

**REPUBLIC OF TRINIDAD AND TOBAGO**

IN THE HIGH COURT OF JUSTICE

**Claim No. C.V. 2017-03623**

BETWEEN

**WILBERT LOVELL**

Claimant

AND

**PUBLIC SERVICE COMMISSION**

Defendant

**BEFORE THE HONOURABLE MME. JUSTICE M. DEAN-ARMORER**

**APPEARANCES:**

Ricky Pandohee, Attorney-at-law for the Claimant

Nadine Nabie instructed by Savi Ramhit Attorneys-at-law for the Defendant

**JUDGMENT**

***Introduction***

1. On July 24, 2015, there was a violent prison break in the capital city of Port-of-Spain. Three prisoners escaped, a police officer was shot and killed and a prison officer was wounded.
2. On the date in question, the Claimant, Wilbert Lovell had been acting in the post of Superintendent of Prisons. Disciplinary charges were instituted against him, under the ***Public Service Commission Regulations***.<sup>1</sup>

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<sup>1</sup> Proceedings were instituted against Lancelot Duntin in CV2017-03662

3. Disciplinary charges were also instituted against his subordinate, who at the time held the post of Prison Officer II. At the hearing of the charges, on May 25, 2017, Mr. Pandohee, attorney-at-law, for the Claimant, made a submission pursuant to Regulation 98(1) (c) **Public Service Commission Regulations**<sup>2</sup>. The Claimant complains that the Public Service Commission has failed to render a decision in respect of his submission. With this in mind, the Claimant instituted these proceedings, contending that the Public Service Commission has delayed unreasonably in delivering a decision on the Regulation 98(1)(c) submission.
4. In the course of this judgment, the Court considered the import of Regulation 98(1), as well as the meaning of unreasonable delay.

#### ***Procedural History***

5. On October 12, 2017, the Claimant, Wilbert Lovell filed an application for leave to apply for judicial review. The items of relief, in respect of which he sought the Court's leave are set out below:

*(i) A declaration that the Respondent breached its statutory duty pursuant to section 15 **Judicial Review Act**, in that the Public Service Commission (PUBLIC SERVICE COMMISSION) has failed to render its decision on the Applicant/Intended Claimant's submissions filed pursuant to Regulation 98(1)(c) Public Service Commission Regulations (PSC Regulations).*

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<sup>2</sup> Public Service Commission Regulations Ch 1:01

*(ii) An order of Mandamus to compel the Public Service Commission to forthwith render a decision with respect to the Applicant/ Intended Claimant's submissions in accordance with section 15 of the Judicial Review Act.*

*(iii) Alternatively or additionally, a Declaration that the Applicant/ Intended Claimant is entitled to a decision under regulation 98(1) (c) the Public Service Commission Regulations Chapter 1:01 of the Laws of the Republic of Trinidad and Tobago.*

*(iv) An order pursuant to section 15 that there has been unreasonable delay by the Respondent/Intended Defendant in making a decision as to the Applicant/Intended claimant's submissions filed pursuant to regulation 98(1)(c) the Public Service Commission Regulations Chapter 1:01 of the Laws of the Republic of Trinidad and Tobago.*

*(v) Damages.*

*(vi) Such further or other reliefs and directions as the Honourable Court may deem just in the circumstances.*

6. The Claimant was granted leave to apply for this relief on November 27, 2017. The Claimant filed his Fixed Date Claim Form pursuant to the grant of leave on December 13, 2017. Leave was neither sought nor obtained for any further relief.

### ***The Evidence***

7. The facts were to be gleaned from affidavit evidence. The Claimant filed the following affidavits:
  - (i) The Claimant's affidavit in support of his application for leave to apply for judicial review filed on October 12, 2017

- (ii) The Claimant's affidavit in support of the Fixed Date Claim filed on December 13, 2017
- (iii) Affidavit of Ronald Morgan filed on November 27, 2017
- (iv) Affidavit of Thomas Espinoza filed on December 13, 2017
- (v) Claimant's supplemental affidavit filed on April 26, 2017
- (vi) Affidavit in Reply filed on May 07, 2018
- (vii) In opposition, the Defendant relied on the affidavit of Coomarie Goolabsingh filed on April 16, 2018

8. By notices filed on April 16, 2018 and on June 28, 2018, respectively, the Defendant objected to the admissibility of paragraphs in the affidavits filed on behalf of the Claimant. I have set out in tabular form, my rulings in respect of each evidential objection.

