positioned on a waiting list valid for one year.
25. It was for the first time applicant no 2 heard of this one year rule.
26. In September 2002 yet another set of Assistant Surveillance Officers was advertised. Applicant no 2 applied for same. He did a test on 15 November 2002 and was interviewed on 26 November 2002.
27. Subsequently he was informed verbally by Mr Graig Murray, the then Surveillance Manager that he was one of the 3 Assistant Surveillance Officers selected. However, after realizing that no letter was being sent to him to that effect, he contacted Mr Aref Salauroo, Administrative and Human Resources Manager, who informed him that in fact he had been ranked 5th at the selection procedure but would stand a chance of being appointed, if another vacancy arose within one year.
28. In mid-2002, 2 Pit Bosses were suspended from their duties. They were dismissed by their employer in or about February 2003.

29. Applicant did not benefit from his automatic appointment despite the fact that the vacancies occurred before the expiry of one year.
30. Furthermore, 3 Surveillance Officers were dismissed from their employment on different dates within the same year i.e. from April 2002 to April 2003. Three existing Assistant Surveillance Officers were promoted following vacancies after these dismissals – which means before April 2003. However those who were on the waiting list, including complainant, should have been appointed Assistant Surveillance Officer but they were not.

In the light of the above, the Tribunal is asked to award for the applicants in terms of item of dispute as stated by the Minister.

The Respondent (State Investment Corporation Management Services Co. Ltd and Sun Casinos Ltd) avers the following in its Statement of Case:-

1. Management takes note of the contents of Disputant's Statement of Case.
 - 1.1 As regard to the last part of paragraph 5 thereof Management states that although these are 2 separate departments, the managers thereof work in very close collaboration with each other.
 - 1.2 Management does not agree with the content of paragraph 6, 7a, 9, 15 and 23.
 - 1.3 Management is not aware of anyone having to inform disputant "Verbally" of his selection is alleged.
Management has no knowledge thereof until Disputant so stated in paragraphs 23 and 27.
2. Management lays stress:
 - (a) On the fact that there is no automatic promotion as mentioned by Disputant.
 - (b) That since the termination of employment of 3 Surveillance Officers, and the confirmation of 4 Assistant Surveillance Officers as Surveillance Officers there are no vacancies for these 2 posts (Surveillance Officers and Assistant Surveillance Officers).

Under the circumstances, management respectfully submits that the Dispute be set aside.

Mr Raj Simatree, examined by Mr P. Ruchpaul, of Counsel, swore to the correctness of his Statement of Case. The applicant also confirmed that:-

- (a) Never has any person been recruited in the Surveillance Department who has not operated in the gaming floor.
- (b) Further to an interview concerning the post of Assistant Surveillance Officer, the applicant has not received any letter that he has been positioned on a waiting list as Assistant Surveillance Officer as it has been before in respect of the post of Pit Boss.
- (c) There has been no appointment of Pit Boss within the year of the letter of waiting list.

Cross-examined by Mr Gujadhur, Attorney-at-Law, the applicant concedes that:-

- (a) Mention is not made of rank in the "waiting list" in the letter dated 10 April 2002 from Respondent following the selection exercises for the position of Pit Boss.
- (b) There is no automatic promotion mentioned in the said letter.
- (c) Since the resignation of Pit Boss or the dismissal of others by Management in 2002 and 2003, no appointment to the said posts have been made.
- (d) He is aware of the termination of employment of 3 Surveillance Officers and of 2 Pit Bosses in September 2002 and March 2003.
- (e) Two Pit Bosses Alain Ng and Satianand Boolatan resigned on 24 March 2003 and 1 January 2004.
- (f) The 4 Assistant Surveillance Officers appointed to the post of Surveillance Officers on 18 February and on 24 February are J. Adaken, D. Moorungapillay, S. Moorghen and P. Raj Beeharry.
- (g) One Pit Boss namely Marie Josée Pampooja died on 5 October 2003.

