

**General statement with regard to experience is not enough and it should be specific.**

The Appellants are challenging the decision of the Respondent to appoint the Co-Respondents to the post of OAM in the Local Authorities.

All appeals were heard together and only one determination will be delivered as all the appointments were made out of the same selection exercise. Copy of the determination will be filed in each appeal case file.

### **Case of Appellant No 1**

The Appellant solemnly affirmed to the correctness of her Grounds of Appeal (GOA) and her statement of case (SOC). Her GOA and her SOC are the same and are reproduced as follows:

1. *“Years of Service*
2. *Experience*
3. *Knowledge of job (Assignment of duties)*
4. *Sense of responsibility and integrity*
5. *Leadership and organisation skills.” SIC*

Appellant was cross examined and she agreed that the post of OAM was made by selection and all the Co-Respondents had at least the 4 years required as per the Scheme of Service. She admitted that she did not give any specific reason in her GOA as to why she was challenging the appointment of Co-Respondents. She also stated that some of the Co-Respondents did not have experience as they have never been assigned duties of OAM. However, she agreed that experience was not the sole criterion in the selection exercise. She was also not aware of how the Co-Respondents performed during the interview.

## **Case of Appellant No 2**

Appellant No 2 solemnly affirmed as to the correctness of his GOA and his SOC.

The GOA are as follows:

1. *“Qualifications*
2. *Experience*
3. *Years of Service” SIC*

In his SOC, the appellant expatiated on his GOA and averred that he has excellent qualifications. He explained that he is fully computer literate and has a Master in Business Administration. He is also a holder of a degree in Marketing Management from the University of Hertfordshire, United Kingdom.

Under the grounds of experience and years of service, he averred that he has more than 10 years of experience as a MOS. He explained that he worked in several units such as in Administration, Human Resource Management, Accounting, Finance, Procurement and Supply. He also stated that he has more than 11 years of service and has worked in many departments in the Local Authorities. As such he has acquired knowledge and skills. He agreed that the other Co-Respondents had the required qualifications.

## **Case of Appellant No 3**

Appellant No 3 solemnly affirmed as to the correctness of her GOA and her SOC.

Her GOA are reproduced below:

1. *“No consideration of years in service as both CHCO- MOS :- I have 19½ years of honourable service in the local authorities. By not being given the opportunity to be promoted as OAM has deeply demotivated me where usually am a person of high spirit.*

2. *There has been no regards taken into consideration for my experience. I have been posted in some departments such as Pubic Infrastructure, Public Health, Administration and carried out different assignments (as OAM) in Welfare department, Health Dept, Works Dept, Financial Controller's dept. But despite this, experience not taken into consideration.*
3. *Interview has been carried out in a biased way. No questions were asked related to the Post applied.*
4. *Where seniority is no more a pre-requisite for applying for the post of OAM, I believe that meritocracy should prevail. After 19½ years of long service and work experience, I believe I have the capacity to work and handle duties of an OAM. Whereof candidates who lack experience, who were never or almost present at work, always on the negative, have been appointed. If as MOS they were never keen to go beyond their duties to ease work at office how will they handle duties as an OAM." SIC*

In her SOC, she averred that she joined the service as CHCO on 2<sup>nd</sup> May 2003 at the Municipal Council of Vacoas/Phoenix. She met the core criteria as set out in the Scheme of Service. She has 19 years and 9 months of service and has performed assignment of duties as OE and OAM for short periods on several occasions during the period September 2008 to December 2021. Under cross examination, she admitted she did not specifically explain the reason as to why the Co-Respondents should not have been appointed.

#### **Case of Appellant No 4**

Appellant solemnly affirmed as to the correctness of her GOA and SOC. Her GOA are as follows:

1. *"Possess more experience and skills than the Co-Respondents.*
2. *Possess higher qualifications.*
3. *Most senior most experience as MOS.*
4. *No adverse report" SIC.*

In her SOC, she averred that she joined the service as clerk on 28<sup>th</sup> October 2002 and meet the criteria as set out in the Scheme of Service for the application. She has 20 years of service. She has performed assignment of duties to the post of OE and OAM on different short periods of time during the period June 2008 to October 2021. She did not have any adverse report during her assignment of duties.

Under cross examination, she admitted that she did not mention in her GOA that she is challenging any specific appointment. She further agreed that she was not aware of the experience, seniority of the other candidates and whether they are under report or not. She was also not aware of how other candidates performed during the interview.

