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REPUBLIC  
(PUBLIC SERVICE  
COMMISSION)

v.  
ANTONIOS  
MOZORAS

[VASSILIADES, P., TRIANTAFYLIDIS, JOSEPHIDES,  
LOIZOU, HADJIANASTASSIOU, JJ.]

THE REPUBLIC OF CYPRUS, THROUGH  
THE PUBLIC SERVICE COMMISSION,

*Appellant,*

*and*

ANTONIOS MOZORAS,

*Respondent.*

(*Revisional Jurisdiction Appeal No. 52*).

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*Public Officers—Disciplinary offences and punishments—Dismissal of a public officer upon his conviction and imprisonment by a Criminal Court—Annulment of such dismissal—Reconsideration of the matter by the Public Service Commission—In the circumstances of the case the Commission was entitled to go back on its original decision to conduct a new enquiry of its own about the guilt or innocence of the officer—And to accept the facts as found by the Criminal Court without any further enquiry; that is to say, that the public officer (now Respondent) has been guilty of the offence of public corruption contrary to section 100(a) of the Criminal Code Cap. 154—See also infra.*

*Disciplinary offences and sanctions—See supra; see also infra.*

*Administrative acts or decisions—The rule against retrospectivity of such acts or decisions and the exceptions thereto—Dismissal of the Respondent public officer for a disciplinary offence made to run as from the date of his imprisonment by a Criminal Court for the corresponding criminal offence (viz. public corruption, supra)—Case not within the exceptions to the aforesaid rule against retrospectivity—The aforementioned dismissal to run as from the date when the Public Service Commission communicated to the Respondent its decision to dismiss him from the public service.*

*Retrospective effect of administrative acts or decisions—The rule against retrospectivity—See supra; see also infra.*

*Disciplinary offences and disciplinary sanctions—Severity of—Recourse under Article 146 of the Constitution for annulment of a disciplinary punishment—Powers of the Court on such recourse—*

*Do not extend to cover the substance or severity of such sanction—In other words such powers do not extend beyond the control of the legality of such disciplinary punishment—See also infra.*

*Recourse under Article 146 of the Constitution—Powers and jurisdiction of the Court on such a recourse in relation to disciplinary sanctions—Failing legislative provision empowering this Court in the exercise of its competence under Article 146 to decide on the substance of certain aspects of disciplinary matters (and it would be in the interests of justice if such provisions came to be enacted here, as in Greece), the severity, as such, of a disciplinary sanction cannot be tested, and decided upon, by means of a recourse under Article 146 of the Constitution.*

*Severity of a disciplinary sanction—Powers of the Court—See supra.*

*Observations by the Court regarding the desirability of: (1) regulating by specific provision in the Public Service Law 1967, or elsewhere, the extent to which retrospectivity may be given to dismissals of public officers for disciplinary offences; and (2) introducing specific provision empowering the Court, in the exercise of its competence on a recourse under Article 146 of the Constitution, to test, and decide upon, the substance of certain aspects of disciplinary matters, such as the severity of the sanction imposed.*

On December 12, 1963 the Respondent, then a public officer, was convicted and sent to prison for a year for the offence of official corruption contrary to section 100(a) of the Criminal Code, Cap. 154 (see *Mozoras v. The Republic and Attorney-General v. Mozoras* (1963) 1 C.L.R., 114).

Subsequent to that, the disciplinary aspect of the Respondent's conduct was considered by the Public Service Commission, which decided on July 7, 1964 to dismiss him from the public service. The Respondent challenged his dismissal by the recourse 93/64 under Article 146 of the Constitution and he succeeded in annulling it on the ground that the Commission, having chosen to conduct an inquiry of its own into the case, did not do so in the appropriate manner (see *Mozoras and The Republic* (1965) 3 C.L.R. 458 and on appeal, *The Republic and Mozoras* (1966) 3 C.L.R. 356).

As a result, the Public Service Commission came to deal once again with the matter on June 21, 1966, when it decided

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that there could be no question of considering afresh Mr. Mozoras (now Respondent's) guilt or innocence in the offence of official corruption for which he was convicted as aforesaid; and which offence obviously constitutes a disciplinary offence. On July 28, 1966, the Commission afforded an opportunity to Mr. Mozoras of being heard in respect of the disciplinary punishment which might be imposed on him; and he appeared assisted by counsel who put the case for his client before the Commission.

