

Det 6 of 2012

The Tribunal has no jurisdiction to deal with issues concerning revision of Schemes of Service.

The five Appellants are contesting the decision of Respondent to consider the date of appointment as from the date the new Scheme of Service was prescribed and not when the vacancies arose. Appellants averred that they were not promoted previously as the Scheme of Service was being revisited in the light of the recommendations of the PRB report 2008. According to them, they have been deprived of the chance of benefitting from two increments due to the delay in implementing the new Scheme of Service. They equally contested the decision of Respondent to have appointed other individuals under the old Scheme of Service on a promotional basis.

Respondent replied that three officers of a different grade had been promoted but with effect from the date the new Scheme of Service for the post was prescribed. Respondent claimed that it would have been contrary to law if the Appellants had been appointed under an old Scheme of Service.

The Tribunal has found that the defunct Scheme of Service could not be applied and hence Respondent did the right thing in considering the effective date of appointment in the light of the new Scheme of Service. The contention of discriminatory practice has been rejected by the Tribunal. The Tribunal deplors the long delay incurred in finalising and prescribing the new Scheme of Service, which has indeed been detrimental to Appellants. However, since the Tribunal has no jurisdiction on issues pertaining to revisions of the Schemes of Service, the appeal has been dismissed