

In the Supreme Court of Nauru

CIVIL ACTION NO. 14/2003

BETWEEN : JUNIOR DOWIYOGO PLAINTIFF
AND : SECRETARY FOR JUSTICE FIRST DEFENDANT
PAUL AINGIMEA SECOND DEFENDANT

Mr. Pres Nimes Ekwona for Plaintiff
Mr. W. Togamae with Mrs. S. Wynter for First Defendant
No appearance for second Defendant
Delivery of Judgment 6 October, 2003


ORDER

I grant an order for a declaration in the following terms:-

I declare that

- i. the purported removal of the Plaintiff from the office of Director of Police, contained in the letter of 17 June 2003 to the Plaintiff from the Acting Chief Secretary, and his placement in the subordinate position of Superintendent of Police was void ab initio;
- ii. the appointment, contained in the letter, dated 17 June 2003, of the Acting Chief Secretary, of the Second Defendant as Director of Police effective from 16 June 2003, was void ab initio;
- iii. the letter of the Minister, dated 16 June 2003, to the Plaintiff was of no force or effect;
- iv. the Gazette Notice No. 167/2003 was, as a consequence, of no force and effect and, consistently, should be withdrawn by a further Gazette Notice.

I further Order that costs be awarded to the Plaintiff against the first defendant, and I make no order for costs in relation to the second defendant.


BARRY CONNELL
CHIEF JUSTICE

6 October 2003