

Det 12 of 2013

- **Seniority is not a predominant criterion for a selection exercise.**

The Appellants averred that they had been employed in the relevant department for a long time. The Appellants felt aggrieved that they had been in employment for a longer period of time than the Co-Respondents. They also contested the fact that some of the Co-Respondents had joined the department much later at the closure of another department and were promoted. They claimed that they were senior to the Co-Respondent and more knowledgeable than them. Some of them had been performing actingship related to the post. They felt that after so many years at the department, the Respondent had not been fair to them and had denied them the chance to be appointed.

The Respondent averred that the Appellants were basing their appeal mainly on the basis of seniority. However, appointment for the post was done by selection as stated in the Schemes of Service for the posts. In a selection exercise, seniority was not a determining factor as Regulation 14 (1)(c) puts qualifications, experience and merit before seniority. Counsel for Respondent averred that the Appellants had not shown how the Respondent faulted in its selection exercise. When the Appellants were asked as to why they averred that the Respondent was “unjust” to them and Respondent’s decision was “unjustified”, the Appellants were not in a position to substantiate their averments.

As the Tribunal clearly brought out in a Ruling in the same matter previously, those Co-Respondents had also acquired experience at the original

workplace. The Scheme of Service said that the candidates for the post must have eight years experience in the post without specifying that it must be at the relevant department. Thus the issue of seniority at the section is not a relevant consideration for claiming priority of consideration for appointment. The fact that during their long service at the section, some of them may have been given actingship was also not important as this was done for purely administrative convenience. In fact, it was clearly mentioned in their letters giving them actingship that they would have no claim for substantive appointment by virtue of such actingship.

The Trade Union Representative, representing three of the Appellants, stated that one senior member of the selection panel could have been dealing with the cases of Co-Respondent. He conceded that this was not mentioned in the Appellants' Statement of Case. The representative of the Respondent was not aware that there was anybody in the selection panel who was handling such files when that organisation was still in operation. The Tribunal would not deal with this point as the Trade Union Representative did not bring any proof to support his suspicion.

The Tribunal found that the Respondent had not erred in its selection process. It granted delegation of powers to the department to do the selection exercise and it gave its approval to the composition of the departmental selection panel. There was no reason to question the seriousness with which the selection panel did its task. The appeals were set aside.