

An appeal before the Tribunal shall be made within 21 days of the officer was duly notified.

The Appellant is challenging the decision of Respondent to declare her post of GFA/SGFA vacant with effect from 11th November 2020. She was duly informed of this decision in a letter dated 15th April 2021. Appellant lodged her appeal on 21 September 2022 which is more than 17 months after date of notification.

Respondent lodged an objection which reads as follows:

“Respondent moves that the present appeal be set aside inasmuch as it has been lodged outside the prescribed statutory delay, in breach of Section 3(2)(a) of the Public Bodies Appeal Tribunal Act”.

Section 3(2)(a) of the Public Bodies Tribunal Act 2008 provides that:

“An appeal shall be made within 21 days of the notification to the officer of the decision referred to in (1), or within 21 days of such public notification of the decision as may have been made, whichever is the earlier.”

It is, therefore, clear that the appeal was made outside the prescribed delay. For the sake of determining the matter as laid down in Section 6(4)(a) of the Public Bodies Appeal Tribunal Act, the Tribunal considered the Grounds of Appeal which were as follows:

- “• Unfair constructive dismissal*
- Position declared vacant without notification of appeal at PBAT*
- Not paid despite being a PPE after resuming work from maternity*
- Not given opportunity to explain myself nor heard in front of a disciplinary committee”.*

After analysis of the grounds of appeal as mentioned above, the Tribunal concluded that none of them falls within the jurisdiction of the Tribunal. There were other avenues which the Appellant could have explored to seek redress if ever she felt aggrieved with the decision of the Respondent and that it should have been done within a reasonable delay.

Furthermore, Appellant was dismissed under Regulation 43 of the Public Service Regulations which does not make any provision for any hearing. Therefore, the appeal appears to the Tribunal that it is trivial, frivolous or vexatious and does not necessitate any hearing.

Hence, the Tribunal, taking into consideration the grounds of appeal and the objections made against the appeal and acting under its powers conferred under Section 6(4)(a) of the Public Bodies Appeal Tribunal Act 2008, sets aside the appeal.