

**Ground of appeal should be precise and concise in compliance with S. 6(1)(a) of the Public Bodies Appeal Tribunal Act 2008.**

## **Ruling**

The Appellant was challenging the decision of the Respondent to appoint the two Co-Respondents to the post of OC in the Ministry. The Co-Respondent No 1 was appointed on 11th April 2023, following which the Appellant entered the appeal on 26th April 2023 against her appointment. Co-Respondent No 2 was appointed sometime later and was added as Co-Respondent in the present appeal.

Subsequently, Co-Respondent No 1 was appointed as E(D) and her post as OC has, consequently, been declared vacant. She is, therefore, no more a party to the present matter.

The grounds of appeal of are:

1. Experience
2. Corruption
3. Feedback

Appellant did not insist on grounds 2 and 3 as they are not proper grounds of appeal and that the Tribunal does not have any jurisdiction to hear issues of corruption.

The Respondent raised an objection in its Statement of Defence which read as follows:

The present appeal is devoid of any merits and should be set aside, in as much as, the grounds of appeal as couched in the Notice of Appeal dated 26th April 2023, are not set out concisely and precisely pursuant to Section to S 6(1)(a) of the Public Bodies Appeal Tribunal Act 2008.

Counsel for Respondent argued that by quoting “Experience”, the Appellant has not been precise and concise enough in advancing his ground of objection. Hence, he has failed short of being in compliance of Section (6)(1)(a) of the PBAT Act. She referred to the statement of case of Appellant wherein he made reference to the experience of Co-Respondent No 1 who was the only Co-Respondent at that time. Since Co-Respondent No 1 is no more a party in the present matter, this ground does not stand.

Counsel for Appellant submitted that the ground “Experience” as couched in the appeal form a solid ground of appeal which is in line with the provisions of the PBAT Act. He explained that the Appellant had expatiated on this ground in his Statement of Case to explain what he meant by experience. He was of the opinion that the ground was sufficiently precise and concise. He also added that just quoting “experience” as a ground of appeal, the Appellant meant that the selection process was flawed. He moved that the objection of Respondent be set aside.

### **Ruling**

The Tribunal has examined the only ground of appeal relevant to the present matter which relates to experience and the Statement of Case of Appellant.

It is not disputed that Ground No 1 should have been more explicit. However, the Appellant has submitted a Statement of Case where he expatiated on the said ground of appeal. Right from the outset, Appellant averred that he was comparing his experience to that of Co-Respondent No 1. His Statement of Case, comprising of 10 A4 pages, covers all the activities and duties carried out by him while he was holding the post of OA. Further, he even explained how he was praised by senior officers for carrying out all the work assigned to him. It seems that the Appellant believed that by doing his duties perfectly well and after receiving congratulations from senior officers, he should have been appointed as OC. The Tribunal has gone through a tedious exercise when analysing the Statement of Case to find issues relevant to the present matter. Unfortunately, all the averments were irrelevant and whatever has been averred

forms part of his duties as OA. The Tribunal, therefore, concludes that the objection of Respondent was well taken as the grounds as couched by the Appellant were not precise and concise. Further as there was no ground of appeal made against the selection process, once Co-Respondent No 1 accepted her new appointment as E(D), the present appeal failed on its own.

The Tribunal, therefore, sets aside the present appeal.