

IN THE MATTER OF ARTICLE 146 OF THE CONSTITUTION

ANDREAS TRIANTAFYLIDIS AND OTHERS,

Applicants,

and

THE REPUBLIC OF CYPRUS, THROUGH
THE PUBLIC SERVICE COMMISSION,

Respondent.

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AND OTHERS
v.
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(PUBLIC SERVICE
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(Cases Nos. 279/68, 307/68, 321/68).

Public officers—Promotions and appointments—To the post of Examiner of Accounts, 2nd Grade, in the Audit Office—Three such appointments by way of promotion—The first annulled—On the ground that the Respondent disregarded, without giving any reason, an express statement by the Head of the Department to the effect that the Interested Party concerned required more experience before being promoted—The second appointment not disturbed because it was reasonably open to the Respondent Commission on the basis of all relevant considerations including length of experience, qualifications and the confidential reports—The third appointment annulled as being the product of a defective exercise of their discretionary powers by the Respondent Commission.

Promotions and appointments—See supra.

Recourse under Article 146 of the Constitution—Promotions—Recourse against promotion—Resignation of the party so promoted after judgment was reserved—Promotion complained of made in July 1, 1968—Resignation taking effect as from April 24, 1970—In the circumstances, the said resignation cannot affect the course of the proceedings—And the validity of the sub judice promotion has to be pronounced upon one way or the other—Reasons therefor.

In these three recourses which have been heard together in view of their nature, the Applicants in the first recourse challenge the validity of the permanent appointment to the

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post of Examiner of Accounts, 2nd Grade, in the Audit Office, of the Interested Party Mr. Shiammas; and the Applicants in the remaining two recourses challenge, too, the validity of the said appointment, as well as of the permanent appointments to the same post of the Interested Parties Messrs. Ashiotis and Pierides.

One of the interesting features of these cases is that after judgment has been reserved in these proceedings the above named Interested Party Mr. Shiammas resigned from the post of Examiner of Accounts, 2nd Grade (*supra*) with effect as from April 24, 1970; and the point arose whether or not this development could affect the course of these proceedings. The Court held that it could not.

Annuling the appointments of Interested Parties Shiammas and Pierides but dismissing the recourse regarding the appointment of Mr. Ashiotis the Court:—

Held, I: As to the appointment of Interested Party Mr. Shiammas:

(1) This appointment is the product of a defective exercise of the relevant discretionary powers by the Respondent Public Service Commission through disregarding, without recording any reason for doing so, an express statement by the Head of the Department concerned made in the most recent, at the time, confidential report on the said Interested Party Mr. Shiammas to the effect that he (Mr. Shiammas) required more experience before being promoted.

(2) While this judgment stood reserved Mr. Shiammas resigned from the post of Examiner of Accounts, 2nd Grade, with effect as from April 24, 1970. I do not think that this development could affect the course of these proceedings; especially as the annulment of the appointment in question does open the way for the appointment of one of the Applicants to the said post as from July 1, 1968. Therefore, though the resignation of this Interested Party has put an end to his *sub judice* promotion, the validity of his appointment has, still, to be pronounced upon, because if it were to be found to be valid it would have produced between July 1, 1968 and April 24, 1970, a permanent result regarding the fate of the relevant vacancy in the aforesaid post, which would not disappear with the termination, through resignation of such appointment (see

Malliotis and The Municipality of Nicosia (1965) 3 C.L.R. 75
ap pp. 94-95).

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Mr. Shiammas annulled.*

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*Held, II: As to the appointment of the Interested Party Mr.
Ashiotis:*

This appointment should not be disturbed, because it was reasonably open to the Respondent Commission on the basis of all relevant considerations including length of experience, qualifications and the confidential reports.

*Said appointment not interfered
with. Recourse dismissed to that
extent.*

*Held, III. As to the appointment of the Interested Party
Mr. Pierides:*

It was not reasonably open to the Respondent Commission to make this appointment in view of the absence of substantial difference in merit, on the basis of the relevant confidential reports and the absence of explanation in the minutes of the Commission as to why the striking difference in the course of the careers in the Audit Office, of the Interested Party Mr. Pierides and the two Applicants in the second and third recourse was disregarded.