On July 29, 1966, the Commission decided to dismiss the Respondent (the said Mr. Mozoras) from the public service with effect as from December 12, 1963 viz. as from the date on which the Supreme Court, on appeal, affirmed his conviction for official corruption (*supra*).

The Respondent (Mr. Mozoras) challenged his said dismissal by a new recourse No. 194/66. The learned trial Judge of this Court who dealt in the first instance with this case held that the Commission was not entitled to go back on its original course of making an inquiry of its own about the guilt or innocence of the Applicant (now Respondent Mozoras) and that, therefore, the approach to the matter by the Commission on the second occasion when it dismissed the Respondent on July 29, 1966 was erroneous; consequently, he annulled the second dismissal of the Applicant (now Respondent).

It is against this decision of the trial Judge (see *Mozoras and The Republic* (1969) 3 C.L.R. 13 that the Republic took the present appeal.

Allowing the appeal, setting aside the judgment appealed from and restoring the Respondent's dismissal from the public service, but not retrospectively i.e. as from December 12, 1963 when the Respondent was convicted as aforesaid (*supra*) but with effect as from August 2, 1966, when the Commission wrote to the Respondent the letter announcing to him its decision of July 29, 1966 (*supra*) to dismiss him from the public service, the Court:-

*Held*, (1) (a). In the present instance the Public Service Commission did not, in fact, reverse its course during a process which, having already commenced before it, was continued even after the annulment, in recourse 93/64 (*supra*), of its first decision to dismiss the Respondent. What, clearly, has happened is that, once such annulment took place, the

Commission treated its previous decision as completely abortive and embarked afresh on the whole matter, with the result that it was properly open to it to re-examine the factual situation and decide whether or not to accept the findings of the Court—which had convicted the Respondent of the offence of official corruption—as correct, without having to conduct any further inquiry of its own; and the reasons given in the minutes by the Commission, for adopting such a new approach are, in our opinion, sufficient to justify what it did. (Note: After the enactment on June 30, 1967 of the Public Service Law No. 33 of 1967, the Commission would have been bound to accept such facts). With all due respect to the opposite view of the trial Judge, the present case is quite distinguishable from the case before the Greek Council of State 923/57 on which he appears to have based his decision appealed from.

(b) We would, therefore, allow the appeal and set aside the judgment of the trial Judge, with the result that the Respondent stands dismissed from the public service.

(2) (a) However, we do not think that it was open to the Public Service Commission to dismiss the Respondent retrospectively, as from the 12th December 1963; that is from the date when the Respondent's term of imprisonment commenced.

(b) The fact that the Respondent's dismissal should not have been a retrospective one cannot affect its validity as a whole. It is well settled law that an administrative act may be annulled in part and particularly regarding the date of its taking effect. The said dismissal has to be annulled in part only, viz. regarding the date of its coming into effect; and according to the rule that administrative decisions take effect as from their communication, it should take effect as from August 2, 1966, when the Public Service Commission wrote the letter announcing to the Respondent its decision of July 29, 1966 to dismiss him from the public service (*supra*). The following cases decided by the French Council of State are distinguishable from the present one: *Dubut*, (24th October 1958); *Jayet* (22nd December, 1958); *Grimal* (18th May 1956); *Plas* (7th February, 1962); and *Meriot* (24th October 1962).

(c) The canon that administrative acts or decisions cannot, in the absence of legislative authorization for the purpose,

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be given retrospective effect is a cardinal one; one of the most firmly and long-standing entrenched rules of public law; and the exceptions thereto have come to be well defined over the years (see, *inter alia*, Conclusions from the Jurisprudence of the (Greek) Council of State 1929–1959, p. 197; *Traité de Contentieux Administratif* by Auby and Drago (1962) Vol. III p. 18; *Odent on Contentieux Administratif* (1966) p. 1214; and our own case (*Morsis and The Republic* (1965) 3 C.L.R. 1.

*Held, as to severity of the disciplinary punishment:* The short answer to this is that failing any legislative provision entitling this Court, in the exercise of its competence under Article 146 of the Constitution, to decide on the substance of certain aspects of disciplinary matters (and it would be in the interests of justice if such provisions came to be enacted here, as in Greece) the severity, as such, of a disciplinary sanction cannot be tested, and decided upon, by means of a recourse under Article 146 of the Constitution (see Kyriacopoulos on Greek Administrative Law, 4th edition, Vol. III, pp. 305 and 308).

