

Re issue of grounds of appeal being concise and precise : The Tribunal does not expect a lay person to give his grounds in a precise manner so long as these are sufficiently clear for the Tribunal to understand.

This is an appeal against the decision of the Respondent to appoint the Co-Respondent by way of promotion in a temporary capacity.

The Appellant has stated that he is appealing against the nomination of the Co-Respondent, but the grounds on which he is appealing to this Tribunal are not in any way clearly defined in the prescribed form. Instead the Appellant has put in an addendum wherein he has set out several facts with supporting documents. These are lengthy and voluminous.

The Respondent is now raising a preliminary objection in law. We reproduce verbatim this objection:

“Respondent moves that the appeal be set aside inasmuch as the Appellant has failed to state precisely and concisely the grounds upon which he is relying to have the decision of the Respondent quashed, in breach of Section 6(1) of the Public Bodies Appeal Tribunal Act 2008.”

We have listened to the argument of Counsel appearing for the parties on this issue.

As regards the grounds on which the Appellant is relying to have the decision of the Respondent quashed, these admittedly could be a lot clearer and more precise than they actually are. The Public Bodies Appeal Tribunal Act 2008 is nevertheless emphatic on this issue and in Section 6(1)(a) it is expressly provided that “an appeal made under S.3 shall set out concisely and precisely the grounds on which the Appellant seeks to have the decision of a public body quashed or dealt with otherwise”. Again under Section 6(5), it is provided that this Tribunal shall not entertain any ground of appeal not raised in the grounds of appeal.

However, we have to mention that when the Appellant gave notice of his appeal to this Tribunal, he was not represented by Counsel. He mentioned in his notice of appeal several reasons why the Co-Respondent should not have been appointed to the relevant post by the Respondent. And as we have mentioned earlier, the reasons are many, and are to be found in no less than 3 pages of foolscap.

It was only when he was represented by Counsel that the Appellant put in a fully comprehensive Statement of Case, signed by himself and his then Counsel. Therein, in 3 or 4 paragraphs, he gave his reasons why he is appealing against the decision of the Respondent to appoint the Co-Respondent. The reasons supplied are pretty clear, and can be taken to supplement his formal grounds of appeal.

We have considered the submission of learned Counsel for the parties on this preliminary objection raised by the Respondent.

It is apposite at this stage to quote the following from the case of Appadoo v. Societe Mon Tracas MR 1979 at page 109 et seq:

“The purpose of grounds of appeal is to inform the Respondent and the Court precisely and distinctly of the issues which will be raised at the appeal”. Be it as it may, the Tribunal does not expect the ordinary layman to state precisely and concisely the grounds on which he is seeking to have the decision of a public body quashed or dealt with, so long the grounds are sufficiently clear and precise to enable the Tribunal and the Respondent to understand the grounds on which the appellant is seeking to rely. And we also take the view that, at this stage, it would not be in the interest of justice to set aside this appeal for the reason advanced by the Respondent.

We accordingly order that this appeal is to proceed for hearing on the merits. However, in view of what we have stated earlier regarding the Appellant’s Statement of Case, we shall expect him not to inordinately protract the hearing by raising other issues not canvassed in his Statement of Case and refrain from delving in the matters in the lengthy attachments to his grounds of appeal which are not grounds of appeal *per se*.