

1979 October 11

[HADJIANASTASSIOU, J.]

IN THE MATTER OF ARTICLE 146 OF THE CONSTITUTION

IORDANIS ELEFThERIOU AND OTHERS,

Applicants.

v.

THE CENTRAL BANK OF CYPRUS, THROUGH
THE GOVERNOR OF THE CENTRAL BANK,

Respondent.

(Cases Nos. 255/76, 257/76 and 44/77).

5 *Public Officers—Promotions—Confidential reports—Promotions to the post of Officer Grade I in the Central Bank—Three years' delay in preparing confidential reports of candidates—Though contrary to regulation 12(1) of the Central Bank of Cyprus Employees' (Conditions of Service) Regulations, 1964, not sufficient by itself to lead to annulment of sub judice promotions.*

10 *Public Officers—Promotions—Head of Department—Recommendations—Promotions to the post of Officer Grade I in the Central Bank of Cyprus—Based on oral views of Governor of the Bank which were not recorded in the relevant minutes—Annulled for absence of due reasoning.*

15 *Administrative Law—Administrative acts or decisions—Reasoning—Due reasoning—Clear and adequate reasons should be given in order to enable Court to ascertain whether or not decision is well founded in fact and in law—Especially regarding decisions taken by collective organs which are unfavourable to the subject—Public Officers—Promotions to the post of Officer Grade I in the Central Bank of Cyprus—Based, inter alia, on oral views of Governor of Bank which were not recorded in the relevant minutes—Court not in a position to ascertain whether sub judice decision well-*
20 *founded in fact and in law—Annulled for lack of due reasoning.*

25 The applicants in these recourses challenged the decision of the respondent Central Bank to promote Kyriacos Bagdades and Spyros Stavrou ("the interested parties") to the post of Officer Grade I. The promotions complained of were made by the

Governor of the Bank in accordance with the advice of the Personnel Committee established under section 15(3)* of the Central Bank of Cyprus Law, 1963 (Law 48/63). According to the minutes of the Personnel Committee the Governor placed before them the list of all officers Grade II, their confidential reports and a record showing their academic, professional or other qualifications, previous appointments held with the Bank, experience at the Bank and previous employment. He, also, reported to the Personnel Committee his own views on the various candidates, as a result of the discussions he had on the work of the candidates with each Manager or other reporting officer and the Committee concluded that on the basis of merit, experience and qualifications the two interested parties should be appointed. The relevant extract from the minutes of the Committee reads as follows:

“ It was decided that in view of the Attorney-General’s advice of 22.11.1973 both appointments be made on a temporary basis with effect from 13th August and that Kyriakos Bagdades should be appointed to the vacant post of Officer Grade I while Spyros Stavrou be appointed to the supernumerary post to be created under regulation 10 in view of a vacancy in the post of Manager ”.

Counsel for the applicants mainly contended:

- (1) That the act or decision of the Personnel Committee was taken in excess or in abuse of powers in that, contrary to regulation 12(1)** of the Central Bank of Cyprus Employees’ (Conditions of Service) Regulations, 1964, the confidential reports of the candidates were not prepared annually for the last three years but they were prepared three days before the promotions were made.
- (2) That the *sub judice* decision was not duly reasoned.

Held, (1) that though the delay for a period of three years to prepare the confidential reports of the candidates, is in direct conflict both with regulation 12(1) and with the protection of the legitimate interests of the candidates, once the confidential

* Quoted at p. 91 *post*.

** Regulation 12(1) reads as follows:

“Every Manager or, in his absence, the Section Head of the Bank, shall submit to the Governor annually on a special form confidential appraisal reports on every employee in their department or section, who has been confirmed in his post”.

reports play an important role to the promotion of a candidate, having regard to the particular circumstances of this case the delay in question is not sufficient by itself to lead to the annulment of the decision of the Personnel Committee; and that, accordingly, contention (1) must fail.