*Per curiam:* (1) The outcome of each case depends to a large extent on its particular circumstances; and the application of the same principle to cases with materially different sets of circumstances may lead to different results. This is particularly true in relation to administrative law, which is, by its very nature, in a state of continuous evolution, in order to meet new situations as they arise according to developments in administrative methods and practices, especially when they are not being expressly regulated by any enactment (see Stasinopoulos, Lectures on Administrative Law, 1957 p. 129).

(2) In taking the view that the Public Service Commission should not have dismissed the Respondent with retrospective effect, we are not excluding the possibility of such a dismissal in a proper case, which would appear to be duly covered by precedent to be found in the aforementioned French, or any other, case law; but it should be perhaps pointed out, in this connection, that in administrative law, judicial precedents, though undoubtedly of great value, may on occasion *have* to be departed from, in order to do right in the context of the particular circumstances of an individual case (see Stasinopoulos, *supra* p. 129; also, Dendias, on Administrative Law, 5th ed. Vol. A. p. 68); it would, anyhow, be highly desirable if our legislature were to regulate by specific provision

in the Public Service Law 1967 (Law No. 33 of 1967), or elsewhere, the extent to which retrospectivity may be given to dismissals of public officers for disciplinary offences.

*Appèal allowed. No order as to costs here or in the Court of first instance.*

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\ Cases referred to:

*Mozoras v. The Republic; and The Attorney-General v. Mozoras* (1963) 1 C.L.R. 114;

*Mozoras and The Republic* (1965) 3 C.L.R. 458; and on appeal *The Republic and Mozoras* (1966) 3 C.L.R. 356;

*Morsis and The Republic* (1965) 3 C.L.R. 1;

*HadjiGeorghiou and The Republic* (1968) 3 C.L.R. 326 at pp. 347-348;

*The decision of the Greek Council of State in case 923/57;*

*The decisions of the French Council of State in cases:*

*Dubut* (24th October 1958);

*Jayet* (22nd December 1958);

*Plas* (7th February 1962);

*Grimal* (18th May 1956);

*Meriot* (24th October 1962).

### Appeal.

Appeal against the judgment of a Judge of the Supreme Court of Cyprus (Stavrinides, J.) given on the 7th January, 1969 (Revisional Jurisdiction Case No. 194/66) whereby the decision of the Appellant to dismiss the Respondent from the Public Service was annulled.

*K. Talarides*, Senior Counsel of the Republic, for the Appellant.

*A. Triantafyllides*, for the Respondent.

*Cur. adv. vult.*

The following judgments were read:

VASSILIADES, P.: Mr. Justice Triantafyllides will deliver the first judgment.

TRIANTAFYLLIDES, J.: In the present case the Republic appeals against the decision\* given by a Judge of this Court,

\* Reported in (1969) 3 C.L.R. 13.

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in the first instance, in recourse No. 194/66, which was filed by the Respondent against his dismissal from the public service, by the Public Service Commission, on disciplinary grounds, with effect as from the 12th December, 1963.

It was on the 12th December, 1963, that the Respondent was, during proceedings on appeal, sent to prison for a year, for the offence of official corruption, contrary to section 100(a) of the Criminal Code, Cap. 154 (see *Mozoras v. The Republic and The Attorney-General v. Mozoras* (1963) 1 C.L.R. 114).

Subsequent to that, the disciplinary aspect of his relevant conduct was considered by the Public Service Commission, which decided, initially, on the 7th July, 1964, to dismiss him from the public service as from the 15th October, 1963, when the Respondent was convicted of the said offence by the Nicosia District Court; he was, at the time, sentenced only to a fine of £50, but his sentence was later increased, on appeal, as aforesaid.

The Respondent challenged his dismissal by recourse 93/64 and he succeeded in annulling it on the ground that the Commission, having chosen to conduct an inquiry of its own into the case, did not do so in the appropriate manner (see *Mozoras and The Republic* (1965) 3 C.L.R. 458 and, on appeal, *The Republic and Mozoras* (1966) 3 C.L.R. 356).

As a result, the Commission came to deal once again with the matter on the 21st June, 1966; and its relevant minutes read as follows:—

“ The Commission after considering thoroughly the minutes of the proceedings of the trial Court and of the Appeal Court in Case No. 13305/63, and the decision of the Court of Appeal in Recourse No. 93/64 (Appeal No. 6) and in view of the decision of the original Court in the same Recourse, decided unanimously to accept the facts as found by the criminal jurisdiction. Consequently, in the opinion of the Commission, there is no question of considering afresh Mr. Mozoras' guilt or innocence in the offence for which he was convicted. The criminal offence is that of official corruption, under Section 100 of the Criminal Code, Cap. 154, and because of its nature and of the circumstances under which it was committed, it also constitutes a disciplinary offence and, consequently, the Commission has to deal with the question of the

disciplinary punishment which should be imposed on Mr. Mozoras, after affording him an opportunity to put before the Commission anything he may have to say in connection with the question of his disciplinary punishment.