### **Case of Appellant No 5**

Appellant solemnly affirmed as to the correctness of the GOA and his SOC. His appeal was based on the following grounds:

1. *“Perform well at the interview.*
2. *Possess higher qualifications.*
3. *Most senior and experienced as MOS with no adverse reports.*
4. *Possess more experience and skills than the Co-Respondents”.*

In his SOC, he averred that he joined the service as clerk on 28<sup>th</sup> October 2002 and meet the criteria as set out in the Scheme of Service for the application. He has **20** years of service. He has performed assignment of duties to the post of OE and OAM on different short periods of time from July 2008 to January 2021. He did not have any adverse report during his assignment of duties. He agreed under cross examination that he is not aware of how the other candidates performed in the interview and the Scheme of Service provides for a minimum of 4 years’ service in the grade of MOS to be eligible to apply for the post.

## **Case of Appellant No 6**

Appellant No 6 solemnly affirmed as to the correctness of her GOA and her SOC. The GOA are as follows:

1. *“Perform well at the interview and examination.*
2. *No adverse report.*
3. *Possess more experience and skills than the Co-Respondents as MSO.*
4. *Possess higher qualifications”.*

In her SOC, she averred that she joined the service as clerk on 3<sup>rd</sup> July 2006 and meet the criteria as set out in the Scheme of Service for the application. She has 16 years of service. She has performed assignment of duties to the post of OE and OAM on different short periods of time during the period June 2021 to February 2022. She did not have any adverse report during her assignment of duties. She admitted that she did not give any reason as to why the Co-Respondents should not have been appointed. She was also not aware of the experience of the Co-Respondents nor their seniority in the grade of MOS. She agreed that it is for the Respondent to assess the candidates.

## **Case of Respondent**

The representative of the Respondent solemnly affirmed as to the correctness of its Statement of Defence (SOD). The Respondent averred in its SOD that 107 candidates submitted their applications for the post of MOS (Post) out of which 84 candidates were eligible for the post. They were called to sit in a written examination conducted by the Mauritius Examinations Syndicate and 73 candidates were called for interview.

The Scheme of Service for the post provides as follows:

*Qualifications: By selection from among officers who hold a substantive appointment in the grade of MOS and who:*

- (i) Reckon at least four years' service or an aggregate of at least four years' in service in the grades of MOS and CHCO/ WOP or SWOP.*
- (ii) Possess excellent analytical, technical and interpersonal skills together with the ability to demonstrate initiatives in various situations.*

*The selection criteria adopted in the present selection exercise were as follows:*

- (i) Other higher qualifications;*
- (ii) Personality;*
- (iii) Experience;*
- (iv) Technical and interpersonal skills*
- (v) Analytical and problem-solving skills; and*
- (vi) Knowledge of the job.*

Respondent also averred that the Co-Respondents were appointed in 7 batches and that their appointments were made on the basis of the requirements of the Scheme of Service for the Post, Regulation 13(1)(b) of the Local Government Service Commission Regulations 1984 as well their performance in the written competitive examination and in the interview. All procedures have been followed and the selection exercise has been carried out in a fair and impartial manner.

Under cross examination, the representative of the Respondent agreed that when an officer carries out the duties, he/she gains experience, skills and knowledge of the job.

## **Case of Co Respondents**

Co-Respondents Nos 1, 3, 4, 5, 7, 9, 10, 11, 12, 13, 16, 17, 21, 22, 23 and 25 have retained the services of Counsel and each of them submitted a separate SOD having the same averments. They solemnly affirmed as to the correctness of their SOD and were tendered for cross examination. Co-Respondents Nos 2, 6, 8, 18 and 19 would abide by the decision of the Tribunal whereas Co Respondents Nos 14, 15, 20, 24 and 26 conducted their own case.

In their SOD, Co-Respondents Nos 1, 3, 4, 5, 7, 9, 10, 11, 12, 13, 16, 17, 21, 22, 23 and 25 averred that they are fully qualified and had the respective number of years of service as required by the Scheme of Service. They also averred that the GOA of the six appellants were based on mere facts without any evidence and precision. They further averred that if the Appellants had more experience than them, it might be that they have received more marks on other criteria and in any selection exercise, the appointments are made on the overall markings. The Appellants were not aware of the performance of the other candidates during the interview.

