



Government of Tonga

Public Service Tribunal

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'Aisea H Taumoepeau, SC - Chairman

Lady 'Eseta Fusitu'a - Member

Timote Katoanga - Member

Appeal No. PST 4 of 2013

Appellant: Mr. Timote Finau Lea

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 Timote Finau Lea against his dismissal from the Public Service.
2. The Appellant, Timote Finau Lea, is a former employee (Roads Overseer) in the former Ministry of Works. In the beginning of 2009, a disciplinary action was conducted against him by the Public Service Commission as a result of certain allegations made against him.
3. By virtue of PSC Decision No. 354 of 21 October 2009, the Appellant was dismissed from the public service. Part 1 of that decision read -

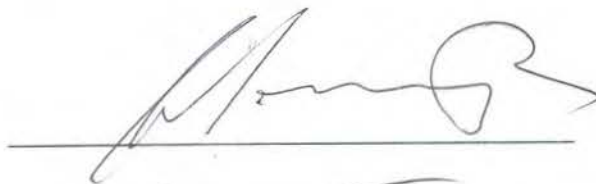
“1. That Mr. Timote Lea, Road Overseer, Ministry of Works be dismissed from the Public Service with effect from 26 March 2009, the date of his suspension from duty without pay;

2. That he submits any claim for leaving service benefits to the Retirement Fund Board.”
4. In accordance with the then rules of the Public Service, the Appellant lodged an appeal to the Majesty’s Cabinet against PSC Decision No. 354 of 21 October 2009.
5. The Appellant informed this Tribunal that His Majesty’s Cabinet considered his appeal “and all relevant documents” resulting in Cabinet Decision No. 1056 of 25 November 2009, which read -

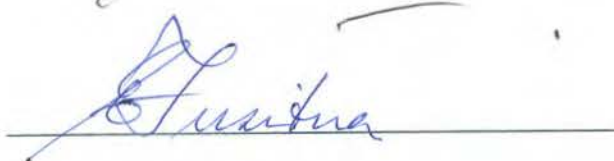
“Appeal is denied and that Part 1 of PSC Decision No. 354 of 21 October 2009, is confirmed.”
6. The Appellant now appeals to this Tribunal by virtue of a letter lodged on 18 September 2013.
7. There are fundamental obstacles against the Appellant in this appeal, and it appears that he had exhausted his 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 appeal to this Tribunal is out of time.
10. It is noted that the Appellant is also appealing against the forfeiture of the employer’s contributions 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, Timote Finau Lea, is dismissed.

'Aisea H Taumoepeau



Lady 'Eseta Fusitu'a



Timote Katoanga