

Det 06 of 2017

An Appellant who believes that he did well at the interview cannot know how other candidates performed. That cannot be a valid Ground of Appeal.

The Appellant is a RECR in the District Council of... He is challenging the decision of the Respondent to appoint the Co-Respondent to the post of Supervisor ...

Appellant's Case

The Appellant averred that he was appointed ... by the Respondent in 1999 and was posted to the ... District Council.

He applied for the post of Supervisor ... but he was not selected. He stated that this was the fourth time that he applied for the said post. He was better qualified as he was holder of a.... He had been working for ... years at the District Council. He had more experience. He had a good attendance record and responded positively when asked to work overtime. He had no adverse report. He did very well at the interview and he should have been selected.

The Appellant moved that the Tribunal should "revoke" the decision of the Respondent to appoint the Co-Respondent.

Respondent's Case

The Respondent averred that the post was filled "*by selection from among serving officers in the grade of RECR of the Local Authority on the Permanent and Pensionable Establishment and reckoning at least five years in the grade of RECR in the Local Government Service and who satisfy the following requirements:*

- (i) A basic certificate; and
- (ii) Ability to supervise outdoor workers performing the relevant duties and maintain discipline among them.

The post was advertised on ... following a recommendation of the... The advertisement was to be limited to employees in the grade of RECR in the District Council of ...

There were ... candidates and ... were found eligible. Both the Appellant and the Co-Respondent met the provisions of the Scheme of Service and they were called for interview. The Co-Respondent was appointed. The Respondent had taken into account the qualifications of the Appellant.

The Respondent averred that the appointment was done according to regulation 13(i) of the LGSC Regulations and all procedures had been scrupulously followed for the filling of this post.

The Respondent averred that the appeal had no merit and moved that it should be set aside.

Determination

The appointment was done by selection.

It is not disputed that the Appellant joined service in ... and the Co-Respondent joined in... . Both Appellant and Co-Respondent were appointed RECR on ...

Appellant had, therefore, been in service for ... years more than the Co-Respondent. However, this is a selection exercise and seniority is not a determining factor. However, there is no doubt that the longer years of service may bring more experience.

The Tribunal needs to see how the Appellant and the Co-Respondent were assessed as regards work experience and also whether the Respondent gave marks for additional qualifications as the Co-Respondent has a higher qualification.

The Appellant has averred that he did very well at the interview and he should have been appointed. However, he conceded that he was not aware as to how the Co-Respondent performed at the interview.

From the information provided to the Tribunal under confidential cover, it is noted that the criteria for selection were:

- (i) Qualifications
- (ii) Personality
- (iii) Sense of Discipline/Attitude
- (iv) Communication, Supervisory and Leadership Skills
- (v) Knowledge of the job

Appellant did score the highest marks under qualifications.

Unfortunately, Appellant did not do so well under the other criteria. In fact, some other applicants scored better marks than him but were not appointed.

There is no flagrant flaw regarding the selection exercise.

The appeal is therefore set aside.