9. No arguments were made on behalf of the Claimant, in opposition to the evidential objections. The Claimant also made no objection to the contents of the affidavit of Coomarie Goolabsingh, the single affidavit filed on behalf of the Defendant.

<b>Impugned Paragraph</b>	<b>Ground of Objection</b>	<b>Ruling</b>
Paragraph 5 of the <b>Supporting Affidavit</b> filed on December 13 ,2017 <i>"He informed me that the Commissioner appointed him..."</i>	Inadmissible Hearsay contrary to Rule 30.2 CPR	Struck out on the ground that the paragraph constitutes inadmissible hearsay
Paragraph 7 of the Supporting affidavit		Struck out on the ground that the

<p><i>"The Commissioner told me..."</i></p>		<p>paragraph constitutes inadmissible hearsay</p>
<p>Paragraph 8 of the <b>Supporting Affidavit</b></p> <p><i>"Assistant Commissioner Pulchan then addressed me. He told me that he was appointed...he served me with a letter dated August 3<sup>rd</sup>, 2015.."</i></p> <p><i>"Commissioner Stewart answered and said that he was the person making the allegation and as far as he was aware he has the power to appoint an investigating officer..."</i></p> <p><i>"as far as I know that investigation had not gotten off the ground..."</i></p>	<p>Inadmissible Hearsay, Irrelevant and Oppressive</p>	<p>Struck out on the ground that these paragraphs concern the pre-charge investigative process and are irrelevant to the items of relief for which the Court granted leave to apply for judicial review.</p> <p>Struck out. Speculative and opinion evidence.</p>

Paragraph 10  <i>“As far as I am aware for the purpose of Regulation 85, Public Service Regulations”</i>	Opinion evidence	Struck out. Opinions of law are inadmissible in affidavits. See Gleeson v. J. Wipple [1977] 3 All ER 54
Paragraph 11 of the <b>Supporting Affidavit</b>  <i>“Notwithstanding the purpose of the Delegation of ...Order”</i>	Opinion	Struck out. Opinions of law are inadmissible in affidavits
Paragraph 12  <i>“As far as I am aware where a person is guilty or allegedly guilty..”</i>	Scandalous, Irrelevant,  Opinion Evidence	Struck out. Opinions of law are inadmissible in affidavits
Paragraphs 13 and 14		Struck out as being argumentative of law
Paragraph 15 of the <b>Supporting Affidavit</b>  <i>“Furthermore...the actions of the Commissioner were as</i>	Opinion Evidence	Struck out. Opinions of law are inadmissible in affidavits

<i>well contrary to natural justice”</i>		
Paragraph 16 of the Supporting Affidavit in its entirety <i>“I have also been informed...”</i>	Irrelevant and Prejudicial	Struck as being inadmissible hearsay and as being irrelevant to the relief for which leave was granted.
Paragraph 20 <i>“...in the course of the hearings, the prosecution stated that they were not ready to proceed...to a date before the prison...”</i>	Irrelevant to the relief claimed.	Struck out as being irrelevant to the relief for which leave were granted.
Paragraph 24 <i>“..it would seem that they are bent on delaying the disciplinary process...”</i>	Scandalous, irrelevant and opinion evidence.	Struck out as being scandalous, irrelevant and speculative

<p>Paragraph 25</p> <p><i>"...there was only one member...until the Public Service Commission determined my submissions"</i></p> <p><i>"...My attorney at law enquired...In response he told us that my matter cannot proceed until the Public Service Commission determined my submissions"</i></p>	<p>Irrelevant</p>	<p>Struck Out. Irrelevant to the relief for which leave was granted.</p> <p>Struck out as inadmissible hearsay.</p>
<p>Paragraph 27</p> <p><i>"I have been advised...that I am entitled to know the reasons for the decision"</i></p>	<p>Opinion evidence</p>	<p>Struck out.</p> <p>Argumentative.</p>



