

The Tribunal shall not entertain any ground of appeal not raised in the grounds of appeal and cannot accept any amendment of such grounds

Appellant has appealed against Respondent's decision on the ground that:-

"I want to know my rank of selection and the criteria of appointments of two colleagues..."

Counsel for Respondent has raised a preliminary point of law to the effect that the Appellant cannot proceed with the appeal inasmuch as Appellant has not "set out concisely and precisely the grounds on which Appellant seeks to have the decision of the public body quashed or dealt with otherwise" as required by section 6(1) of the Public Bodies Appeal Tribunal Act (the Act). Relying on section 6(5) of the Act, Counsel laid emphasis on the fact that "the Tribunal shall not entertain any ground of appeal not raised in the grounds of appeal".

Appellant's representative requested to amend same. In addition, he stated that, should he not be allowed to amend, then the Tribunal should infer that the appellant wants to know the rank of selection and secondly on the basis of what criteria were his two colleagues appointed. The Appellant contested the interview procedure which lasted fifteen minutes. The representative found support for his view in the letter sent by the Appellant to the Tribunal. Appellant was entitled to be made aware of his rank as of right.

Having considered the objection raised by Counsel for the Respondent and the request made by the Appellant to amend the ground of appeal, the Tribunal takes the view that acceding to the request of the Appellant's Trade Union representative would amount to adding new ground of appeal which is strictly prohibited by section 6(5) of the PBAT Act.

(5) The Tribunal shall not entertain any ground of appeal not raised in the grounds of appeal.

In the result the Tribunal takes the view that Counsel for Respondent is right in her objection. The Tribunal therefore rules that the appeal cannot be entertained and is set aside.