*Appointment of Interested Party
Mr. Pierides annulled.*

Cases referred to:

Geodelekian and The Republic, (reported in this Part at p. 64
ante);

Papapetrou and The Republic, 2 R.S.C.C. 61;

Koukoullis and The Republic, 3 R.S.C.C. 134;

Vonditsianos and The Republic (1969) 3 C.L.R. 83; and on
appeal at p. 445;

Malliotis and The Republic (1965) 3 C.L.R. 75, at pp. 94-95;

Saruhan and The Republic, 2 R.S.C.C. 133;

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Constantinou and The Republic (1966) 3 C.L.R. 862;
Partellides and The Republic (1969) 3 C.L.R. 480.

Recourses.

Recourses against the decision of the Respondent to promote the Interested Parties in this recourse to the permanent post of Examiner of Accounts, 2nd Grade, in the Audit Office.

L. Papaphilippou, for the Applicant in Case No. 279/68.

M. Kronides, for the Applicant in Case No. 307/68.

E. Odysseos, for the Applicant in Case No. 321/68.

L. Loucaides, Senior Counsel of the Republic, for the Respondent.

G. Ladas and A. Triantafyllides, for the Interested Party Shiammas.

Cur. adv. vult.

The following judgment was delivered by:—

TRIANTAFYLIDIS, J.: In these three recourses, which have been heard together in view of their nature, the three Applicants in case 279/68—A. Triantafyllides, D. Kassapis and A. Mavrommatis—challenge the validity of the permanent appointment to the post of Examiner of Accounts, 2nd grade, in the Audit Office, of Interested Party C. Shiammas, and the Applicants in cases 307/68 and 321/68—Y. Nicolaides and N. Onoufriou, respectively—challenge, too, the validity of the said appointment, as well as of the permanent appointments, to the same post, of Interested Parties G. Ashiotis and Chr. Pierides.

These appointments were decided upon by the Respondent Public Service Commission on the 11th June, 1968 (see its relevant minutes *exhibit 11*).

All the Applicants and the Interested Parties were candidates for appointment, having applied accordingly after the existing vacancies had been advertised in the official Gazette on the 29th March, 1968.

They were all interviewed on the 11th June, 1968, before

the Commission reached its *sub judice* decision, which reads as follows:-

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“ The Commission, after considering the merits, qualifications and experience of the candidates interviewed as well as their performance during the interview (personality, alertness of mind, general knowledge and the correctness of answers to questions put to them, etc.) and bearing in mind the views expressed by Mr. Stathis on each one of them, decided that the following officers were on the whole the best and that they be appointed to the post of Examiner of Accounts, 2nd grade, w.e.f. 1/7/68:-

1. C. Shiammas - permanent
2. Chr. Pierides - ”
3. G. A. Ashiotis - ”
4. A. M. Stylianou - ”
5. Y. G. Nicolaidis - on secondment
6. M. Polycarpou - ” ”
7. N. Onoufriou - ” ”

Mr. Stathis, who is referred to in the afore-quoted extract from the minutes of the Commission, was, at all material times, the Acting Auditor-General of the Republic and, thus, the Head of the Department concerned.

As it can be seen from the said minutes the Applicants in cases 307/68 and 321/68 were appointed as Examiners of Accounts, 2nd grade, but only on secondment; thus, in effect, what they complain of is that they should have been appointed on a permanent basis, instead of the Interested Parties whose appointments they challenge.

From the material before me it appears that all three Applicants in case 279/68, as well as Interested Party Shiammas, were until the 31st December, 1967, Assistant Examiners of Accounts, but Shiammas was serving on an unestablished basis.

Interested Party Pierides was, also, an Assistant Examiner of Accounts until the 27th December, 1967, when he was seconded to Examiner of Accounts, 3rd grade.

On both the said dates the Applicants in cases 307/68 and 321/68 and Interested Party Ashiotis were, already, permanently

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appointed as Examiners of Accounts, 3rd grade, having been so appointed well before such dates.

Then, by the Budget Law, 1968 (Law 14/68, see in particular section 5 thereof and Head 8A in the First Schedule thereto) all posts of Assistant Examiners of Accounts were abolished and in their places there were created posts of Examiners of Accounts, 3rd grade, with effect—according to the context and nature of Law 14/68—from the 1st January, 1968.