<p><b>Affidavit of Ronald Morgan</b></p> <p>Paragraphs 3,4,5,6,7,8,9,10,11 and 12</p>	<p>Irrelevant</p>	<p>These paragraphs adduce evidence of events which followed the prison break and are irrelevant to the relief for which leave was granted.</p>
<p>Paragraphs 14,15,16</p>	<p>Irrelevant and Opinion Evidence</p>	<p>Struck out as being argumentative and adducing inadmissible hearsay evidence.</p>
<p><b>The Supplemental Affidavit of Wilbert Lovell dated April 26, 2018</b></p> <p>Paragraph 3</p> <p>Reference to an application made pursuant to the Freedom of Information Act, seeking information as to the</p>	<p>Wholly irrelevant</p>	<p>Struck out as being irrelevant</p>

person who made the report		
Paragraph 4 Reference to earlier high court proceedings	Irrelevant	Struck out as argumentative
<b>Affidavit of Wilbert Lovell filed April 26, 2018</b> Paragraph 5 in respect of directions given in an earlier judicial review	Irrelevant	Struck out as being irrelevant
Paragraph 6 in respect of directions given in an earlier judicial review	Irrelevant	Struck out as being irrelevant
Paragraph 7 in respect of directions given in an earlier judicial review	Irrelevant	Struck out as being irrelevant

<p>Paragraph 8</p> <p><i>"...my attorneys at law has [sic] explained goes to the principles of procedural irregularity, breach of natural justice and abuse of power"</i></p>	<p>Irrelevant, Scandalous and Speculative</p>	<p>Struck out as being argumentative.</p>
<p><b>Affidavit in Reply filed on May 07, 2018 to the Affidavit of Coomarie Goolabsingh:</b></p> <p>Paragraph 2</p> <p><i>"The Claimant will aver that the Defendant has provided a factual account..."</i></p>	<p>Opinion and making a finding of fact which should be made by the court.</p>	<p>Struck out as argumentative.</p>
<p>Paragraph 3</p>	<p>Repetitive</p>	<p>Struck out. Repetitive of evidence already adduced in the supporting affidavit.</p>

Paragraphs 4 and 5		Struck out as irrelevant and not being concerned with the relief for which leave was given.
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***Facts<sup>3</sup>***

10. At the time of his application for judicial review, the Claimant was 55 years of age and had been employed in the Prison Service for 33 years.
11. Following the prison break on July 24, 2015, Thomas Espinoza, Acting Commissioner of Prisons, was appointed by Commissioner of Prisons, Sterling Stewart, to conduct preliminary enquiries into the incident. Nonetheless, on August 03, 2015, the Claimant was summoned to the office of the Commissioner of Police. He was there, served with written notification of his suspension and required to return his prison ID card and pocket diary.
12. On August 24, 2015, Mr. Dennis Pulchan, was appointed investigating officer pursuant to regulation 89 ***Public Service Commission Regulations***. The Claimant was eventually notified of the charge against him by way of a letter dated June 17, 2016. The charge which was preferred against the Claimant is set out below:

*“Statement of Charge*

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<sup>3</sup> The facts which are set out below have been culled from the filed affidavits, excluding those portions which have been struck out on evidential grounds.

*NEGLECT OF DUTY contrary to Regulation 20(d)(iii) of the Prison Service (Code of Conduct) Regulations 1990*

*Particulars of Charge*

*“That you SUPERINTENDENT OF PRISONS WILBERT LOVELL of the Trinidad and Tobago Prison Service on July 24, 2015 without reasonable excuse neglected your duty when you failed to ensure that your order to Prison Officer II Lancelot Duntin was carried out to wit that Prisoners Allan Martin and Hassan Atwell were not to be brought to the visitor’s room at the same time, thus contributing to the escape of the prisoners Allan Martin and Hassan Atwell and Christopher Selby”.*

13. The Claimant was required to indicate whether he admitted or denied the charge. The Claimant responded through his attorney-at-law by a letter dated August 03, 2016, denying the guilt of the alleged conduct and by the letter dated August 19, 2016 the Claimant was informed that he had been interdicted from duty on half pay and that his matter was forwarded for hearing by a Disciplinary Tribunal.
14. The hearing of the disciplinary charge began on February 16, 2017. The hearing was adjourned to March 27 and then to April 25, 2017<sup>4</sup>.
15. When the hearing of the charge was called on May 25, 2012, the Claimant’s representatives made submissions pursuant to **Regulation 98(1) (C)**. The Tribunal directed that the officer leading the evidence reply by June, 14, 2015. <sup>5</sup>Regulation 98 sets out the