- (h) No appointments were made following the above resignations and termination of employment.
- (i) He did not go to meet Mr Aref Salaroo Administrative and Human Resources Manager or any other person in the Human Resources Department after he has not been selected for appointment as Assistant Surveillance Officers following the interview of 26 November 2002.
- (j) There is no difference in the tests and qualifications needed for the post of Pit Boss and Assistant Surveillance Officer.
- (k) Finally pressed upon questions from Mr Gujadhur, the Applicant admitted that Pit Boss and Assistant Surveillance Officer are 2 distinct posts and that is why there are 2 different interviews for these 2 posts.
- (l) The job of Pit Boss and that of Assistant Surveillance Officer are the same because the same written test, the same interview are effected and the same competence are needed.
- (m). He has not received any letter whereby he has been positioned on a waiting list.
- (n) Between 10 April 2002 and April 2003 there has been vacancies as Pit Boss, but no one has been appointed.
- (o) Not being appointed he feels that he has been victimized
- (p) He does not have the skill and aptitude in operating audio-visual equipment in casinos.
- (q) The job descriptions of Pit Boss and of Assistant Surveillance Officer are not the same. However, both jobs require the same qualifications and the interviews are the same.

Mr Simatree, re-examined by Mr Ruchpaul testifies that:-

- (i) Pit Boss works on the gaming floor, whereas the Assistant Surveillance Officer operates in the Surveillance Room.

- (ii) The Pit Boss, among other duties, does "watching" from the gaming floor. The Assistant Surveillance Officer and the Surveillance Officer also "watch" but in a different manner: by camera.
- (iii) The written test and the interview for the post of Pit Boss and of the Assistant Surveillance Officer are more or less the same.
- (iv) The job description of Assistant Surveillance Officer in document 2A is the same to which he was aware of before.
- (v) the duties listed 1 to 10 in document 2C is also the same to those which he was aware of before but a new element has been added to this document concerning qualification: "and having successfully followed designated training courses. This never existed before.
- (vi) Never after the year 2002 he has been informed that the required qualifications have been changed. This appears to be a device so as not to appoint them.
- (vii) He applied for both the posts of Pit Boss and of Assistant Surveillance Officer. Written test was done followed by interview. The interview was conducted by a panel of several persons.

Mr Pravin Bagumber, the second applicant, examined by Mr Ruchpaul swore to the correctness of his Statement of Case. The applicant also confirmed that:-

- (a) Following the interview in respect of the post of Assistant Surveillance Officer held on 23 February 2003, seven persons were appointed and Mr Prem Binjam, the Chief Executive Officer, informed him verbally that he was next on the list and he would be appointed Assistant Surveillance Officer.
- (b) In February 2003 Mr Sanjiv Jugessur Surveillance Officer was dismissed and in March 2003 Mr Sudhir Ransbeeharry was appointed Assistant Surveillance Officer.
- (c) The 3 Pit Bosses appointed pursuant to the interview of 21 March 2002 were Steve Auguste, Hardy and Clive Bhogun.
- (d) The 2 Pit Bosses who were dismissed in February 2003 were Eileen and Marjorie.
- (e) He does not have any letter that he has been positioned in a waiting list as Assistant Surveillance Officer.

Mr Bagumber cross-examined by Mr Gujadhur concedes that:

- (i) No rank has been mentioned in the letter dated 10 April 2002 where he was informed that he has been positioned on a waiting list for Pit Boss valid for one year.
- (ii) Except Sudhir Ransbeeharry who was appointed ASO in March 2003, no one has been appointed Assistant Surveillance Officer or Pit Boss after he received the said letter dated 10 April 2002.
- (iii) He does not have any letter that he has been positioned in a waiting list as Assistant Surveillance Officer.

Mr B.J. Gowreesunkur, Assistant Administrative and Support Manager examined by Mr Gujadhur affirms that:-

- (a) He has been authorized and deputed by the General Manager to appear on behalf of Management and to produce 3 lists relating to the last appointees as Pit Boss, Surveillance Officers and Assistant Surveillance Officers.
- (b) He has obtained this information from the respective files of each and everyone of the officers and affirm to the correctness of each of the entries in each of these three lists.