The salary scale for the abolished post of Assistant Examiner of Accounts was scale 14, viz. £380—£713 (as such scale existed when Law 14/68 was enacted, prior to the Revision of Salaries in October 1968). Although until the end of 1967 the salary scale for the higher post of Examiner of Accounts, 3rd grade, was scale 12, viz. £512—£771, yet the salary scale for the new posts of Examiners of Accounts, 3rd grade, provided for by Law 14/68, was not scale 12, but the lower scale 14.

Thus, the category of Examiners of Accounts, 3rd grade, was downgraded to comprise officers in the abolished category of Assistant Examiners of Accounts.

Eleven Examiners of Accounts, 3rd grade, were placed, by Law 14/68, on a personal scale of £512—£771, which was the salary scale—scale 12—for the posts then held by them. Amongst them were the Applicants in cases 307/68 and 321/68 and Interested Party Ashiotis.

As there were only ten officers who held the permanent post of Examiner of Accounts, 3rd grade, since before the enactment of Law 14/68, and the said Law provided for personal salaries, on scale 12, for eleven Examiners of Accounts, 3rd grade, the Attorney-General of the Republic advised that Interested Party Pierides, who, as already mentioned, had been seconded to the post of Examiner of Accounts, 3rd grade, as from the 27th December, 1967, before such post was downgraded, should also be placed on salary scale 12 as a personal scale.

Eventually, the Respondent Commission took, on the 11th June, 1968, action in order to make the establishment of the Audit Office conform with the effect of Law 14/68; it decided that Interested Party Pierides be appointed as Examiner of Accounts, 3rd grade, with effect as from the 1st January, 1968,

and on salary scale 12, and that ten other officers, amongst them the Applicants in case 279/68 and Interested Party Shiammas (whose posts of Assistant Examiners of Accounts had been abolished as against the creation of new posts of Examiners of Accounts, 3rd grade) be appointed as Examiners of Accounts, 3rd grade, as from the 1st January, 1968.

In my view the said action of the Commission, taken about the middle of 1968, did not amount to the making of appointments or promotions in the exercise of its relevant powers under the Public Service Law, 1967 (Law 33/67); the Commission merely accorded formal recognition to what had been brought about, as from January, 1968, by operation of law, viz. Law 14/68.

It would be correct to say that Interested Party Shiammas became, by Law 14/68, only an Examiner of Accounts, 3rd grade, on an unestablished basis—(instead of an Assistant Examiner of Accounts, on an unestablished basis, as he was up to the coming into operation of Law 14/68)—and that he was still an unestablished officer when the *sub judice* decision was taken, on the 11th June, 1968, to make him an Examiner of Accounts, 2nd grade; because, though it is true that on that same date, and prior to the aforesaid decision, the Respondent Commission decided to appoint him on an established basis to the post of Examiner of Accounts, 3rd grade, as from the 1st March, 1968, it might, nevertheless, be said, on the basis of the relevant documents which were produced (see in particular *exhibits 14 and 20*) and in the light of section 37(1) of Law 33/67 and the case of *Geodelekian v. The Republic* (reported in this Part at p. 64 *ante*), that his permanent appointment as Examiner of Accounts, 3rd grade, was not perfected until after the *sub judice* decision.

But, in my view, this did not prevent him from being, in any case, eligible, on the 11th June, 1968—as an Examiner of Accounts 3rd grade (unestablished)—for appointment to the first entry and promotion post of Examiner of Accounts, 2nd grade; especially, when one reads together the provisions of section 30 (1) (b) & (c) and the definition of “public officer” in section 2 of Law 33/67.

While dealing with eligibility for appointment it is convenient, at this stage, to deal with a point raised, in this connection, regarding Interested Party Ashiotis:

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Under the scheme of service for the post of Examiner of Accounts, 2nd grade, the qualifications required for appointment thereto are (see *exhibit 6*):—

“A. *First Entry*:

A University degree in commercial subjects including accountancy, or other appropriate post—secondary commercial education approved as equivalent. Previous auditing experience would be an advantage.

B. *For Promotion*:

A good knowledge of accounting and book-keeping with a special knowledge of Government accounting methods. A good knowledge of Government rules and regulations in so far as these relate to finance and accounts. In addition candidates must possess the Higher Certificate in Accounting of the London Chamber of Commerce or some other examination approved as of equivalent standard. Experience in auditing in the Audit Office would be an advantage.

Note: Successful candidates under A or B above will be required to pass the examinations in General Orders and Financial Instructions within two years of appointment or promotion.”