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<sup>4</sup> See the affidavit of Coomarie Goolabsingh at paragraphs 30-34

<sup>5</sup> See the affidavit of Coomarie Goolabsingh paragraph 34.

procedure to be followed at disciplinary proceedings. Regulation 98(1)(C) empowers the officer to make a preliminary submission in these words:

*“Before the case against the officer is presented, the officer may submit that the facts alleged in the charge are not such as to constitute the offence with which he is charged, and the disciplinary tribunal shall make a report of the submission to the Commission for its decision.”*

16. The Tribunal was furnished with written submissions on behalf of both the Claimant (the defendant in those proceedings) and the prison prosecutor. In June, 2017, the Disciplinary Tribunal forwarded the submissions to the Public Service Commission. The Public Service Commission in turn, on August 15, 2019 forwarded the submissions for legal advice<sup>6</sup>.
17. On September 29, 2017, the Claimant attended a hearing of the Tribunal. One member was absent and so the tribunal was not properly constituted. The Claimants were informed however that the hearing could not proceed until the Public Service Commission delivered its decision.
18. On October 10, 2017, the Public Service Commission met and considered the submissions. This was communicated to learned attorney-at-law for Claimant by way of letter dated November 22, 2017<sup>7</sup>. This letter had been exhibited to the Claimant’s supplemental affidavit and marked “W.L.16”<sup>8</sup>.

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<sup>6</sup> See paragraph 39 of the affidavit of Coomarie Goolabsingh

<sup>7</sup> See paragraph 42 of the affidavit of Coomarie Goolabsingh

<sup>8</sup> Exhibited to Supplemental Affidavit of the Claimant filed on May 07, 2018

19. Ms. Goolabsingh, acting Deputy Director Personnel Administration, referred to both the decision of the Public Service Commission and to the letter, at paragraph 42 of her affidavit and testified as follows:

*“On October 10, 2017, the PUBLIC SERVICE COMMISSION met and considered the Claimants’ case and the disciplinary process which was instituted against them. The PSC also considered the legal submissions made by both parties...The legal adviser advised that the facts alleged in the charges do constitute the offence for which there were charged. Accordingly, the PSC decided that the matter be referred back to the Disciplinary Tribunal...appointed to hear the evidence and hear the facts and that further the Claimant and his attorney be advised accordingly...”*

20. The Court was not furnished with evidence of any minute of the meeting of October 10, 2017, at which the PSC decided against the Claimant’s submission. The only formulation of the decision is to be found in the letter of November 22, 2017. The salient aspects of the letter of November 22, 2017 are set out below:

*“The Public Service Commission has decided that the matter involving Mr. Wilbert Lovell...be referred back to the Disciplinary Tribunal appointed to hear the matter and make a determination on the issues raised by the officers”.*

I considered this letter to discover its true meaning and effect.

## ***Issues***

21. By his written submissions, the Claimant had raised a host of issues referred to, as overarching issues. These include:
- The legality of the suspension letter to the Claimant.
  - Particulars of a Charge by the PUBLIC SERVICE COMMISSION and whether it should have been preferred by the Commissioner.
  - The identity of the person who made the allegation.
  - The issue of bias in respect of the investigation officer
22. These issues were not however related to any issue for which leave was obtained. I agreed with learned Counsel for the Defendant that an applicant for judicial review is restricted to the issues which are relevant to the relief, for which he obtained leave<sup>9</sup>. It was my view that only two issues were canvassed by the application for leave. They are:
- (i) Whether the Public Service Commission has provided its decision in response to the Regulation 98(1)(c) submission of the Claimant;
  - (ii) Whether the Public Service Commission is guilty of unreasonable delay.

## ***Reasoning and Decision***

23. In determining the first issue, I considered the evidence of the acting Deputy DPA, Coomarie Goolabsingh that the Public Service Commission met and made a decision

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<sup>9</sup> See S.6 of the Judicial Review act Chap. 7:08 and Rule 56.3 Civil Proceedings Rules 1998: “56.3(1) No application for Judicial Review may be made unless the Court gives leave.

(3) The application must state—

.....

(b) the relief including in particular details of any interim relief sought;

(c) the grounds on which such relief is sought...”



concerning the Claimant, and that their decision was communicated by the letter of November 22, 2017.