Co-Respondent No 14 solemnly affirmed as to the correctness of her SOD. She averred that she had 23 years of service with an unblemished track record since she joined the Local Authorities and had been assigned the duties of OAM for more than 2 years and therefore had the necessary knowledge of the job.

Co-Respondent No 15 solemnly affirmed as to the correctness of her SOD and averred that she has more than 14 years of service and has never been under report. She further averred that she fulfilled several duties which gave an opportunity to have a good knowledge of the job.

Co-Respondent No 20 solemnly affirmed as to the correctness of her SOD. She averred that she joined the service in the Local Authorities since 2004 and reckons 18 years' service in the grade of CHCO and MOS without any adverse report. She was also assigned the duties of OAM.

Co-Respondent No 24 solemnly affirmed as to the correctness of her SOD. she averred that she had more than 15 years of service in the Local Authority and was not under report and that she was confident that she did well during the interview.

Co-Respondent No 26 solemnly affirmed as to the correctness of her SOD. She averred that she had the required qualification and experience as prescribed by the Scheme of Service. She also added that she was assigned the duties of OAM and that her letter of assignment clearly mentioned that the assignment will not give her a claim for permanent appointment as OAM.

### **DETERMINATION**

The Tribunal has analysed all grounds of appeal after hearing all the parties and has grouped all similar grounds of Appellants under the different headings as follows :

#### **Years of Service**

Under Ground 1 of Appellant No1

Ground 3 of Appellant No 2

Ground 1 of Appellant No 3

This ground relates to the number of years of service which each one of them reckoned in the Local Authorities. It is also not disputed that the Co-Respondents had also the required number of years of service and were therefore qualified and eligible for the post. The Tribunal finds no merit under this ground and sets aside this ground.



### **Experience**

Under Ground 2 of Appellant No 1

Ground 2 of Appellant No 2

Grounds 1 and 3 of Appellant No 4

Grounds 3 and 4 of Appellant No 5

Ground 3 of Appellant No 6

All the Appellants have claimed that they possess experience under this ground. However, none of them has specified against which Co-Respondent they reckoned more experience. They made only general statement with regard to their experience. The Co-Respondents also averred that they had the necessary experience. This ground is too vague for the Tribunal to probe into, the moreso, Respondent averred that it had taken all qualifications and experience of all candidates into consideration. This ground also failed.

### **Knowledge of the job**

Ground 3 of Appellant No 1

Appellant No 1 referred to Knowledge of the Job under this ground. It was not disputed that Appellant No 1 had been assigned duties of OAM and that this gave her a better knowledge of the job. It was not equally disputed that the Co-Respondents also were assigned the duties of OAM and, therefore, had also knowledge of the job. This ground has no merit and it fails as well.

### **Sense of Responsibility and Integrity**

Ground 4 of Appellant No 1

The Tribunal finds that this is not a ground of appeal *per se* as all officers of the Local Authorities should have a sense of Responsibility and Integrity. This ground fails.

### **Leadership and Organisational Skills**

Ground 5 of Appellant No 1

It is not questionable that all candidates had leadership and organisational skills. It is incumbent on every candidate to prove that they possess the required skills. This ground fails as well.

### **Better qualifications**

Ground 1 of Appellant No 2

Ground 2 of Appellant No 4

Ground 4 of Appellant No 6

Ground 2 of Appellant No. 5

Appellants claimed that they possess better qualifications but they did not state or aver that the Co-Respondents were not qualified for the post. The Respondent has assessed higher qualification accordingly as evidenced in the list of criteria produced before the Tribunal and averred in their SOD that Marks have been allocated to all candidates possessing higher qualifications. This ground has no merit and is set aside.

### **Interview**

Ground 3 of Appellant No 3

Ground 1 of Appellant No 5

Ground 1 of Appellant No 6

It is their contention that they performed well during the interview. However, they admitted that they did not know the performance of the Co-Respondents and, therefore, the Tribunal cannot determine on this ground. This ground fails.

**Adverse report**

Ground 4 of Appellant No 4

Ground 3 of Appellant No 5

Ground 2 of Appellant No 6

Appellants claimed that they were never under adverse report. It was averred by the Respondent that none of the candidates was under report. So, there is no merit under this ground.

Therefore, the Tribunal sets aside the appeals of Appellants Nos 1, 2, 3, 4, 5 and 6.