It has been submitted that Interested Party Ashiotis was not eligible as, in fact, he did not possess, at the material time, the Higher Certificate in Accounting of the London Chamber of Commerce, which is required for promotion to the post of Examiner of Accounts, 2nd grade.

As it appears from the material before me—including a comparative table of the qualifications of candidates (see *exhibit 8*) as well as the relevant data in the confidential reports file of this Interested Party and, also, a letter written on behalf of the Minister of Finance on the 5th August, 1965 (*exhibit 13*)—he had not only (like all the Applicants and other Interested Parties) passed the Government examinations in General Orders and Financial Instructions, but he had, too, after graduating from a secondary education school, obtained the Diploma of the Balham and Tooting College of Commerce and the Associateship Diploma of the Institute of Commerce, he had attended in London a two years' course of Business

Administration (General Commercial Studies), he had passed the Advanced Book-Keeping examination of the Institute of Commerce and, as it is stated in the afore-mentioned letter of the 5th August, 1965, the Minister of Finance had decided to regard the fact that this officer had been exempted from the Intermediate Examination of the Corporation of Secretaries, in England, as equivalent to the possession by him of a pass in the said examination and, consequently, to treat him as "eligible for consideration for posts for which the Accounting (Higher) Examination of the London Chamber of Commerce or its equivalent is required"; and it is quite clear that in reaching this decision the Minister of Finance had acted in accordance with decision 2881 of the Council of Ministers, dated the 4th April, 1963 (see *exhibit* 15, particularly paragraphs 2 and 5).

In the circumstances I do think that it was reasonably open to the Respondent to regard this Interested Party as qualified under the relevant scheme of service. I have not been satisfied that the Respondent has erred in this respect (see *Papapetrou and The Republic*, 2 R.S.C.C. 61 and *Koukoullis and The Republic*, 3 R.S.C.C. 134).

I have to deal, next, with the issue as to whether or not the Respondent Commission, by deciding to prefer the Interested Parties for permanent appointment to the post of Examiner of Accounts, 2nd grade, and by deciding not to appoint thereto any of the Applicants in case 279/68, and to appoint, on secondment only, the Applicants in cases 307/68 and 321/68, acted in any way contrary to law or in excess or abuse of powers:

The service data of the officers concerned are as follows:-

The three Applicants in case 279/68 were appointed as Assistant Examiners of Accounts on the 1st March, 1965; Interested Party Shiammas was so appointed on the 7th February, 1966. All four of them became, by operation of law (Law 14/68), Examiners of Accounts, 3rd grade, in January, 1968 (see the comparative table *exhibit* 7).

The Applicant in case 307/68 (see the comparative table *exhibit* 8) was appointed as an Assistant Examiner of Accounts on the 1st November, 1961, was seconded to the post of Examiner of Accounts, 3rd grade, on the 1st January, 1966, and was substantively promoted to such post on the 1st

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January, 1967. The Applicant in case 321/68 (see the comparative table *exhibit* 9, as read in the light of uncontested corrections made at the hearing of these cases) was appointed as an Assistant Examiner of Accounts on the 10th July, 1963, was seconded to the post of Examiner of Accounts, 3rd grade, on the 1st January, 1965, and was substantively promoted to such post on the 1st January, 1967.

Interested Party Ashiotis was appointed as an Assistant Examiner of Accounts on the 10th July, 1963, he was seconded to the post of Examiner of Accounts, 3rd grade, on the 1st February, 1967, and was substantively promoted to such post on the 1st December, 1967. Interested Party Pierides was appointed as an Assistant Examiner of Accounts on the 1st March, 1965, he was seconded to the post of Examiner of Accounts, 3rd grade, on the 27th December, 1967, and became the substantive holder of such post, by operation of law (Law 14/68), in January, 1968 (see the comparative table *exhibit* 8).

A perusal of the recent confidential reports on the Applicants and the Interested Parties shows that at the material time they were all good officers, of more or less equal merit; in the case, however, of Interested Party Shiammas it is to be noticed, regarding the last relevant confidential report on him—dated the 1st March, 1968—that, though the reporting officer had recommended him, strongly, for promotion, his Head of Department, the Acting Auditor-General, Mr. Stathis, wrote, as countersigning officer: “Mr. Shiammas is new to this office and requires some more training and experience before being promoted. He is a promising officer”.

That was about three and a half months before there was decided, by the Respondent Commission, the *sub judice* permanent appointment of this officer as Examiner of Accounts, 2nd grade.

