

PERMANENT ARBITRATION TRIBUNAL

AWARD

RN 950

Before:

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

In the matter of:-

Dushiant Mewasing Ramlackhan

And

Beach Casinos Ltd

(Managed by State Investment Corporation Management Services Co.Ltd)

The matter was referred by the Ministry of Labour, Industrial Relations and Employment for arbitration by virtue of **Section 82 (1) (f) of the Industrial Relations Act 1973** as amended.

The points in dispute are:-

- (i) Whether the duties of Mr.D.N. Ramlackhan as Assistant Surveillance Manager (ASM), namely those duties which make him the seniormost among the four existing ASMs and next in charge of the Surveillance Manager (SM) or whoever is performing the duties of that post at any point in time, should have been taken away from him on 14 August 2006 and given to another ASM, namely Mr.Bheemal Dabeesingh.**

- (ii) **Whether Mr. D. N. Ramlackhan should be appointed Deputy Surveillance Manager (DSM), a post advertised internally by Management in or about April 2006, applied for by him but the result of which application he has not been apprised so far. Alternately, in case the post of Deputy Surveillance Manager is not on the establishment of the casinos managed by the SICMS and had not been created before the said advert, whether such post should be created and Mr. D. N. Ramlackhan appointed to it.**

On 10 November 2008, the Legal Representative of each party referred us to two letters which we reproduce here:-

1st Letter

"31 October 2008

Our Ref:01130/SW/lb

Mr. Dushiant Ramlakhan

Assistant Surveillance Manager

Mr. Ramlakhan

Re: Reversion to Surveillance Department

This has reference to a meeting we had in the office of the Managing Director at the State Investment Corporation in Port Louis whereby it was agreed to give you equal responsibilities similar to your colleague, Mr. Bheemal Dabeesingh.

To be in line with decision reached in a sense of common purpose and for the better functioning of the Surveillance Department taking into consideration your past and present well acquainted experiences in the surveillance field, you are therefore called upon to take duties in the Surveillance Department at the Head Office to share equal responsibilities with Mr. Bheemal Dabeesing with immediate effect.

Wishing you all the best in your duties and assuring you of our always best support.

Yours faithfully

Satyanand Woodun

Admin & Support Services Manager"

2nd Letter

" Date: 3 November 2008

To: Accounts Department (BCH)

Through the Group Accountant

Fm: Satyanand Woodun

Admin & Support Services Manager

O/Ref: 1134/SW/lb

Conc: Mr.I Dushiant Ramlakhan

Please note that Mr.Dushiant Ramlakhan will join the Surveillance Department to share equal responsibilities and duties as Mr. Bheemal Dabeesingh with immediate effect.

We rely upon the cooperation and understanding of one and all to give him the necessary assistance and support for the smooth running of the surveillance activities.

With thanks and Regards

Satyanand Woodun

Both Counsel moved for an award in terms of the contents of those two letters.

The Tribunal awards accordingly.

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Rashid HOSSEN
President

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Binnodh RAMBURN
Member

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Rajendranath SUMPUTH
Member

Date: 15th December, 2008