



Government of Tonga

# Public Service Tribunal

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*16.5 of the*  
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*17/02/14*  
*R*  
*18/02/14*

**'Aisea H Taumoepeau, SC - Chairman**

**Lady 'Eseta Fusitu'a - Member**

**Timote Katoanga - Member**

## Appeal No. PST 5 of 2013

**Appellant:** Mr. Heamasi Leha'uli

**Respondent:** Public Service Commission

### Representation:

**Appellant:** Peau Pifeleti Counsel for Appellant

**Respondent:** Sione Sisifa Acting Solicitor General  
Charlotte Vuki Deputy Secretary,  
Public Service Commission

**Date of Hearing:** 11 February, 2014

**Date of Ruling:** 11 February, 2014

1. This is an appeal by Heamasi Leha'uli against his dismissal from the Public Service.
2. The Appellant, Heamasi Leha'uli, is a former employee (Roads Overseer) in the former Ministry of Works. In 2009, a disciplinary action was duly conducted against the Appellant by the Public Service Commission as a result of certain allegations made against him.
3. The disciplinary action resulted in PSC Decision No. 247 of 4 August 2009, which read as follows-

*"1. That Mr. Heamasi Leha'uli, Roads Overseer, Ministry of Works, be dismissed from the Public Service with effect from 26 March 2009 (i.e the date of his suspension);*

*2. That he submits his claims for leaving service benefits to the Retirement Fund Board."*

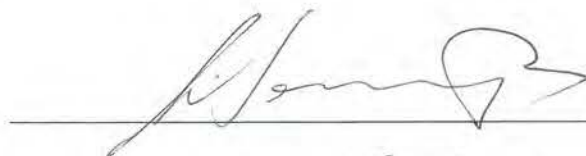
4. In accordance with the then state of the rules of the Public Service, the Appellant lodged an appeal to His Majesty's Cabinet against PSC Decision No.247 of 4 August 2009.
5. The Appellant informed this Tribunal that His Majesty's Cabinet considered his appeal resulting in Cabinet Decision No. 839 of 24 September 2009, which read –

*"That PSC Decision No. 247 of 4th August 2009, is confirmed."*

6. The Appellant now appeals to this Tribunal by virtue of a letter lodged on 18 September 2013.
7. There are fundamental obstacles against the Appellant in this appeal, and it appears that he had exhausted his legal rights under the rules applicable to him back in 2009;
  - (i) A disciplinary action against him was duly conducted;
  - (ii) The Appellant also lodged an appeal to His Majesty's Cabinet, which was duly adjudicated.

8. In view of the above, this Tribunal has no jurisdiction to entertain any further appeal on this matter.
9. In any case, the Appellant's appeal to this Tribunal is out of time.
10. It is noted the Appellant is also appealing against the forfeiture of the employer's contribution to his account with the Retirement Fund. That matter was governed by the state of the law back in 2009 when the Appellant was dismissed. This Tribunal also has no jurisdiction over that matter.
11. For the reasons given above, the appeal by the Appellant, Heamasi Leha'uli, is dismissed.

**'Aisea H Taumoepeau**



**Lady 'Eseta Fusitu'a**



**Timote Katoanga**

