

Det 13 of 2012

- **Regulation 13 of the LGSC puts « qualifications, experience and merit before seniority » in selection exercises.**
- **Assignment of duty does not give any claim for appointment.**

Appellant averred that on several occasions he had been assigned duties related to the coveted post and he had no adverse report. This should have given him an edge over Co-Respondents who had not been given such tasks or who had been given such tasks on few occasions only.

Respondent pointed out that appointments were done by way of selection as per the Scheme of Service for the post. Respondent stipulated that Appellant was informed about the fact that assignment of duties would not give him a claim for appointment in a substantive capacity. Co-Respondent had better qualifications than Appellant and Respondent stressed that it had stood guided by Regulation 13 of the LGSC which puts “qualifications, experience and merit before seniority”. In any case the four Co-Respondents occupied the first four positions in the seniority ranking whereas Appellant was fifth on the list. Further, Respondent maintained that there had been fairness in the treatment of Appellant and the relevant criteria in the assessment of the candidates had been applied. Counsel for Respondent told the Tribunal that the appeal was to find out why Appellant had not been selected and Respondent was not really contesting the appointment of Co-Respondents.

The Tribunal has determined that the argument of Appellant that assignment of duties should have given him an edge over other candidates did not stand. It was also determined that there had been correct procedural

assessment of all the eligible candidates and the seniority of Co-Respondents in the grade they were before appointment was peripheral to the issue. The Respondent having followed the proper procedure, the appeal was set aside.