

SUMMARY OF JUDGMENT

INTRODUCTION:

This appeal borders on Labour Law.

FACTS:

This is an appeal against the decision of the Court of Appeal Kaduna Division which affirmed the decision of the trial Court and dismissed the appellant's case. The appellant was appointed as a painter and decorator in the former Ministry of Works and Water Resources in the then Northern Region. The appointment took effect from 5th December, 1962. The appellant was later transferred to the North Central State and finally to Kaduna State. Appellant, who rose to the rank of Chief Works Superintendent, Ministry of Water Resources and Rural Development, Kaduna State was retired from the service of Civil Service by virtue of Implementation Guidelines on the Civil Service Reforms of 1988 and Establishments Circular EBD 111996 No. S/PEN/24/1/320 of 13th January, 1996 made pursuant to Civil Service (Re-organization) Decree 1988. The appellants sued by way of originating summons on 16th October, 1998 after entering into several correspondences with the respondents. The reaction of the respondents was that of a rebuff. His claim was for a Declaration that the purported retirement was contrary to Decree 102 of 1979 and was illegal, null and void and a Declaration that the stoppage of his salary and emoluments with effect from March 31st, 1998 was illegal, null and void. The trial Court dismissed the suit of the appellant. The appellant appealed to the Court of Appeal and the appeal to the Court of Appeal was also dismissed. Being dissatisfied, the appellant appealed to the Supreme Court.

ISSUES:

The Appellant raised the following issues for determination :

1. Whether the learned lower Court Justice was right when he held that: "The Civil Service Commission's letter communicating Appellant's Retirement to him, Exhibit 1A 16 did not state that appellant was retired on the provisions of Pension Act Cap. 346 rather it categorically stated that the Retirement was in accordance with the provision of Implementation Guidelines, on the Civil Service Reform of 1988 and Establishments Circular ED.1/1996, NO.S/PEN.24/1/320 of 14th January, 1996.
2. Whether the learned Justice was right when he held that: "An action taken or an operation carried out under enactment subsists or is unaffected after the legislation is

repealed by dint of Section 6 (1) (b) of the Interpretation Act, Cap 192 of the Laws of the Federation of Nigeria, 1990. It survives in spite of the repeal of the Law under which the action was taken. Section 6 (1) (b) of the said Act Cap. 192 reads as follows: 6(1) The repeal of an enactment shall not:- (a) xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx (b) Affect the previous operation of the enactment or anything duly done or suffered under the enactment.

DECISION/HELD:

In the final analysis, the Supreme Court held that the appeal lacked merit and it was accordingly dismissed.