

**Since Appellant is no longer a Public Officer, the Tribunal cannot hear and determine the appeal.**

This is an appeal contesting the appointment by selection of Co-Respondent to the post of DDOF in a temporary capacity.

The Case was fixed Proforma for the case to be in shape and for parties to take a stand on the *plea in limine litis* raised by Respondent in its Statement of Defence (SOD).

### **The Appellant's Case**

The Appellant based his appeal on the following Grounds of Appeal (GOA):

- “(i) *Natural Justice*
- “(ii) *Qualifications with 3 MBA, Degrees and BSc ... etc.*
- “(iii) *I feel the post was stolen from me”.*

The Appellant also filed his Statement of Case (SOC) in which he expatiated on his GOA.

### **The Co-Respondent's case**

Co-Respondent decided to abide by the decision of the Tribunal and was not present.

### **Respondent's case**

Respondent had filed a SOD in which it has raised a plea in *limine litis* as follows:

“*IN LIMINE*

*Respondent moves that the present appeal be dismissed in as much as:*

- (I) *Appellant having retired from the Public Service on ground of age limit on..., the latter has no locus standi to proceed with the matter;*
- (II) *any Determination will be purely academic;*
- (III) *the appeal is frivolous and vexatious”.*

The Appellant having received the SOD of Respondent was asked for his stand after being requested to confirm that he had in fact retired, which he did.

The Appellant decided nonetheless to maintain his appeal even when he was referred to the Public Bodies Appeal Tribunal Act 2008 concerning the jurisdiction of the Tribunal. He wanted the Tribunal to issue a Ruling.

### **Ruling**

Section 3(1) of the Public Bodies Appeal Tribunal Act 2008 concerning the jurisdiction of the Tribunal provides that:

#### ***“3. Jurisdiction of Tribunal***

*(1) Subject to subsections (2) and (3), the Tribunal shall hear and determine an appeal made by any public officer, or any local government officer, against any decision of the Public Service Commission or the Local Government Service Commission, as the case may be, pertaining to an appointment exercise or to a disciplinary action taken against that officer”.*  
(emphasis ours)

Since Appellant is no longer a Public Officer, the Tribunal cannot hear and determine his appeal which was amply explained to the Appellant.

Having considered the *plea in limine litis* of the Respondent, the Tribunal hereby dismisses the Appeal under section 6(4)(a) of the Public Bodies Appeal Tribunal Act 2008 for having become frivolous and vexatious since his retirement from the Public Service.