

IN THE COURT OF APPEAL, FIJI AT SUVA
ON APPEAL FROM THE HIGH COURT OF FIJI

CIVIL APPEAL NO ABU0046 OF 1996
(High Court Judicial Review No.HBJ009 of 1993S)

BETWEEN:

DAVID JASWANT SINGH

Respondent/Applicant

AND:

THE COMMISSIONER OF POLICE
THE POLICE SERVICE COMMISSION

Appellants/Respondents

Coram: The Hon. Sir Moti Tikaram, President
The Rt. Hon. Sir Maurice Casey, Judge of Appeal
The Hon. Justice I.R. Thompson, Judge of Appeal

Hearing: Tuesday, 4 May 1999

Counsel: Mr. S. Samuels for the Applicant
Mr. J.J.Udit for the Respondent

Date of Decision: Friday, 14 May 1999

DECISION

The applicant is seeking leave to appeal to the Supreme Court against the judgment of this Court delivered on 23 September 1998. This Court may give leave only on a question certified by it to be of significant public importance (1997 Constitution, s.122(2)(a)).

The applicant framed the following questions:

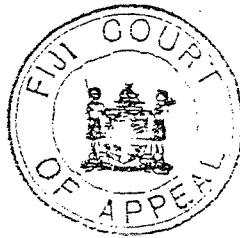
- “(i) Whether the power of the appointment of Tribunal are vested in the Commissioner only or can they be exercised by other officers.

- (ii) Can the power exercisable by the Deputy Commissioner as delegate of the Commissioner can be exercised by an Assistant Commissioner or Assistant Superintendent or Senior Superintendent as had been done in this case.

- (iii) Does the appointment of a Tribunal under the Police Act need to be gazetted.
- (iv) Who has the authority to appoint the Tribunal.
- (v) If the Tribunal does not follow the mandatory requirements of procedure under the Police Act and Regulations does that render the disciplinary proceedings and the decision a nullity."

All those questions relate simply to certain matters pertaining to the internal administration of the Fiji Police Force. They are, we are satisfied, not questions of significant public importance.

Accordingly the application is dismissed. The applicant is to pay the respondent's costs of this application, which we fix at \$300.



M. Tikaram

 Sir Moti Tikaram
 President

M. Casey

 Sir Maurice Casey
 Judge of Appeal

I.R. Thompson

 Mr Justice I.R. Thompson
 Judge of Appeal

Solicitors:

Messrs. Sahu Khan and Sahu Khan, Ba for the Applicant/Respondent
 Office of the Attorney-General Chambers, Suva for the Respondents/Appellants