The Commission accordingly decided unanimously that Mr. Mozoras be asked to appear before it on 28th July, 1966, at 9.30 a.m. in order that he may put before it anything which he may have to state in connection with the disciplinary punishment which will be imposed on him”.

Thus, on the 28th July, 1966, the Commission afforded an opportunity to the Respondent of being heard in respect of the disciplinary punishment which might be imposed on him; and the Respondent appeared, with counsel, who put the case for his client before the Commission.

On the 29th July, 1966, the Commission took the following decision, which is *sub judice* in the present proceedings:-

“The Commission, after considering everything put forward by Mr. Mozoras with regard to the disciplinary punishment which may be imposed on him for his conviction on the charge of official corruption, and having regard to all the circumstances under which the offence was committed, decided unanimously that Mr. Mozoras be dismissed from the Service.

With regard to the date as from which the dismissal should take effect, the Commission bearing in mind that following his imprisonment Mr. Mozoras became unable to attend for duty, decided unanimously that his dismissal should take effect from the date on which the Supreme Court, on appeal, affirmed his conviction viz. as from the 12.12.63”.

In my opinion the Commission was entitled to accept as correct—as it did on the 21st June, 1966—the facts as found by the Court which convicted the Respondent and not to go afresh into the question of his guilt or innocence. That was a course which was open to the Commission under the law as it stood at the time; and had it been after the enactment, on the 30th June, 1967, of the Public Service Law, 1967 (Law 33/67), the Commission would have been bound to accept such facts.

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The learned Judge of this Court who dealt in the first instance with the case has held that the Commission was not entitled to go back on its original course of making an inquiry of its own about the guilt of the Respondent and that, therefore, the approach to the matter by the Commission, on the second occasion when it dismissed from the public service the Respondent, was erroneous; consequently, he annulled the relevant decision of the Commission.

It is against this decision of the trial Judge, in recourse 194/66,\* that the present appeal has been made.

The decision appealed from was largely based on the reasoning of the Greek Council of State in its decision in case 923/57.

The outcome of each case depends to a large extent on its particular circumstances and the application of the same principles to cases with materially different sets of circumstances may lead to different results. This is particularly true in relation to administrative law, which is, by its very nature, in a state of continuous evolution, in order to meet new situations as they arise according to developments in administrative methods and practices, especially when they are not being expressly regulated by any enactment (see Lectures on Administrative Law by Stassinopoulos, 1957, p. 129).

In my view, and with all due respect to the opposite view of the trial Judge, the present case is quite distinguishable from the afore-mentioned case before the Greek Council of State, where the administration, in going back on the course originally embarked upon, acted in a manner not properly reconcilable with its previous view of the same situation, in that, having, in the exercise of discretionary powers, decided that it was necessary to fill fifteen vacancies in a certain post, and having in fact done so, it refused later to fill one such vacancy, which resulted on annulment, by the Council of State, of one of the appointments originally made.

In the present instance, I am satisfied, after perusing the relevant minutes of the Commission (which have been set out in this judgment) that the Commission did not, in fact, reverse its course during a process which, having already commenced before it, was continued even after the annulment, in recourse

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\* Reported in (1969) 3 C.L.R. 13.

93/64, of its first decision to dismiss the Respondent. What, clearly, has happened is that, once such annulment took place, the Commission treated its previous proceedings as completely abortive and embarked afresh on the whole matter, with the result that it was properly open to it to re-examine the factual situation and decide whether or not to accept the findings of the Court—which had convicted the Respondent—as correct, without conducting any further inquiry of its own; and I am of the opinion that the reasons given in its minutes, by the Commission, for adopting such a new approach, are sufficient to justify what it did, even though if I had to decide myself what to do I might have not necessarily acted as the Commission did.

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I, therefore, would allow this appeal and set aside the judgment of the trial Judge, with the result that the Respondent stands dismissed from the public service.

There has, next, to be dealt with an issue which was argued before the trial Judge but which—in view of the annulment of the dismissal of the Respondent—was not decided by him viz. whether or not it was open to the Commission to dismiss the Respondent retrospectively, as from the 12th December, 1963; that is, as from the date when the Respondent's term of imprisonment commenced.

