

The Tribunal has no jurisdiction when there is a selection exercise following a public advertisement as well as a Circular Note to serving officers when there is only one selection exercise and one merit list.

The Appellant has lodged an appeal before the Tribunal against the appointment of Co-Respondent to the post of Assistant Director, PBTB.

The Respondent has sent its Grounds of Objection (GOO) as follows:

“The Respondent moves that the present appeal be set aside because the Tribunal has no jurisdiction to hear and determine the appeal pursuant to Section 3(3) of the Public Bodies Appeal Tribunal Act. The post of Assistant Director, PBTB has been made through public advertisement on...”.

The Respondent has been asked to confirm that parties had applied for the job under Public Advertisement No ... of ... which is a public advertisement providing for an open competition. The Respondent confirmed that this was so and that there were candidates who also applied under that Circular Note and others under the Public Service Commission Circular Note No ... of ... which was reserved to serving officers. The Respondent produced the Application Form of the Appellant in which the latter referred to the Public Advertisement No ... of But there was only one selection and one merit list.

The Co-Respondent also confirmed to the Tribunal that he applied for the post following the Public Advertisement No ... of

Section 3(3) of the Public Bodies Appeal Tribunal Act (PBAT) Act 2008 provides

“(3) No appeal shall lie to the Public Bodies Appeal Tribunal where the appeal relates to an appointment made following a call for application for an office by public advertisement”.

In view of the above, the Tribunal invited the Appellant to withdraw his appeal but he decided to maintain it.

In the circumstances, the Tribunal is dismissing the appeal for being trivial, frivolous and vexatious as per the section 6(4)(a) of the PBAT Act.