

**Appeals made outside delay are set aside.**

## **RULING**

The Appellant was challenging the decision of the Respondent to appoint the Co-Respondent to the post of OC in the Ministry.

The grounds of appeal are:

1. Experience
2. Feedback/Quotes
3. Alleged Corruption (Alleged corruptive practices/improper/unreasonableness/Irrationality/ Biased)

Appellant also attached a Statement of Case to his Grounds of Appeal, comprising of 52 paragraphs in 13 A4 pages. Nearly all the averments made were irrelevant and are not of concern to the Tribunal in determining the present matter.

The Respondent raised two objections which read as follows:

The Respondent moves that the present appeal be set aside on the following grounds:

- (i) The appeal has been lodged outside delay; and
- (ii) The grounds of appeal as couched are vague, imprecise and unclear.

Counsel for Respondent did not insist on the first ground. However, the Tribunal deems it fit to consider this ground of objection in as much as the Tribunal does not have jurisdiction as laid down in S3 of the Public Bodies Appeal Tribunal to hear an appeal lodged outside the delay.

**S 3 (2) provides:**

*An appeal shall be made –*

*(a) Within 21 days of the notification to the officer of the decision referred to in subsection (1), or within 21 days of such public notification of the decision as may have been made, whichever the earlier.*

In the present matter, the notification of appointment of Co-Respondent is dated 10 May 2024 and the Notice of Appeal is dated 4<sup>th</sup> June 2024 and received at the Tribunal on the 6<sup>th</sup> June 2024. It is clearly stated in the Notice of Appeal that the date of notification was the 10<sup>th</sup> May 2024.

It is, therefore, clear that the appeal was made outside the prescribed delay.

With regards to the second ground, Counsel for Respondent argued that the grounds are so vague and unprecise and that the details as averred in the statement of case are so absurd that it would be difficult for the Respondent to rebut the appeal.

Counsel for Appellant argued that it would be fair to the Appellant if the objections raised by the Respondent be taken on the merits. Counsel for Respondent objected. Counsel for Appellant conceded that the grounds of Appellant are not precise and concise pursuant to Section to S 6(1)(a) of the Public Bodies Appeal Tribunal Act 2008.

**Ruling**

The Tribunal therefore, sets aside the present appeal.