(2) That it is one of the concepts of administrative law that decisions must be duly reasoned, which in effect means that clear and adequate reasons must be given, especially in cases of decisions taken by collective organs, to enable the Court to know why the administration has taken that stand and why one officer was preferred instead of others; that this is essential when a decision is unfavourable to the subject, and because in the absence of such reasons, the Court is unable to ascertain whether the decision complained of is well-founded in fact and in accordance with the law; that though in this case it is stated in the relevant minutes of the Personnel Committee that the Governor has reported to the Committee his own views on the various candidates there is nothing at all in such minutes to show what were these views and what was actually the discussion which has taken place in order to enable this Court to decide why the two candidates were preferred instead of the applicants; that, therefore, the *sub judice* decision was not duly reasoned; and that, accordingly, it must be annulled. (*Partellides v. The Republic* (1969) 3 C.L.R. 480 at p. 484 and *Bagdades v. The Central Bank of Cyprus* (1973) 3 C.L.R. 417 at pp. 428-429 followed).

Sub judice decision annulled.

Cases referred to:

Theodossiou v. Republic, 2 R.S.C.C. 44;
Bagdades v. The Central Bank of Cyprus (1973) 3 C.L.R. 417 at pp. 428-429;
Partellides v. The Republic (1969) 3 C.L.R. 480 at p. 484;
Kyprianou and Others (No. 2) v. The Republic (1975) 3 C.L.R. 187.

Recourse.

Recourse against the decision of the respondent to promote the interested parties to the post of Officer Grade I, in the Central Bank of Cyprus, in preference and instead of the applicants.

P. Ioannides, for the applicants.
R. Gavrielides, Counsel of the Republic, for the respondent.

Cur. adv. vult.

HADJIANASTASSIOU J. read the following judgment. In these three consolidated recourses, each applicant seeks a declaration of this Court that the act and/or decision of the Central Bank of Cyprus issued on 12th August, 1976, promoting the two interested parties, Messrs. Kyriacos Bagdades and Spyros Stavrou to the post of Officer Grade I is null and void and of no effect whatsoever. 5

The facts are these:-

The first applicant, Iordanis Eleftheriou, was appointed in December 1966—January 1968 to the post of Economist upgraded and from January 1968—today to the post of Officer Grade II. His qualifications as they appear on the list filed before the Court are these:- He graduated the Samuels Commercial School of Nicosia, the North Western Polytechnic London (1956-57), the University College London B. Sc. Econ. (Internal Student) (1960-1965) and attended an I.M.F. course of Financial Analysis and Policy in U.S.A. (August 70-January 71). 10 15

The second applicant, Georghios Thomas, was appointed in the bank on a casual basis from 9.12.1973-31.5.1975 and from 1.6.1975 until today to the post of Officer Grade II. His qualifications are these:- He graduated the Pancyprian Gymnasium, the Carroll College U.S.A. (B. Sc. Econ); the University of California (M.A. Econ.); and University of California (Ph. D. Economics (UCLA)). 20 25

The third applicant, Georghios Mavroudis was appointed to the same post in April, 1970, and he is the holder of these qualifications: A graduate of the Pancyprian Gymnasium; the Athens Graduate School of Economics and Business (Economic section); University College London M. Sc. Econ. (Study leave pay); I.M.F. course of Financial Analysis and Policy U.S.A. 30

The applicants, feeling aggrieved because of the promotion of the two interested parties, filed separate recourses; applicants 1 & 2 on the 26th October, 1976, and applicant No. 3 on the 8th February, 1977. In support of their applications, all three applicants filed the same grounds of law; (1) that the act and/or decision attacked in these recourses were taken contrary to section 15 of the Central Bank of Cyprus Law, 1963 (Law 48/63); and/or in contravention of the Regulations and/or in excess or in 35 40

abuse of their powers; because (a) the respondents have failed to publish the post of Officer Grade I, a practice followed always and which was necessary for the choice of the most eligible officers to the post in question; (b) that the confidential reports
5 of the last three years regarding the candidates had been prepared without due consideration and in a hurry, three days before the decision was taken. In accordance with regulation 12(1) the confidential reports are prepared annually. In view of the non
10 preparation of the confidential reports in the time specified in the regulations the just and fair judgment of the candidates was not possible; (c) the respondents have failed to choose the most
15 suitable candidates for promotion and/or appointment to the post of Officer Grade I, particularly regarding the applicants whose qualifications, experience and ability are much superior to those who have been promoted (2) the respondents have
20 failed to carry out an enquiry with regard to the qualifications, experience and ability of the candidates in order to choose the most suitable person for the filling of the posts in question; and (3) that the acts or decision of the respondent attacked in this recourse lack sufficient and/or legal reasoning.