Mr Gowreesunkur cross-examined by Mr Ruchpaul concedes that:

- (i) Mr Areff Salaroo referred in the evidence was the group Human Resource Manager, but the witness does not know him personally.
- (ii) Mr Van Rooyen referred in Document 5 is as present the General Manager for SIC Management Services Co Ltd. who manages the Casinos of Mauritius and he was appointed as such around August 2006.
- (iii) There is only one person in the casinos known as Aarty Possoa. This employee holds the post of Pit Boss.
- (iv) There is only one person in the casinos known as Steve Auguste. He is a Pit Boss.

- (v) Clive Bhogun is a Pit Boss and there is only one person in the casino known as Clive Bhogun.
- (vi) Sudhir Ransbeeharry is a Surveillance Officer and there is only one person in the casino known by this name.

In his submission, Mr Ruchpaul points out that:-

1. The applicants have applied once or twice for the post of Pit Boss and for the post of ASO. He refers to the letter dated 10 April 2002 where it is said: "Well you have not been appointed this time but you are on a waiting list and you remain on that waiting list for a period of one year from April 2002 to April 2003." Mr Bagumber says that he interprets that letter as being one of the automatic promotion if there is a vacancy in the post of Pit Boss.
2. They are also concerned with the post of Assistant Surveillance Officer because any appointment is first made to the post of Assistant Surveillance Officer, the person remains in the post for 12 months and he is automatically appointed Surveillance Officer. So that is why the application is also for the post of Assistant Surveillance Officer. The post of Pit Boss and Assistant Surveillance Officer are of equal worth as they are both appointable from that of Inspector.
3. Mr Suhir Ransbeeharry was one of the unsuccessful candidate to the post of Assistant Surveillance Officer. Yet when there was a vacancy during the one year period concerned he was appointed as the next in line without the letter.
4. In Mr Bagumber's evidence given on 4 August 2006, applicant draws the attention of the Tribunal to the names of Eileen and Marjorie. These 2 were Pit Bosses and they have been dismissed but the management have chosen not to present their letters of dismissal before the Tribunal. The Applicant's side are simply saying that the vacancy was there as from that date.
5. Counsel is of the view that Mr A. Salauroo, who was obviously dealing with everything before the appointment of Mr Gowreesunkur should have been called before the Tribunal to establish what happened – this has not been done. There was a possibility of calling even the interviewers. Moreover relevant documents have not been produced.

6. In conclusion, Counsel humbly submits that this Tribunal awards for the Applicants.

Mr Gujadhur, in his submission firstly invites the Tribunal's attention to the Statement of Case of Management and to the admission of the 2 disputants that they agree that there is no automatic promotion mentioned in the letter of Responce dated 10 April 2001. It was the inference of the applicant that he was next on the list .

Mr Gujadhur also states that "when one person holds out for a job that does not necessarily mean that there is a vacancy which exists. There can be re-alignment of the staffing for economic reasons, operational requirements and efficiency.

He further emphasizes that Mr Bagumber admitted that there has been no appointment since vacancies arose either by resignation or dismissal.

According to Mr Gujadhur, it was not incumbent on management to bring letter of dismissal as Mr Ruchpaul has been laying stress upon. Management was saying that there has been no vacancy following the departure of X, Y and Z and there has been no appointment as Pit Boss within the year of the letter of waiting list. That area cannot be broadened. It is specific to Pit Boss.

Mr Gujadhur states that there has been only one appointment – Mr Sudhir Ransbeeharry as Assistant Surveillance Officer – which has been made on a specific date on 24 March 2003. He says that Management has the latitude to appoint persons pursuant to the practice of written test and interview and the interference of the disputant that his letter also applies to the position of Assistant Surveillance Officer is incorrect and untenable.

Finally Mr Gujadhur asserts that it has not been proved that Mr Bagumber has been victimised.

He humbly submits that the dispute be set aside.