The canon that administrative acts or decisions cannot, in the absence of legislative authorization for the purpose, be given retrospective effect is a cardinal one, one of the most long-standing and firmly entrenched rules of public law; and the exceptions thereto have come to be well defined over the years (see, *inter alia*, Conclusions from the Decisions of the Greek Council of State 1929–1959 p. 197; *Traité de Contentieux Administratif* by Auby and Drago (1962) Vol. III, p. 18; *Odent on Contentieux Administratif* (1966) p. 1214; and our own case of *Morsis and The Republic* (1965) 3 C.L.R. 1).

At the time when the Commission decided to dismiss the Respondent retrospectively, as from the date when he went to prison, there did not exist any legislative authorization entitling it to do so, nor, in my view can the present case, in the light of all its material considerations, be treated as properly being within any one of the various categories of exceptions to the said rule against retrospectivity.

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Counsel for the Appellant has tried to support the retrospective dismissal of the Respondent by citing a passage by Odent (*supra*, at p. 1218) to the effect that case-law has recognized, in relation to certain matters, that the nature of things entails the retrospectivity of administrative decisions; and he has placed reliance on two cases—referred to by the learned author in this connection—which were decided by the French Council of State, viz. the cases of *Dubut* (24th October, 1958) and *Jayet* (22nd December, 1958).

Having perused these cases, as well as the cases of de Grimal (18th May, 1956), *Plas* (7th February, 1962) and *Meriot* (24th October, 1962), which were decided, also, by the French Council of State, I am inclined to the view that in each such case the retrospective effect of the relevant administrative action was based on the particular circumstances of the case or on specific legislative provisions or on a combination of both, and that such cases are distinguishable from the present one, where, in the light of the history of its events and of its nature, it was not proper for the Commission to give retrospective effect to its decision regarding the dismissal of the Respondent; especially, as I have found—(and this is the reason for which the *sub judice* decision of the Commission is being sustained as a valid one, notwithstanding the change of approach by the Commission, on the 21st June, 1966, to the matter before it)—that the Commission, after the annulment of its first decision regarding the fate of the Respondent, did not choose to resume its previous proceedings and reach a decision, but it treated its whole past proceedings as abortive and embarked completely afresh on the task of dealing with the disciplinary case before it.

In taking the view that the Commission should not have dismissed the Respondent with retrospective effect, I am not excluding the possibility of such a dismissal in a proper case, which would appear to be duly covered by precedent to be found in the aforementioned French, or any other, case-law; but, I should perhaps point out, in this connection, that, in administrative law, judicial precedents, though undoubtedly of great value as laying down general principles of law, may on occasion *have* to be departed from, in order to do right in the context of the particular circumstances of an individual case (see Stasinopoulos, *supra*, p. 129; also, Dendias on Administrative Law, 5th ed. Vol. A, p. 68); it would, anyhow,

be highly desirable if our Legislature were to regulate by specific provision in Law 33/67, or elsewhere, the extent to which retrospectivity may be given to dismissals of public officers for disciplinary offences.

The fact that the Respondent's dismissal should not have been a retrospective one cannot affect its validity as a whole. It is clearly established that an administrative act may be annulled in part, and particularly regarding the date of its taking effect (see, *inter alia*, the *Morsis* case, *supra*); I am, thus, of the view that the decision to dismiss the Respondent has to be annulled in part only, regarding the date of its coming into effect; and according to the rule that decisions of administrative organs take effect as from their communication, it should take effect as from the 2nd August, 1966, when the Commission wrote to the Respondent announcing to him its decision to dismiss him from the public service.

Of course, the factor that the Respondent was in prison during a certain period of time, and all the other circumstances relevant to his case, are considerations to be duly taken into account if and when the Respondent chooses to seek any redress, under Article 146.6 of the Constitution, in relation to the annulment of the retrospective effect of his dismissal.

Lastly, I have to deal with the contention—again not decided by the trial Judge, once he had annulled the dismissal of the Respondent—that the disciplinary punishment imposed on the Respondent was excessive. The short answer to this is that failing any legislative provisions entitling this Court, in the exercise of its competence under Article 146, to decide on the substance of certain aspects of disciplinary matters (and it would be in the interests of justice if such provisions came to be enacted here, as in Greece) the severity, as such, of a disciplinary sanction cannot be tested, and decided upon, by means of a recourse under Article 146 (see Kyriacopoulos on Greek Administrative Law, 4th ed., Vol. III, p. 305, p. 308).