On 26th February, 1977, counsel appearing on behalf of the applicants, in support of his legal grounds (1) (c) and 2 gave more reasons, viz., that the respondents have failed to exercise
25 and/or to exercise properly their duty regarding the choice of the most able candidates for promotion in accordance with the legal proposition which has been established in the case of *Michael Theodosiou v. The Republic of Cyprus*, 2 R.S.C.C. 44; and (2) that the respondents have failed to carry out a proper
30 enquiry with regard to the qualifications, experience and ability of the candidates and have failed to take the views of the Heads of the Departments under whom candidates have been working and in accordance with regulation 12 of the Central Bank of
35 Cyprus Employees' (Conditions of Service) Regulations, 1964, the confidential reports of the last three years have not been prepared and they were prepared in a hurry a few days before the said decision was taken in order to show that the decision was made in a lawful manner.

On 28th April, 1977, counsel appearing for the respondent bank opposed the application on the following ground of law,
40 which is identical in all three applications:— That the decision complained of was lawfully taken after full and careful con-

ration of all relevant facts and circumstances of the case and in the proper exercise of the discretionary powers vested in the respondent.

The facts relied upon in the opposition are these:-

On 29th July, 1976, the Personnel Committee of the Central Bank of Cyprus, decided to fill the vacancies in the post of Officer Grade I, Central Bank. The Committee further decided that the vacancies need not be advertised and that in the first instance the Committee should consider filling the vacancies from amongst officers serving in the post of Officer Grade II. 5 10

On 12th August, 1976, the Governor of the Central Bank placed before the Committee the list of names of all Officers Grade II, their confidential reports, and a record showing, *inter alia*, the following:- Academic, professional or other qualifications, previous appointments held with the bank, experience at the bank and previous employment. 15

According to an extract from the minute of the Personnel Committee, the Governor reported also to the Committee his own views on the various candidates, as a result of the discussions he had on the work of the candidates with each Manager or other reporting officer. The Committee concluded that on the basis of merit, experience and qualifications of the candidates the following should be promoted in the order listed: 20

Kyriakos Bagdades

Spyros Stavrou 25

In the extract from the minutes of the Personnel Committee it is stated that: "It was decided that in view of the Attorney-General's advice of 22.11.73 both appointments be made on a temporary basis with effect from 13th August and that Kyriakos Bagdades should be appointed to the vacant post of Officer Grade I while Spyros Stavrou be appointed to the supernumerary post to be created under Regulation 10 in view of a vacancy in the post of Manager." 30

The functions of the Governor relating to the officers and employees of the bank appear in s. 15(2) of Law 48/63 which says that:- 35

"Without prejudice to the generality of subsection (1) the Governor shall, subject to any Law in force for the time being and in accordance with regulations relating to the

officers and employees of the Bank made under this Law, appoint, suspend or dismiss any officer or employee of the Bank other than officers or employees in respect of whom other provision is made in this Law.”

5 And under subsection (3):-

“ The Governor in carrying out any of his functions under subsection (2) shall act in accordance with the advice of a Committee established for the purpose and consisting of himself as Chairman, the Deputy Governor, one director
10 nominated by the Board in this respect, the Minister’s Representative and one other person nominated by the Board in this respect to hold office for a period of two years, unless earlier removed by the Governor.”

In exercise of the powers vested in it by paragraph (b) of
15 subsection (2) of ss. 13 and 14 and by subsection (2) and (3) of section 17 of the Central Bank of Cyprus Law, 1963, the Board of Directors, on the recommendation of the Governor, made the Central Bank of Cyprus Employees’ (Conditions of Service) Regulations, 1964.

20 According to the interpretation section “ Personnel Committee ”, means the Committee established under s. 15(3) of the Central Bank of Cyprus Law 1963, and regulation 11, provides that “promotions of employees will be made on the basis of merit, experience and qualifications.”

25 Regulation 12(1) provides that:-

“ Every Manager or, in his absence, the Section Head of the Bank, shall submit to the Governor annually on a special form confidential appraisal reports on every
30 employee in their department or section, who has been confirmed in his post.

