

Skills and competencies a matter for the interviewing panel to assess

Appellant appealed against the decision of Respondent to appoint the Co-Respondent for the post of “DDCR” in the Public Body.

Preliminary Objection

At the outset, Counsel for the Co-Respondent informed the Tribunal that the preliminary objection will not be argued but to be taken on the merits.

Appellant’s case

The Appellant solemnly affirmed to the correctness grounds of appeal (GOA) and her statement of case (SOC). Her GOA are as follows:

“Ground 1

Re PSC Circular Note ... of 2022, under qualifications, the temp. DDCR lacks interpersonal and leadership skills, problem solving skills and professional competence.

Ground 2

I am more qualified in various fields to attend the duties of the DDCR. I am hereby requesting the PBAT to quash the decision of the PSC.” SIC.

She further expatiated on her GOA in her SOC to the effect that when she was assigned the duties of PCOR in 2018, the services of a MOA were shared between her and the Co-Respondent but given that the latter was more senior, she was denied the services of the MOA and would approve the latter’s leave without informing her. Further she averred that the Co-Respondent has been uncollaborative whenever there was an event to be organized and this was against the provision of the Code of Ethics for Public Officers, more specifically not to cause distress to colleagues so as not to cause disruption of the working atmosphere in a workplace. She further averred that she had not been courteous towards other staff and averred that due to lack of follow up on files has caused embarrassment to the Ministry. She also averred that the Co-Respondent has not been able to implement the 10-year Master plan for SME. Finally, she added that she is more qualified than the Co-Respondent, holding a Diploma in

Information Technology, Degree in Social Work, Masters in Social Development and an additional Masters in Public Policy and Administration.

Under cross examination, she agreed that the current exercise was done by way of selection from officers in the grade of PCOR. She also agreed that the Selection Panel has the discretion to choose the most suitable candidate. She did not agree that there were no official complaints made to the Public Body with regards to her qualms against the Co-Respondent. She also denied that matters regarding lack of problem-solving skills, professional competence, interpersonal and leadership skills are for the selection panel to assess. She agreed that the qualifications she holds were not a requirement of the Scheme of Service. She also stated that she was challenging the process and not the decision to appoint the Co-Respondent.

Respondent's case

The Representative of the Respondent solemnly affirmed as to the correctness of the Statement of Defence (SOD). Respondent averred in its SOD that both the Appellant and the Co-Respondent satisfied the requirements of the Scheme of Service for the said post. It was further averred that according to information received from the Responsible Officer, no official complaints were received against Co-Respondent. In addition, the Respondent averred that for the present post, additional qualifications were not a requirement. The Respondent also stated that the Selection Board has taken all relevant information and qualifications, as disclosed by candidates, into consideration.

Under cross examination, the Representative of the Respondent stated that the selection board has the discretion to award marks and select candidates based on experience, merits, qualifications, suitability in accordance with Regulation 14(1)(c) and 19(6) of the Public Service Commission Regulations. She also confirmed that Appellant does not have any adverse report.

The Human Resource Manager from the Public Body who was called as a witness confirmed that there were no complaints against the Co-Respondent. She was cross examined by the Appellant to the effect that several emails were sent and she would like to know as to whether there had been any action taken, to which the latter replied that these matters had been taken up by the DDCR who had meetings regarding internal matters.

Co- Respondent's case

Co-Respondent solemnly affirmed to the correctness of her SOD. She averred that she is neither aware of any complaints against her nor been required to provide any explanations about the said incidents. She also averred that she has received several notes of congratulations for her collaborative and interpersonal skills. Furthermore, she also averred that she has all the requisites for the said post and that she is more qualified than the Appellant. The Co-Respondent was not cross examined.

Determination

The Tribunal has given due consideration to the GOA, SOC as well as the SOD and also viva voce submissions of counsels and the Appellant.

Ground 1

Under this ground, Appellant's main contention is that the Co-Respondent does not possess the skills and competence for the post. It is to be noted that despite the qualms of the Appellant, there were no official complaints against the Co-Respondent and this was confirmed by the Human Resource Manager of the Public Body. Moreover, as stated by the Respondent, it is the discretion of the selection panel to assess the candidates based on information disclosed by them. As such, this ground fails.

Ground 2

This ground deals with the qualifications. According to the Scheme of Service, possessing additional qualifications was not a requirement. Furthermore, as averred by the Respondent, the selection board has taken all relevant qualifications for the purposes of the selection exercise. As such, this ground fails.

In light of the above, as all the grounds of the appeal have failed, the Appeal has no merit and is set aside accordingly.