

All candidates should be qualified under the present Scheme of Service.

The Appellant is challenging the decision of the Respondent to appoint the Co-Respondents as listed to the post of MOA in the Public Service.

Case of Appellant

The Ground of Appeal of the Appellant is as follows:

“The Respondent did not assess my qualifications and experience properly according to the advertisement and scheme of service of the post”. SIC

In an annex as Statement of Case, he explained that according to PSC Circular Note No of 2019, the post of MOA would be filled from among officers in the grade of SMO who reckon at least four years’ service in a substantive capacity in the grade or an aggregate of at least four years’ service in a substantive capacity in the grade of SOM and the former grades of OCHO. He averred that he followed all procedures as per the advertisement but his application was rejected by the Respondent.

Appellant further averred that the advertisement did not mention that the required four years’ service should be in the Public Service and that his length of service of more than four years at the Insurance Company was not taken into consideration even though the duties performed by him are of similar nature to the Public Service. He also averred that despite his resignation from the Insurance Company, his pension rights as accrued to him were transferred to the Accountant General.

Case of Respondent

Respondent filed an objection to the appeal which read as follows:

The present appeal cannot be entertained in as much as –

- (a) The Appellant was not convened to take part in the written competitive examination for the post of MOA since, ex facie the Scheme of Service prescribed on ... 2014, such post is filled by selection from among officers in the grade of SOM who reckon at least four years' service in a substantive capacity in the grade and the former grades of OCHO;
- (b) The Appellant did neither reckon four years' service in a substantive capacity in the grade of SOM as at closing date for submission of the application nor did he reckon previous service in the grades of OCHO; and
- (c) Therefore, the Appellant has no locus standi to challenge the appointment of the Co Respondents to the post of MOA.

Determination

The main issue in this appeal is that Appellant is claiming to have more than the required four years' service as per the Scheme of Service in view of the fact he worked at the SICOM as CKL before his resignation to join the Public Service. His contention was that the circular inviting applications for the post of MOA did not specifically mention that the four years' service should be in the Public Service. This is a frivolous argument. Any Public Officer is aware or should be aware that any post to be filled should be according to the Scheme of Service. It provides that the post should be filled from the grade of SOM or OCHO.

The Appellant was a clerk at SICOM and he resigned to join the Public Service. His years of Service will start as from his date of assumption of duty in the Public Service and in no event his services in the private sector will be counted. Being that this appeal is frivolous, the Tribunal does not find it necessary to hear the case and that the objection of Respondent was well taken. Therefore, the appeal is set aside in accordance with Section 6(4)(a) of the Public Bodies Appeal Tribunal Act 2008 as it considered it to be trivial and frivolous.