

Det 1 of 2012

In selection exercises, seniority is not an important criterion. Merit lists last for two years.

This is an appeal against an appointment on the grounds that seniority was not taken into account. Counsel referred to Regulation 19 (2) of the PSC. The Appellant averred that she had higher qualifications.

Respondent justified its decision by highlighting that “qualifications, experience and merit should rank before seniority”. Co-Respondent had a more relevant qualification.

The Tribunal has found this was indeed a selection and not a promotion exercise and that Regulation 19 (2) did not apply. The Tribunal also highlighted the fact that it is the Responsible Officer (R.O) of the relevant Ministry who assesses the ability of an officer to perform the duties of the next position. This is in the confidential reports sent to the interviewing panel. Though Co-respondent was appointed following a merit list drawn up after a previous selection exercise, this was a proper procedure as merit lists last for two years. In this case, the Co-respondent’s appointment was justified by the fact that she had higher qualifications than the Appellant and the fact that she was a junior to Appellant did not count. All procedures were followed in the appointment exercise and there had been no derogation regarding the Scheme of Service, the Co-respondent having met the necessary criteria laid down. Further, the fact that the interview lasted about 10 minutes according to Appellant and 14 to 15

minutes according to Respondent did not weigh in the balance. The appeal has been dismissed by the Tribunal.