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Ex-coach has 'no legal standing'

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KUALA LUMPUR, Tues. - The High Court today held that former national athletics coach C. Ramanathan had no legal standing in filing a suit against Malaysian Amateur Athletic Union president Datuk Khalid Yunus over his suspension as a coach in 1994.

Judicial Commissioner Datuk R.K. Nathan said Ramanathan's claim for a declaration that the suspension was invalid must fail as he was not even an employee of MAAU.

Nathan, who dismissed the action with costs, said Ramanathan was only working on a voluntary basis without any contract between him and MAAU.

He added that Ramanathan was not an employee but had "merely rendered his services ex-gratia," for which the MAAU paid an allowance of RM700 per month without any Employees' Provident Fund deductions.

Ramanathan had sought for declarations that the notice of suspension from MAAU was invalid and that the suspension with effect from April 18, 1994, was null and void.

He also wanted an order for accounts to be taken of all arrears of salary, allowance and other benefits.

Ramanathan claimed that he was employed by MAAU as the coaching committee co-ordinator since 1993 and on April 18, 1994, he was suspended without pay by MAAU.

He said the letter of suspension did not state the reasons for his suspension nor the duration, adding that he was not given any notice of the impending suspension or given an opportunity to be heard.

Nathan said in his written judgment, Khalid had given evidence that Ramanathan was never an employee of MAAU, adding that until January 1992 the National Sports Council paid Ramanathan to coach for the MAAU.

When Ramanathan's contract was not renewed in 1992, MAAU paid him the allowance until the NSC reviewed Ramanathan's services, Nathan said.

He said, as such, there was no need to conduct a domestic inquiry by MAAU prior to the suspension.

Nathan said MAAU had only suspended Ramanathan until the conclusion of his appeal in a criminal case in which he had been charged and convicted of sexual harassment.

"If he is vindicated on appeal, he would most certainly be reconsidered with all the consequential entitlements."

Nathan also held that Ramanathan had filed the suit prematurely as he should have waited until the end of the appeal stage of his criminal case.

He also said that since Ramanathan had no legal standing to bring the action, he has also no legitimate expectation that he would be told of the reasons for his suspension.

Nathan said he found there was a basis for MAAU to suspend Ramanathan based on news reports of police investigations on Ramanathan in respect of sexual harassment of female athletes.

Ramanathan was represented by Karpal Singh and Mahathir Abdullah appeared for Khalid.

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