(2) Every Manager or, in his absence, the Section Head of the Bank, shall submit to the Governor six-monthly, on a special form confidential appraisal reports on every
35 employee in their department or section, who is on probation. The last six-monthly report will be submitted fourteen days before the employee is due for confirmation.

(3) In the event of a report being unsatisfactory in respect of the services of any employee, the employee shall be informed in time.”

Turning now to the qualifications of the two interested parties, it appears that Kyriakos Bagdades attended the Gymnasium of Lapithos in 1947-1948; he attended the English High School of Kyrenia from 1948-1951 and the Nicosia Institute for the year 1951-1952. It appears further that he has passed G.C.E. exams in English Ordinary, English Higher, Turkish Lower, Maths A, Maths B, Geography, L.C.C. exams in Elementary Book-keeping, Intermediate Book-keeping; Accounting Higher; and finally the Institute of Bankers Diploma and B. Sc. Econ. (external student).

Spyros Stavrou has graduated the Famagusta Gymnasium and City of Westminster College. He has passed G.C.E. Exams Greek Ordinary, English Language Ordinary, British Constitution Advance level, British Economic History Advance, Economics Advance. He has attended the University of London for a period of three years (1964-1967) for a B. Sc. Economics (external student); the University of Stockholm, M. Sc. Econ. for 1967-1969; and has taken an I.M.F. course on Balance of Payments Methodology, U.S.A.

According to the scheme of service of Officer Grade I the duties and responsibilities of the post are: To be responsible for the proper functioning of a section of a department, and/or assist in the supervision of a department. To undertake studies, research work, examination of banks and similar tasks, analyse economic and other data and to submit reports and recommendations for the formulation of policies. To perform any other duties which may be assigned to him. And the qualifications required are: (a) To hold an appropriate university degree preferably in economics; (b) to be a person of sound judgment, tactful, have administrative abilities and capable of assuming responsibilities; (c) to have ability to draft reports on economic and related subjects; (d) to have a very good knowledge of Greek and English or Turkish and English.

It should be added that in accordance with the general conditions of the schemes of service under V and VI the qualifications specified under each grade or post are the minimum required for appointment. Appropriate additional or higher qualifications will be considered as an advantage. Academic or professional qualifications of an equivalent standard to those specifically prescribed for a post may be accepted. What are qualifications of an equivalent standard or what are appropriate qualifica-

tions or experience (if prescriptions to that effect are made for a post) will be decided by the Committee set up under section 15 of the Central Bank of Cyprus Law.

5 According to the confidential appraisal reports, the nature of duties of Kyriakos Bagdades were examination of banks and related duties.

In the year 1973 the Reporting Officer Mr. A.J. Philippou reported as follows: "Quantity of work: Very satisfactory in quality and quantity. He is a knowledgeable person in matters
10 relating to bank supervision. He has a good knowledge of banking and accounting. His studies in Economics will widen his general background. He likes to be given initiative in his work. He can be trusted to use his initiative properly. His judgment is generally reliable and sound. He is a very competent
15 officer, very fit for the duties of bank examiner. He has also a good analytical brain. His only drawback perhaps is his tendency to be rather obstinate. The clarity of his expression could also improve. On the whole I have no doubt that he will be a serious candidate for promotion to Grade I in future." For the year
20 1974 the same Officer had this to say: "Quantity and quality of work: Very satisfactory. His knowledge on subjects bearing on his duties is very good. He is keen to widen his knowledge through his studies for the B. Sc. (Econ.) degree. He likes to take the initiative. He does not require supervision
25 in his work and can be trusted to carry out his duties with the minimum of instructions. His judgment is quite reliable. He is an intelligent person. He is definitely a person who has potential for further development. He could be a serious candidate for Grade I post. His background at the Bank has
30 involved him in a variety of duties, and I believe he has benefited from this." For the year 1975 his reporting officer states: "During the period he spent in this Department he performed his duties to my full satisfaction. He is conscientious, intelligent and reliable. I believe he could be entrusted with duties of greater
35 responsibility. As mentioned in previous reports, he should be a candidate for promotion to Grade I." Finally the Governor of the Bank on the 11th August, 1976, had this to say:-

" This officer was directly responsible to me from August
40 1975 to date. Though no assessment report has to be submitted under Reg. 12 for this period, I wish to place on record the following:-

Mr. Bagdades performed his duties to my entire satisfaction—indeed at a level in terms of quality beyond my expectations for an officer of this grade.