In the result, I would allow the appeal, confirm the dismissal of the Respondent, but would annul its retrospective effect as from the 12th December, 1963; I would, also, set aside the order for costs made against the Appellant at the trial and make no order as to costs in respect of the whole of these proceedings.

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VASSILIADES, P.: I do not wish to add another judgment to the number of opinions and decisions in this unfortunate and long running case. I do not think that at this stage it would serve any practical purpose. I shall follow the view that it was open to the Public Service Commission to dismiss this officer from the public service after his conviction and sentence to imprisonment for corruption. I agree that, for the reasons stated in the judgment of Mr. Justice Triantafyllides, the dismissal should not have been made retrospective. I agree with the result and the order proposed in his judgment.

JOSEPHIDES, J.: I agree that the decision of the Public Service Commission to dismiss the Respondent should be affirmed; but, in the particular circumstances of this case, the Commission should not have given retrospective effect to its decision. That part of the Commission's decision should, therefore, be annulled.

Normally, it is in the public interest that when a public officer is convicted of an offence involving dishonesty or moral turpitude and sentenced to imprisonment, his dismissal should be given retrospective effect from the date of his conviction and imprisonment: See the cases of the French Conseil d'Etat of *Dubut* (1958), at pages 499–500, of the Conseil d'Etat Reports of 1958; and *Jayet* (1958), at page 662, in the same volume. We have held, however, that in the light of the history of the events of this case it would not be right to give retrospective effect to the decision of the Public Service Commission. I would also express the view that it is highly desirable that matters such as these should be regulated by legislation.

It should, perhaps, be added that in the case of *The Republic (P.S.C.) v. Mozoras* (1966) 3 C.L.R. 356, at page 392 et. seq., I expressed my views with regard to the construction of Article 125.1 of the Constitution and the binding effect of the findings of fact made by a criminal court on the Public Service Commission and, for the purposes of this case, I need not dwell on it again. This matter has since been regulated by legislation (see section 83 of the Public Service Law, 1967).

Finally, I would observe that, although the Public Service Commission in the present case wrongly gave retrospective effect to its decision to dismiss the Respondent, the latter incapacitated himself from attending his office and performing

his duties (which is a *sine qua non* for the payment of the salary to a public officer) when he was convicted of the offence of official corruption and imprisoned by virtue of a judgment of a competent court. Whether a public officer convicted of a criminal charge prior to the enactment of the Public Service Law, 1967 (as in the present case) is entitled to receive any emoluments from the date of conviction or imprisonment and pending consideration by the disciplinary body would seem to be governed by the Service regulations and practice, which are contained in the General Orders, Colonial Regulations, Government Circulars etc., but it is not for us to decide this matter in the present proceedings.

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LOIZOU, J.: I also agree with the result and for the reasons given and find nothing I can usefully add.

HADJIANASTASSIOU, J.: I also agree that the decision of the learned trial Judge should be reversed, and that the decision of the Public Service Commission to dismiss the Respondent should be affirmed. I would, however, find myself unable to agree that the dismissal of the Respondent could be made retrospective to the date he was sent to prison after he was found guilty of the offence of official corruption. As to the principle of retrospectivity, I would like to repeat what I said in *Andreas HadjiGeorghiou and The Republic of Cyprus (through the Public Service Commission)* (1968) 3 C.L.R. 326 at pp. 347-48, that in the absence of legislation in Cyprus, as a rule administrative acts cannot validly be given retrospective effect although, admittedly, there are certain exceptions to the general rule. The case of the Respondent with a long history behind it, makes it even more imperative that this thorny question should be finally settled by legislation in the public interest.

I would also make this observation, that not having the advantage of knowing whether or not this problem is regulated by French Law, and since, unfortunately, there was no translation into Greek of the two French cases decided by the Conseil d'Etat, I cannot express the view whether I would have been inclined to adopt the reasoning behind those decisions.

In the light of the particular circumstances, and because of the protracted litigation over the same Respondent, I repeat that it is not right to allow to give retrospective effect to the decision of the Public Service Commission.

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VASSILIADES, P.: In the result the appeal is allowed and the dismissal of the Respondent from the public service is confirmed, not with retrospective effect as from the 12th December, 1963, but as from the 2nd August, 1966. There shall be no order as to costs either in relation to the trial in the first instance or to this appeal.

*Appeal allowed. No order as to costs here or in the Court of first instance.*