When he gave evidence in these proceedings Mr. Stathis stated that, after signing the aforesaid confidential report regarding this Interested Party, he had further opportunities of following his work; he went on to say that when he attended the meeting of the Commission, on the 11th June, 1968, and was present at the interviews, he recommended such Interested Party for appointment “as the best of all the candidates” basing himself on his performance at the interview; but, then, he added the following: “The procedure followed

was that the Commission decided whom to appoint, and then they asked me if I was in agreement with the named persons, and I said 'yes'. It was the Commission which formed the impression that Mr. Shiammas was the best candidate on the basis of the interviews and I agreed with this view. I agreed that Mr. Shiammas was suitable for appointment on the basis of his performance at the interview. I cannot say if I, also, had in mind, at the time, his performance in his job between the date of the last confidential report and the date of the meeting of the Commission"—that is between the 1st March, 1968, and the 11th June, 1968.

In its relevant decision, which has been quoted earlier on in this judgment, the Commission stated that it considered "the merits, qualifications and experience" of the candidates "as well as their performance during the interview".

It should be observed that it was not right to treat the performance at the interviews as something apart from the merits, qualifications and experience of the candidates; it was only a way of forming an opinion about the possession by the candidates of the said basic criteria; and not the most safe way because, *inter alia*, of the necessarily rather short duration of each interview and of the undeniable possibilities of an adroit candidate making the Commission think more highly of him than he deserves or of a timid or nervous candidate not being able to show his real merit.

Though the Commission did record expressly that it took into account the "experience" of the candidates it seems that, because of the impression made by Interested Party Shiammas at the interviews, it lost completely sight of the fact that the Head of Department of this Interested Party had only a few months ago described him, in a confidential report on him, as not being fit yet for promotion due to lack of sufficient training and experience.

Actually, the evidence of Mr. Stathis, which has already been referred to, shows, indeed, that he, in all good faith, allowed himself—like the Commission, too—to be carried away by impressions at the interviews; he could not tell the Court for certain whether, while on the 11th June, 1968, he was under the influence of the impression created by Interested Party Shiammas at the interviews, he did have in mind the actual performance at work of this candidate since the 1st March,

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1968, when he had expressed the view that such candidate needed “more training and experience before being promoted”. It is beyond doubt, on the basis of the evidence of Mr. Stathis, that though he may have had opportunities to follow the work of Interested Party Shiammas during the very short period of time between March and June, 1968, it was not his performance during such period which led Mr. Stathis to agree with the Commission’s evaluation of him, but his performance when interviewed.

In the light of all the foregoing I have reached the conclusion that the Respondent, in appointing Interested Party Shiammas as an Examiner of Accounts, 2nd grade, has exercised its relevant discretionary powers in such a defective manner that it has become necessary for me to intervene and declare his appointment to be *null and void* and of no effect whatsoever. Had this appointment been the result of evaluating candidates without any material error having vitiated such evaluation I would not have interfered with the decision of the Respondent—even if I disagreed with it—so long as it could be said that it was reasonably open to the Respondent (see *Vonditsianos* and *The Republic* (1969) 3 C.L.R. 83 and on appeal at p. 445); but in reaching its *sub judice* decision the Respondent, though rightly placing importance on the criterion of experience, yet it disregarded, without recording any reason in its minutes for doing so, an express statement by Mr. Stathis—the Head of the Department concerned—made in the most recent, at the time, confidential report on the candidate in question, to the effect that such candidate required more experience before being promoted; and the fact that the Head of Department, through placing, like the Respondent, undue weight on the impression created at the interviews, agreed, notwithstanding his earlier assessment, with the said decision of the Respondent, cannot be treated as having cured the error in the course adopted by the Respondent in this matter (see the *Vonditsianos* case, *supra*); especially, when one views the concurrence of Mr. Stathis in the light of his relevant evidence, and particularly that part of it in which he very fairly admitted that he could not say whether when expressing his concurrence he had, at the time, in mind the performance at work of the candidate concerned since the last confidential report which virtually excluded his appointment in the immediate future.

Thus, all three recourses—269/68, 307/68, 321/68—succeed as against the appointment of Interested Party Shiammas.