The quantity and quality of his work was excellent. He was able to tackle problems in general fields. 5

He has shown considerable initiative and has been able to develop his own ideas on tackling a problem. He is very intelligent and of sound judgment.

It is fair to say that he has created some antagonism amongst his seniors. This may be partly due to the nature of his duties and partly to a minor flaw in his character—lack of tact in putting his point of view—perhaps due to a forceful personality. However, even in this respect I found that he has now considerably improved. 10

I have no hesitation in recommending him for promotions to the post of Officer Grade I.” 15

With regard to the second interested party Spyros Stavrou the nature of his duties were these:— To follow and analyse developments in the sectors of balance of payments and public finance. Furthermore to follow the developments with regard to the reform of the international monetary system and the relations of Cyprus with the I.M.F. 20

The Reporting Officer made the following remarks for the year 1973:— “Quantity and quality of work: good. He has a good theoretical background; satisfactory initiative; good judgment. His work is reliable and he has a good drafting. He needs the minimum of supervision.” His Reporting Officer made this report:— “Mr. Stavrou has a good back-ground in Economics which he utilizes in his work. He is conscientious and he can work with little supervision, whereas the quality of his work is good. He exercises good judgment. Mr. Stavrou will be a serious contesteer in any future promotion.” 25 30

For 1974 this report was made by the same Officer:—

“The quantity and quality of his work is good. He has a good academic background and knowledge of Economics. His initiative is above average and he has good judgment. Mr. Stavrou is a reliable officer of a good standard performing his duties with little supervision. I recommend him for any future promotions to Grade I.” 35

And finally for 1975 this report was made:- “ The standard of his work is good both in terms of quantity and quality. He has a good academic background, his initiative is above average and he has good judgment. Mr. Stavrou has always been a reliable officer who continuously tries to improve. His standard is good and he works with minimum of supervision. I recommend him as a first choice for promotion to Officer Grade I (Senior Economist).

With regard to applicant George Thomas he had the following duties: Special studies and development of a filing and retrieval system for IMF documents, and follow-up of IMF activities. The Reporting Officer made this report on the year 1974: “Quantity and quality of work: good; he has a good academic background, satisfactory initiative, satisfactory judgment. Mr. Thomas is a hardworking officer with a good academic knowledge. He has a tendency, however, to be somewhat inflexible and difficult to co-operate with others.” For the year 1975 the following report was made: “Quantity and quality of work: good. He has a good academic background and knowledge of Economics, satisfactory initiative and judgment. Mr. Thomas is a hardworking officer and his work is generally of satisfactory standard. He has a tendency to be over-critical. His co-operation with others is improving.”

With regard to applicant Iordanis Eleftheriou the nature of his duties includes matters and problems for implementing Trade and Payments Agreements with clearing countries. Formulation of spot and forward exchange rates and problems and transactions related to these topics. Following through the F/N MID and other media, financial and economic developments thus forming a background assisting the implementation of any duties. Testing messages. Taking up duties of other officers when they are away from the bank. Destruction and cancellation of currencies.” In 1973 the following report was made: “Quantity and quality of work good; knows own and related jobs; his initiative is good when deviated from routine and he has good common sense. His performance is satisfactory.” For the years 1974 and 1975 the same report was made.

The nature of the duties of Georghios Mavroudis were the following: “Research work with special emphasis on problems in the monetary field.” In 1973 the Reporting Officer made the following general assessment and recommendation: “Mr.

Mavroudis has successfully completed his M. Sc. course and he has now a good background in economics which is very helpful in the discharge of his duties. His work is of good standard and so is his judgment while he needs little supervision. Mr. Mavroudis would also be a serious contender in any future promotions." In 1974 this report was made: "Quantity and quality of work is good, though he tends sometimes to be slow and not to double-check his statements. He has a good academic background and knowledge of Economics, average initiative and good judgment. The standard of his work is good, though he may on occasions not pay particular attention to the presentation aspect of his reports. He works with little supervision. He should be considered in any future promotions." And for 1975 this report was made: "Though his standard is generally good his reports sometimes suffer from poor presentation. He has a good academic background, average initiative and good judgment. I am generally satisfied with his standard of work and the little need for supervision. He needs to pay some more attention to the presentation side of his report. I would recommend him for the second Grade I post."