24. No particulars were given of the process by which the Public Service Commission adjudicated on the submission of the Claimant. Expression is given to that decision, only in the letter of November 22, 2017 and in determining this issue, it was my view that the evidence of Ms. Goolabsingh must be seen against the backdrop of the letter.

25. It was my view that the salient words of the letter appeared in the penultimate and ultimate lines:

*“Public Service Commission has decided that the matter involving Wilbert Lovell...be referred back to the Disciplinary Tribunal appointed to hear the matter and a determination on the issue raised by the officers.”*

26. If those words are given their plain meaning, the result would be that the Public Service Commission remitted the matter to the tribunal to make a decision on the issue raised by the officers, under section 98(1)(c).

27. According to the evidence of Ms. Goolabsingh, this letter reflected the decision of the Public Service Commission. The necessary implication is that the Public Service Commission did not make a determination, but left it to the Tribunal to do so. This is clearly contrary to the terms of Regulation 98(1)(c) which require, that the Commission itself, determine the preliminary issue as to whether the facts alleged in a charge are not such as to constitute the offence with which an officer is charged.

28. Regulation 98(1)(c) provides:

*“98. (1) The following procedure shall apply to the hearing by a disciplinary tribunal of a charge of alleged misconduct or indiscipline:*

*.....*

*(c) Before the case against the officer is presented, the officer may submit that the facts alleged in the charge are not such as to constitute the offence with which he is charged, and the disciplinary tribunal shall make a report of the submission to the Commission for its decision”.*

29. This Regulation received the consideration of their Lordships in ***Sherman McNicholls v Judicial and Legal Service Commission***<sup>10</sup>, where their Lordships had this to say:

*“... the officer against whom a charge is made should not apply for judicial review but utilise the procedure set out in regulation 98, which sets out in detail the procedure which “shall apply” to the hearing by a disciplinary tribunal of a charge of misconduct. Regulation 98 contains detailed provisions which ensure that an officer so charged will be afforded a fair hearing”.*<sup>11</sup>

30. The Honourable Justice Boodoosingh also considered the effect of Regulation 98(1)(c) in ***Anand Chatoorgoon v. Public Service Commission***<sup>12</sup>. This was an application for leave to apply for judicial review, where the Claimant contended that the Disciplinary Tribunal had no jurisdiction to decide the Regulation 98 (1) (c) submission. In the course of his Reasons, Justice Boodoosingh had this to say in respect of Regulations 98 (1) (c):

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<sup>10</sup> *Sherman McNicholls v Judicial and Legal Service Commission* [2010] UKPC 6

<sup>11</sup> *Ibid* at paragraph 46 of the judgment

<sup>12</sup> CV2010-01304

*“The provision is mandatory. It is a procedural provision designed to ensure a fair hearing. A public officer who succeeds in this submission will not have to undergo the process of a full hearing with the costs, time and hardship associated with a trial process...”<sup>13</sup>*

Later in his Reasons, the learned Judge said:

*The regulation is clear. The tribunal is in the position to receive the submission to report it to the commission... They may even dispose of a patently frivolous submission. But that is not the end of their function. They have no power to make any decision relating to the merit of the submission.<sup>14</sup>*

In this latter regard, I find myself in disagreement with the Honourable Justice Boodoosingh, that the Tribunal has the power to dispose of a patently frivolous submission. It is my view that Regulation 98 (1) (c) is clear and invests the power of disposition in the PSC alone.

31. At paragraph 14, Justice Boodoosingh said:

*“...The tribunal’s jurisdiction to continue on with the hearing depended on the Commission making a decision on the section 98(1) (c).”<sup>15</sup>*

32. Accordingly, it is my view that the import of Regulation 98(1) (c) is to invest in the Public Service Commission, the power to adjudicate on the preliminary submission. Adjudication may be made with the benefit of legal advice. It is a duty however, that must be discharged

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<sup>13</sup> Ibid at paragraph 7

<sup>14</sup> Ibid at paragraph 10

<sup>15</sup> See paragraph 14 of the judgment

by the Public Service Commission itself. It was my view, that the Public Service Commission failed to make the decision as requested. Their referral of the obligation to make the decision amounted to an abdication of their duty to render a decision under Regulation 98(1)(c). It is therefore my view that the Claimant is entitled to the first three items of relief in respect of the first issue.

