

-a selection exercise is based on several criteria and appointees are those who select more marks overall.

-assignment of duty to the post is not per se enough to ensure that a candidate has an edge over others.

The Appellant, an RCO in the Ministry of ... is appealing against the appointment of the Co-Respondents to the post of LHA.

### **Appellant's Case**

The Appellant averred that he had been working in the public service since ... in different departments. He claimed that he had been working as LHA as from .. till .. and he was paid an allowance for about two years. He had the experience in the job and the qualification required in the application form for the post of LHA. Some of the nominated candidates had neither the experience nor the qualifications for the post.

The Appellant felt that he deserved to be appointed and appealed to the Tribunal accordingly.

### **Respondent's Case**

The Respondent stated that the post of LHA was filled by selection as per the Scheme of Service for the post. There were seven vacancies and these were advertised on ... among employees on the permanent and pensionable establishment of the Ministry... There were 96 candidates and 90 of them, including the Appellant, were found eligible. They were called for interview on three dates.

The seven Co-Respondents were appointed LHA with effect from... The Appellant was eligible and all the information provided by him in the application form was taken into consideration but he was not selected.

The Respondent denied that the Appellant was assigned duties for the period he mentioned. The Appellant was assigned the duties of LHA only for the period for which he was paid. The Respondent stated that the assignment of duties did not give Appellant any claim to permanent appointment as LHA.

Further, the Respondent averred that this was a selection exercise and seniority was not the overriding factor.

The Respondent had acted as per procedures for selection and this was done as per the requirements of the Scheme of service.

### **Determination**

According to the Scheme of Service, the post of LHA is filled by selection from among employees in the permanent and pensionable establishment of the Ministry of .., who reckon at least five years' service in a substantive capacity in their respective grades, or an aggregate of at least five years in a substantive capacity in the grade of a lower grade. The candidates must show proof of being literate, have a good general knowledge of all categories of works performed on sites of work and have an ability to supervise subordinates.

The criteria for the selection were, therefore, academic qualifications, knowledge of work, experience, personality and work and conduct. The selection exercise was done by the Ministry under delegated powers.

The fact that the appointment was done by selection is not disputed. The grounds of appeal of the appellant are based on his seniority and his experience, given that he had been for a longer period in employment in the Ministry.

The Tribunal asked the Respondent to provide information on the criteria used for the selection, the weightage for each criterion, the detailed markings and the list of qualifications. The Tribunal finds that the Appellant got full marks for qualifications, knowledge of work and experience but did not score more marks on the other criteria. The Appellant, having grounded his appeal on the fact that he had been disadvantaged on these attributes, which constituted the gist of his appeal, has therefore failed to prove any unfairness on the part of Respondent.

The Tribunal finds that the Respondent has not erred in its selection process.

The appeal is set aside.