There is no doubt that the Personnel Committee in effecting appointments or promotions is bound to select the most suitable candidate for the particular post, having regard to the totality of circumstances pertaining to each one of the qualified candidates, including length of service which, though a factor to be considered is not always the exclusive vital criterion for such appointment or promotion. Indeed the Personnel Committee should take seriously into consideration the recommendations of a head of department or other senior responsible officer, especially where specialized knowledge and ability are required and this is a most vital consideration which should not be disregarded lightly. I would further add that if the recommendation could not be acted upon by the appointing body then, as the authorities of this Court show, the Head of Department, or any other responsible officer should be invited to explain his views before the said body. If, nevertheless, the appointing body still feels that it can not act on such recommendation the reasons for not so acting should be clearly and lucidly recorded in the minutes of the appointing body for the protection of the legitimate interest of the candidates concerned.

Counsel for the applicants mainly argued in support of his legal grounds that the act or decision of the Personnel Committee

was taken in excess or in abuse of powers, and that in spite of regulation 12(1) of the said Regulations the confidential reports of the candidates were not prepared annually for the last three years; indeed counsel further argued that those reports were
5 prepared in a hurry by the Manager or one of the assistants three days before the promotions were made and in doing so they acted in excess or in abuse of powers, because due to lapse of time, they were unable to assess the work of each individual officer impartially and correctly. On the contrary counsel for
10 the respondents very fairly indeed conceded that the failure of the Manager or his assistant to prepare the confidential reports is clearly a violation of regulation 12(1) which lays down that those reports should be prepared every year, but he submitted that once the reports were finally submitted they ought to be
15 used because it was too late to adopt another stand. Finally counsel argued that the Court had no alternative but to look at them and consider their weight in the particular circumstances of this case. Indeed counsel for the applicants in reply admitted or conceded that the mere violation of regulation 12(1) was not
20 sufficient by itself to annul the said decision once the reports had to be prepared once again by the same people and for the same years. But he argued the weight of those reports in the circumstances of this case is diminished because the reports are prepared to evaluate the work of each candidate when the facts are fresh
25 in the mind of the Reporting Officer.

I have considered very carefully the arguments and I find myself in agreement with both counsel that the delay for a period of three years to prepare the confidential reports of the candidates, is in direct conflict both with regulation 12(1) and with
30 the protection of the legitimate interest of the candidates concerned, once the confidential reports play an important part with regard to the promotion of a candidate. Regretfully as it is, however, I have no alternative and I agree that having regard to the particular circumstances of this case I do not think that
35 the failure to prepare the confidential reports within the time limits set out by regulation 12(1) is sufficient by itself to annul the decision of the Personnel Committee.

The next complaint of counsel was that the respondents have failed to carry out a full inquiry as to the qualifications of each
40 candidate and indeed have failed to point out in their decision in *exhibit* 8 full and sufficient reasons why the two interested parties were preferred, in order to enable the Court, in the

interest of justice, to protect the legitimate interest of serving candidates.

Indeed, counsel appearing for the respondent, in a very constructive argument, and relying on the decision of *Kyriakos G. Pagdades v. The Central Bank of Cyprus*, (1973) 3 C.L.R. 417, contended that the decision of the Personnel Committee lacks due reasoning, and because of the observations made in *Bagdades* case, this Court, once it is convinced that due reasoning is absent, is entitled to annul the administrative decision. 5

