

Experience alone is not sufficient for an appointment exercise.

This is an appeal by the two Appellants against the decision of the Respondent to appoint the Co-Respondent No 1 to the post of FSS.

Both Appellants solemnly affirmed as to the correctness of their grounds of appeal.

The Grounds of Appeal (GOA) of Appellant No 1 are:

“Years of experience compared to the selected candidate not taken into consideration compared to me and no acting FS was made compared to me. First interview compared to one around five interviews”. (SIC)

The Grounds of Appeal (GOA) of Appellant No 2 are:

- “1. I have more experienced.*
- 2. I have more experienced compared to Co-Respondent No 1, therefore seniority was not respected.*
- 3. I was at my eighth interview compared to Co-Respondent No 1 who was at his first interview only.*
- 4. Co-Respondent No 1 is someone irresponsible when taking into consideration his sick and local leaves comparing to mine.*
- 5. On site he is someone not active and does not have team spirit as he does know how have to work in team.*
- 6. I which the tribunal look at my marks”.* (SIC)

The representative of the Respondent solemnly affirmed as to the correctness of its statement of defence. It averred in the statement of defence that all information disclosed by the Appellants and Co-Respondents was taken into consideration and that the candidates were assessed on various criteria, including qualifications,

experience, personality/attitude, supervisory and leadership skills, communication skills as well as knowledge of the job.

The Tribunal heard evidence on the 24 February 2022 and finds as follows:

Appellant No 1

The Grounds of Appeal have been lumped together. We have broken them down in two.

Ground 1

The appointment exercise was one of selection and not promotion. The fact that the Appellant No. 1 claimed to have more experience is not sufficient. Experience alone is not a determining criterion in a selection exercise.

There is therefore no merit in Ground 1.

Ground 2

This Ground of Appeal is unintelligible. We understand that what the Appellant means is that the successful candidate was selected after one interview whilst he underwent 5 interviews. As the Respondent explained, the suitability of a candidate is based on his performance at the interview and not the number of times he attends an interview.

There is no merit on Ground 2.

Appellant No 2

Ground 1 and Ground 2

Ground 2 (set out in the Annex to the Notice of Appeal) repeats Ground 1 (set out in the Notice of Appeal).

For the reasons given in relation to the Appellant No 1's Ground 1, Grounds 1 and 2 have no merit.

Ground 3, Ground 4 and Ground 5

The matters raised under these grounds are matters of fact which have not been substantiated. The Respondent denied these averments and according to the report of the Responsible Officer of the District Council, there has not

been an abuse of leaves by the Co-Respondent No.1, he works in a team and gets along well with other co-workers.

In cross-examination, Appellant No 2 admitted that the successful candidate was entitled to take such number of leaves as he was authorised to in his contract. He also admitted that his opinion as to the successful candidate's team spirit differed from that of the District Council.

The Appellant was unable to establish the Grounds of Appeals Nos 3, 4 and 5.

Ground 6

Ground 6 is not a Ground of Appeal. The Tribunal cannot make a finding on this.

In the circumstances the appeals of Appellants Nos 1 and 2 are set aside.