

SUMMARY OF JUDGMENT

INTRODUCTION:

This appeal centers on Labour Law.

FACTS:

This is an appeal against the decision of the Federal Court of Appeal. The respondent, on 13th November 1979, had given three months notice in writing of his voluntary retirement from service, to the government, through the Head of Service. That would have brought the effective date to about 12th February 1980. But before that date, the respondent wrote and circulated to the Governor of Bendel State and some others a letter undated in which he castigated, in strong terms, the then recent appointments of Permanent Secretaries in the Civil Service of Bendel State. As a result, proceedings were taken against him resulting in his being reduced in rank on 11th February 1980, from Administrative Officer Grade I (Grade Level 15) to Administrative Officer Grade II (Grade Level 14), one day before his voluntary retirement would have taken effect. The respondent therefore sued the Bendel State Civil Service Commission and the Bendel State Head of Civil Service claiming: "(a) A declaration that he has duly retired from the Public Service of Bendel State as Administrative Officer Grade I on annual salary of N11,328. (b) A declaration that the purported reduction in rank of the plaintiff from Administrative Officer Grade 1 to Administrative Officer Grade II was and is unlawful, null and void. (c) A declaration that the plaintiff is entitled to be paid all his dues on voluntary retirement as Administrative Officer Grade 1 on salary grade level 15 and that is to say N11,328 per annum. (d) An Order for the payment of all his correct dues. 29,932 Gratuity and N566.40 monthly pension. The case went for hearing in the Benin High Court before Uwaifo, J., who, at the end of trial, held that the respondent had not made out his case and, accordingly, dismissed it with N200.00 costs. The respondent appealed to the Federal Court of Appeal which, on 28th April 1983, allowed the appeal (Abai Ikwechegh, J.C.A.), set aside the judgment of the Benin High Court, and entered judgment for the respondent in the sums claimed with N300.00 costs for the High Court proceedings and N200.00 costs for those of the Federal Court of Appeal. From this judgment of the Federal Court of Appeal the State Civil Service Commission and the Head of Service appealed to the Supreme Court.

ISSUES:

The questions considered by the Court were: Can the disciplinary proceedings against the respondent pass the legal test as enunciated in relevant legal principles? Was the Federal Court of Appeal right in setting aside the judgment of the trial Court and finding for the respondent?

DECISION/HELD:

In the final analysis, the appeal was dismissed and the judgment of the Federal Court of Appeal was upheld. All the declarations and financial awards under gratuity and pension, granted by the Federal Court of Appeal to the Respondent, were confirmed. The respondent was also awarded the costs of the appeal which was assessed at N300.00.

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