

**Candidates should be qualified at per Scheme of Service.**

The Appellant is challenging the decision of the Respondent to appoint the Co-Respondents to the post of FOAO in the Public Body.

**Case of Appellant**

The Ground of Appeal of the Appellant is as follows:

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

In an annex as Statement of Case, he explained that according to PSC Circular Note No ...of 2019, the post of FOAO would be filled from among officers in the grade of SOM 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 accrued to him were transferred to the Accountant General.

Appellant averred that he joined the Public Service on 6<sup>th</sup> July 2018 as SOM and was confirmed in a substantive capacity on 6<sup>th</sup> July 2019

## **Case of Respondent**

Respondent filed an objection to the appeal as a *plea in limine* which read as follows:

*“Respondent moves that the present appeal be dismissed in as much as Appellant, who did not reckon at least four years’ service in a substantive capacity in the grade of SOM or an aggregate of at least four years’ service in a substantive capacity in the grade of SOM and the former grades of OCHO, was not qualified as per the scheme of service for the post of FOA (restyled FOAO)”.*

## **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 FOAO 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. As he averred that he joined the Public Service on 6<sup>th</sup> July 2018 as SOM and was confirmed in a substantive capacity on 6<sup>th</sup> July 2019, hence upon his own averment, he is not qualified to the post of FOAO as he did not reckon the required four years’ service in the grade of SOM.

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.