After considering the testimonial and documentary evidence adduced this Tribunal notes the following:-

1. The terms of reference can be split as follows:-
 - Either Applicant should be appointed as Assistant Surveillance Officer.
 - Or Applicant should have been appointed as Assistant Surveillance Officer.
 - Or Applicant should be appointed as Pit Boss.
 - Or Applicant should have been appointed as Pit Boss.
2. Mr Raj Simatree applied for the post of Assistant Surveillance Officer twice (in the year 2000 and in 2002) and once for the post of Pit Boss in the year 2002. he did not apply for the job of Assistant Surveillance Officer in 2001 and this, as stated by him, for a number of reasons.
3. Mr Bagumber applied for the post of Assistant Surveillance Officer 3 times in the years (2000, 2001 and 2002) and once at Pit Boss in the year 2002.
4. Every time he reached the stage of interview he was not successful in being appointed. However both received a letter dated 10 April 2002 from Management that they have been positioned on a "waiting list" valid for one year for the post of Pit Boss. Mention is made in the letter that "in case of any vacancy that may arise in the post of Pit Boss, applicants will be offered the post according to an established order of offer".

No rank concerning the disputants have been mentioned in the letter. The applicants have interpreted the contents of this letter as being one of automatic promotion if there is a vacancy in that post. The applicants did not receive any letter concerning that they have been positioned in a waiting list as Assistant Surveillance Officer.
5. The Tribunal feels that the following 3 issues are arguable.

- (a) The "one year rule" in the letter dated 10 April 2002 from the Respondent as regard to the positioning as Pit Boss on a "waiting list".
- (b) The "addendum" to the qualifications in Document 2 C regarding the post of Pit Boss.
- (c) The fact that Mr Sudhir Ransbeeharry has been appointed Assistant Surveillance Officer on March 2003 following the dismissal of Sanjiv Jugessur (Surveillance Officer).

Looking at the above issues the disputants have the perception that they have been victimized. However, on management's side, particularly on item C above, they state they have such latitude.

6. As per the affirmation of the disputants, we view that they have been given hope that they would be appointed. For instance, when we refer to the Statement of Case of Mr Bagumber, the applicant avers that he was verbally told that he was ranked 8th when 7 persons were appointed Assistant Surveillance Officer following the interview held on 23 February 2001. He was also informed verbally by Mr Graig Murray that he was one of the 3 Assistant Surveillance Officers selected following the interview held on 26 November 2002.

7. The Tribunal also views that:

1. There is no guarantee of vacancy when employees resign or are dismissed.
2. There is no automatic promotion.
3. Pit Boss and Assistant Surveillance Officer are two distinct jobs and there are no common interview for the two posts.

No Pit Boss have been appointed after April 2002. The applicants have not convinced this Tribunal that Respondent have acted in bad faith in not appointing them as Pit Boss or Assistant Surveillance Officer.

We find no cogent evidence that the complainants have been victimized.

If the applicants felt that Mr Salauroo's letter and statement, if any, were of consequence to their case, nothing prevented them from calling him as a witness. Suffice it to say that the confusion he caused in his letter triggered this very dispute. Indeed, the essential part of Mr Salauroo's letter reads: "*In case of any vacancy arise in the above position, you will be offered the position according to an established order of offer*". No doubt there is a proviso to such an offer. It is not an automatic filling up of a post. The maker of that statement would have certainly shed light on what he exactly meant.

The Tribunal held the following in **Award F. Cesar and CWA RN 785 of 2005**:-

"The Tribunal holds that, subject to an abuse of powers on the part of management (**Mrs D.C.Y.P. and Sun Casinos RN 202 1988**), matters regarding appointment and promotion of employees are essentially within the province of management. (**Mr Pottier and Ireland Blyth Ltd RN 279 of 1994, A. Ayrga and Tea Board RN 575 of 1998**). "

See also **RN 155 S.P.Mootosamy and The Bank of Baroda (Award 1984)**.

8. For the reasons given, the Tribunal cannot award in favour of the applicants. Nevertheless we invite the management to consider the application of the complainants for appointment should there be any vacancy. We understand that management decides that the best and most deserving candidates are selected.

The Tribunal awards accordingly.

The dispute is otherwise set aside.

(sd)Rashid Hossen
Ag. President

Signature:.....

(sd)Binnodh Ramburn
Member

Signature:.....

(sd)Rajendranath Sumputh
Member

Signature:.....

Date: 22 February 2007

