

- **Seniority is not the main criteria in a selection exercise. It comes after qualifications, experience and merit.**
- **Actingship in the post will not per se give any advantage to the candidate, but may count regarding experience and general knowledge of work**

Appellant has appealed before the Tribunal against the appointment of six Co-Respondents on the grounds that Co-Respondents should not have been appointed to the post of LDH.

Appellant's Case

The Appellant averred that he joined the Ministry of ...in ...and he applied at least four times for the post, in vain, although he had experience as acting LDH for ten years. He stated in his grounds of appeal that he could not understand why he was not selected as his supervisor knew how capable he was, he was better than many of his other colleagues and he had been waiting a long time for his "promotion".

Under cross-examination, Appellant stated being aware that the post was to be filled by selection and not by promotion. He was also agreeable to the proposition put forward by Counsel for Respondent that his actingship did not give him any entitlement to the post.

Respondent's Case

The Human Resource Manager at the Ministry of ...deponed and explained that the Ministry proceeded with the selection exercise, while acting under delegated powers by the Public Service Commission.

He drew the attention of the Tribunal to the Scheme of Service. It clearly stated that appointment was done by way of selection.

On the selection board there were present, a Deputy Permanent Secretary as Chairperson, an acting Chief Inspector and a Human Resource representative.

On the day of selection, the six candidates took part in an examination to test their writing skills as per the Scheme of Service.

The criteria that were taken into account were as follows:

- Qualifications;
- General knowledge of work performed on site of work;
- Aptitude (writing, communication and supervisory and managerial skills).

The same treatment was meted out to all candidates at the interview level. Following the interview, 11 candidates were selected and six posts were filled, then later two more posts were filled.

It was not disputed that only Appellant had performed actingship in the past and the Co-Respondents had never done any actingship. Appellant was awarded marks for general knowledge of work performed but overall he did not score more than the Co-Respondents.

None of the candidates had adverse reports.

Co-Respondents attended the hearing and stated that they would abide by the decision of the Tribunal.

Determination

The Tribunal has carefully considered the evidence adduced before it and bears in mind the fact that the post of LDH is to be filled by selection and not by promotion so that seniority, although a relevant criterion, is not the most important

one. PSC Regulation 14 (i) (c) places qualifications, experience, merit and suitability for the job before seniority.

We have carefully considered the evidence of the representative of the Ministry who explained that the candidates were selected following a written examination as well as an interview. We are comforted that the panel has taken into account the experience derived from the actingship of Appellant as LDH by the assurance given by the representative that marks were allocated to the Appellant under the criteria of general knowledge of work for same.

In those circumstances and, given that the Appellant has not given us any additional reasons other than seniority and actingship to state that he was more deserving than the Co-Respondents, the appeal is set aside.