

If there has been a mistake on the identity of one candidate who was wrongly not convened for interview, the whole process is tainted and all appointments must be quashed.

This is an appeal by a Refuse Collector from the District Council of ... who could not understand why he was not called for interview for the post of FSU though he was eligible for the post.

Appellant's case

The Appellant explained in his Grounds of Appeal that he had joined the District Council in ... and had been working as RCO for 9 years. He had attended three interviews previously for a similar post. But this time he was not called for interview. He averred that the officer who signed the letter did not know his real name as he was known by his alias. He also added that the Inspectors had chosen him to be responsible for the group and that his qualifications and ability to perform supervisory work is far better than the others. He has studied up to form IV. He said that he had also worked in a private company before joining the District Council and had in all 17 years of experience.

Respondent's case

The Respondent averred that *"according to the Scheme of Service of the post FSU vacancies are filled by selection among serving employees in the grade of RCO of the Local Authority and who possess all the requirements as laid down in the Scheme of Service"*.

"The post was advertised on ... among serving employees in the grade of RCO of the District Council of ... and the closing date was ... 5 candidates eligible for appointment and 3 reserved candidates were convened for an interview on...". Co-Respondents Nos 1, 2, 3 and 4 were appointed.

The Appellant was not convened as the Responsible Officer (RO) of the District Council of ... had through his Principal Inspector confirmed that the Appellant does not

have the ability to supervise outdoor workers performing the specific duties and maintain discipline among them as per the requirement of the Scheme of Service.

However, following the appeal lodged, the explanations of the RO was sought. He, in turn, sought explanations from the Principal Inspector who admitted that he did mistake Appellant for someone else. In view of this final averment, the Respondent averred in its Statement of Defence that it will comply with such order as the Tribunal deem fit.

Determination.

The Tribunal has analysed the Statement of Case of Appellant and the Statement of Defence of Respondent and listened to all evidence adduced. This is a clear case of negligence which has impacted unfairly on the Appellant who was an eligible candidate and should have been called for interview. Had he been called, the whole process could have given a different result regarding those who would have been appointed. Unfortunately, through no fault of theirs, Co-Respondents' appointment cannot stand.

Another Appellant, was also contesting the fact that he was never called for an interview for the same selection exercise which resulted in the nomination of the first four Co-Respondents and later of the fifth one. As the selection exercise has now been found to have been faulty, this Determination will also apply to these two appeals made by

The appointment of Co-Respondents is quashed and the case is remitted to the Respondent to carry out a new exercise, as soon as possible and to inform the Tribunal when this is done.