While this judgment stood reserved counsel for the Respondent informed the Court that this Interested Party resigned from the post of Examiner of Accounts, 2nd grade, with effect as from the 24th April, 1970. But I do not think that this development could affect the course of the proceedings in these cases; especially as the annulment of the appointment in question does open the way for the appointment of any one of the Applicants to the post of Examiner of Accounts, 2nd grade, with effect as from the 1st July, 1968, should the Respondent Commission, in reconsidering the filling of the vacancy created, decide to appoint one of the Applicants. Though the resignation of this Interested Party has put an end to his *sub judice* appointment, the validity of his appointment had still to be pronounced upon, because if it were to be found to be valid it would have produced between the 1st July, 1968 and the 24th April, 1970, a permanent result regarding the fate of the relevant vacancy in the post of Examiner of Accounts, 2nd grade, which would not have disappeared with the termination, through resignation, of such appointment (see *Malliotis and The Municipality of Nicosia* (1965) 3 C.L.R. 75 at pp. 94-95).

Regarding cases 307/68 and 321/68, in which they are challenged, also, the appointments as Examiners of Accounts, 2nd grade, on a permanent basis, of Interested Parties Ashiotis and Pierides, I have no hesitation in dismissing these two recourses in so far as the appointment of Interested Party Ashiotis is concerned; the Applicants have failed to satisfy me, as they had to, that such appointment should be annulled (see, *inter alia*, the *Koukoullis* case, *supra*, *Saruhan* and *The Republic*, 2 R.S.C.C. 133, *Constantinou* and *The Republic* (1966) 3 C.L.R. 862, and the *Vonditsianos* case, *supra*). It was reasonably open to the Commission, on the basis of all relevant considerations, including length of experience, qualifications and the confidential reports, to prefer this Interested Party for permanent appointment.

Interested Party Pierides, an Assistant Examiner of Accounts, was seconded to the post of an Examiner of Accounts, 3rd grade, on the 27th December, 1967, only shortly before he became, by operation of law (Law 14/68), the substantive holder of the post of Examiner of Accounts, 3rd grade, a post which by the said Law had been downgraded and was, thus, in a way, a glorified version of the post of Assistant Examiner of Accounts.

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On the other hand, the Applicants in cases 307/68 and 321/68 were seconded, and later substantively promoted, to the post of Examiner of Accounts, 3rd grade, quite long before it was downgraded in 1968.

As there is not any substantial difference in merit on the basis of the relevant confidential reports, and in the absence of any explanation, in the minutes of the Respondent, as to why the striking difference in the course of the careers, in the Audit Office, of Interested Party Pierides and of the said two Applicants was disregarded in deciding to appoint the former on a permanent basis and the latter only on secondment, I am forced to the conclusion that the *sub judice* permanent appointment of this Interested Party ought to be annulled, as not being reasonably open, in the circumstances, to the Respondent Commission, and it is hereby declared to be *null* and *void* and of no effect whatsoever (see, *Partellides* and *The Republic* (1969) 3 C.L.R. 480).

It is correct that the Respondent has stated in its minutes that it relied on the views expressed by Mr. Stathis, the Head of the Department concerned. Such views are not only not recorded (and in this respect see, again, the *Partellides* case, *supra*) but, as explained by Mr. Stathis in the course of his evidence, they were not expressed *before* the Respondent's decision had been reached about whom to appoint—as they should have been expressed—but *after* such decision, and they, thus, amounted, in effect, to a mere concurrence on the part of Mr. Stathis, to which no really decisive weight can be attributed.

In the result recourse 279/68 succeeds in full, as it was aimed only at the permanent appointment of Interested Party Shiammas; and recourses 307/68 and 321/68 succeed only regarding the said appointment and the permanent appointment of Interested Party Pierides and they fail as regards the permanent appointment of Interested Party Ashiotis.

The appointments which have been annulled by means of this judgment have been made, as it clearly emerges from the contents of such judgment, contrary to law (*viz.* the relevant administrative law principles) and in abuse and excess of powers.

It is now up to the Respondent Commission to reconsider

the filling of the vacancies created as a result of the outcome of these proceedings.

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Regarding costs I have decided to make no order as to costs because two of the recourses, 307/68 and 321/68, were only partly successful, and in relation to the recourse, 279/68, which was fully successful there were put forward some arguments which have prolonged the proceedings and which in the end were held not to be valid arguments.

*Recourse 279/68 succeeds in full.
Recourses 307/68 and 321/68
succeed in part. No order as
to costs.*