

**Section 91A (1) of the Constitution provides that the Public Bodies Appeal Tribunal shall**

***“... have jurisdiction to hear and determine appeals made by public officers against such final decisions of such Commission established under this Constitution, as may be prescribed....”***

The Appellant, a Specialist/Senior Specialist SUOL, has lodged an appeal before the Tribunal concerning the decision of the Public Service Commission (PSC) dated ... to the effect that his appointment as Specialist/Senior Specialist SUOL be extended for a final period of 12 months with effect from ...

The letter from the Senior Chief Executive of the Ministry of ... dated ... was produced and provides as follows:

*“I am directed to inform you that the Public Service Commission has decided that your temporary appointment as Specialist/Senior Specialist SUOL be extended for a final period of twelve months with effect from...”*

2. *You are also informed that should there be no improvement in your work and conduct, your temporary appointment as Specialist/Senior Specialist in SUOL will be terminated and you will be reverted to your substantive post of ...*

The Respondent filed Preliminary Objection in Law as follows:

*“Respondent moves that the present appeal be set aside as the Public Bodies Appeal Tribunal has no jurisdiction to hear the present matter in as much as:*

- (I) the appeal relates to an appointment exercise made following a call for application for an office by public advertisement; and*
- (II) the decision appealed by Appellant is not a final decision”.*

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*“... have jurisdiction to hear and determine appeals made by public officers against such final decisions of such Commission established under this Constitution, as may be prescribed....”*

Section 3 (1) of the Public Bodies Appeal Tribunal (PBAT) Act 2008 has provided for jurisdiction of the Tribunal concerning the PSC.

Clearly the decision of the PSC is not final. Section 3(3) of the PBAT Act 2008 relating to the jurisdiction of the Tribunal provides that:

*“(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.”*

The Respondent has annexed to its Grounds of Objection, the Public Advertisement No. ... relating to the post referred to by Appellant.

Section 6(4)(a) of the PBAT Act 2008 relating to the procedure and powers of the Tribunal provides as follows:

*“(4) The Tribunal may, upon a consideration of the grounds set out in an appeal and the objections made against the appeal –*

*(a) dismiss the appeal, where it appears to the Tribunal that it is trivial, frivolous or vexatious; or ...”*

The objections raised by Respondent are valid.

Based on the above sections of the Constitution and of the PBAT Act 2008, it is amply clear that the Tribunal has no jurisdiction to entertain the appeal.

We therefore dismiss the appeal.