Time and again, it was said that the administration must give reasons to enable the Court to know why it has taken that stand, and why one officer was preferred instead of others. In the absence of a definite statement to that effect which ought to appear in the minutes, the Court cannot really surmise what was the decisive factor which weighed in some cases and less in others, as the case may be. But on the other hand, if the course of study, as a result of which a diploma was obtained goes beyond what is required for the efficient discharge of the duties of a particular post, in my view, once all candidates possess the academic qualifications required for the post in question, that reason alone should not weigh so greatly in the mind of the appointing authorities, and in selecting the most suitable candidates, should see all the circumstances appertaining to each one of the candidates. It is said and rightly so, with respect, that it is one of the concepts of administrative law that decisions must be duly reasoned, and which in effect means, that clear and adequate reasons must be given, especially in cases of decisions taken by collective organs. Indeed, this is essential when a decision is unfavourable to the subject, and because in the absence of such reasons, the Court is unable to ascertain whether the decision complained of is well-founded in fact and in accordance with the law. 10
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That the decision is not duly reasoned, has not been seriously challenged, as I have said earlier, and reading from the decision of the Personnel Committee, the Governor has reported to the committee his own views on the various candidates. But the question is what were those oral views? There is nothing at all in the minutes to show what were his own views and what was actually the discussion which has taken place in order to enable the Court to decide why the two candidates were preferred to the others. 35
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In *Costas D. Partellides v. The Republic* (Public Service Commission), (1969) 3 C.L.R. 480, Triantafyllides, J., (as he then was), delivering the Judgment of the Full Bench, dealt with recommendations made orally at a meeting of the Commission, and had this to say at p. 484:-

“ ... we have, indeed, noted a general statement, in the relevant minutes of the Respondent, that the decisions as to the promotions concerned—including the *sub judice* one—were reached bearing in mind, *inter alia*, the ‘recommendations’ of Mr. Hadjioannou (which were made orally at the particular meeting of the Respondent on the 3rd July, 1968); but, in the opinion of the Court, without these recommendations being adequately recorded in the said minutes, so as to enable this Court to examine how and why it was reasonably open to the Respondent to act upon them, notwithstanding the greater seniority of the Appellant and the equally good confidential reports, such a general statement in the minutes of the Respondent, as aforesaid, cannot have the effect of rendering the promotion of Interested Party Gregoriades one which can be treated as having been properly decided upon in the exercise of the particular powers of the Respondent.”

In *Kyriakos G. Bagdades (supra)*, dealing with the question of the absence of due reasoning, I had this to say at pp. 428-429:-

“ The next question which is posed is whether the decision of the Governor to appoint the interested party is duly reasoned. Regarding this point, I think I ought to reiterate what I said in *Papazachariou v. The Republic*, (1972) 3 C.L.R. 486, that due reasoning must be more strictly observed in the case of a decision having been taken by a collective organ, and particularly when such decision is unfavourable to the subject. The whole object, of course, of such rule is to enable the person concerned as well as the Court, on review, to ascertain in each particular case whether the decision is well-founded in fact and in accordance with the law. *HadjiSavva v. The Republic* (1972) 3 C.L.R. 174.

Having considered the arguments of both counsel and in view of the fact that one of the concepts of administrative

law is that administrative decisions must be duly reasoned, that must be clearly read as meaning that proper adequate reasons must be given. The reasons that are set out in the decision of the Committee whether they are right or wrong, ought to have been reasons which not only would be intelligible, but also can reasonably be said to deal with the substantive points raised, i.e. why the interested party was preferred and what were the other relevant factors which weighed so much in the mind of the Committee in preferring the interested party instead of the applicant who, as I said earlier, had a longer service with the bank. In the absence of those reasons, in reviewing the said decision, I am unable to ascertain whether the decision is well-founded in fact and in accordance with the law, and in the light of this finding that the said decision is not duly reasoned, exercising my powers under Article 146, I would declare that such decision or act is null and void and of no effect whatsoever.”

See also *Pantelis Kyprianou and Others (No. 2) v. The Republic, (P.S.C.)*, (1975) 3 C.L.R. 187 on the question of clarity in the minutes of proceedings of an administrative organ.

For the reasons I have given at length, and in the light of the particular facts of this case, and having regard to the authorities quoted earlier in this judgment, I have reached the conclusion that the decision of the Personnel Committee was not duly reasoned, and I have no alternative but to annul the administrative act once the said Committee has acted in abuse or in excess of their powers. In the particular circumstances of this case, I make no order as to costs.

Decision annulled, no order as to costs.

Sub judice decision annulled. No order as to costs.