33. I turn now to consider whether there had been unreasonable delay by the Defendant in arriving at the decision. I accept the propositions of the learned counsel for the Defendant as to the law governing the issue of unreasonable delay and thank her for her reference to this Court's decision of **Richard Ramnarance v. PSC and Another**<sup>16</sup> where I said:

*"Unreasonable delay in the instant context must therefore revert to the Wednesbury definition of unreasonable that is, delay, which no reasonable Commission would incur"*<sup>17</sup>

The issue of unreasonable delay falls to be assessed according to the *Wednesbury* principle, that is to say, whether the delay is so extensive that no reasonable Commission would have been guilty of it. As with all other grounds of irrationality, the Claimant, who relies on the ground of unreasonable delay must surmount a high threshold<sup>18</sup>. Learned Counsel for the Claimant cited and relied on a decision of the Court, **Patricia Bryan and**

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<sup>16</sup> CV2007-00218

<sup>17</sup> Ibid at paragraph 13

<sup>18</sup> Council Of Civil Service Unions And Others Appellants And Minister For The Civil Service Respondent - [1984] 3 WLR 1174 per Lord Diplock at page 1196 *"It applies to a decision which is so outrageous in his defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question to be decided could have arrived at it"*

**Marlene Guy v. The Honourable Minister of Planning and Sustainable Development and Edfam Limited**, where I stated:

*“It is well-established, as a matter of principle, that the ground of irrationality is notoriously high. The Court will set aside an impugned decision on the ground of irrationality, only if the decision is proved to be one which could not be made by any reasonable decision maker<sup>19</sup>. Alternatively, the Court will act on the ground of irrationality, if the decision is shown to be one which is so outrageous in its defiance at logic and accepted moral standards that no decision maker who had applied his mind to it would have arrived at the decision”<sup>20</sup>*

34. I considered therefore, whether there had been unreasonable delay. There is no dispute as to the time line. This is set out very helpfully in the submissions for the Defendant:

- A verbal submission on behalf of the Claimant was made on May 25, 2017.
- The verbal submissions was reduced into writing on June 01, 2017.
- The Prison prosecutor submitted a reply on June 14, 2017.
- In June 2017, the Tribunal forwarded the submissions to the Public Service Commission.
- On October 10, 2017, the **Public Service Commission** met.
- On November 22, 2017, they wrote to the Claimant’s attorney-at-law.
- On November 27, 2017, judicial review proceedings were filed.

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<sup>19</sup> A principle enshrined and immortalised in *Associated Provincial Picture Houses Ltd v. Wednesbury Corp.* [1947] 2All ER 680

<sup>20</sup> CV2015- 01498 at paragraph 32 of the Judgment

35. The disciplinary tribunal forwarded submissions to the Commission in June, 2017 and by letter dated November 22, 2017, the Commission indicated, through the DPA, that they had remitted the matter for the decision of the Disciplinary Tribunal. It is clear from these two timelines that only six months separated these critical events.
36. The Court observes that a portion of this time had been absorbed in seeking legal advice, which would be the practice of any reasonable Commission. Legal advice was sought in mid-August, 2017 and the Commission met on the 10<sup>th</sup> October, 2017. It would be reasonable to expect the Commission to take some time reflecting on the Legal advice before making a decision. It was therefore my view that, in so far as the Commission could be regarded having delayed, in my judgment that delay was not unreasonable.
37. In *Chattergoon v PSC*, the Honourable Justice Boodoosingh expressed the view that with efficient operations, the decision should take no more than days or weeks.<sup>21</sup> I agree with the Learned Judge, in so far as his statement was a matter of principle and one that was conditional on the existence of efficient operations. The exercise required of this Court is however, different from merely stating principle and requires the Court to examine specific facts, in order to determine whether they meet the high threshold of irrationality.
38. It seems to me that the Public Service Commission was under an erroneous impression that they could simply remit the decision making to the Tribunal. It is my view that they were not empowered so to do and by so remitting they were abdicating the power given to them at Regulation 98(1)(c). It was my view, however, that if the time taken for their response could be designated delay at all, such delay was not unreasonable.

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<sup>21</sup> See CV2010-1304 Chattergoon v PSC at paragraph 15

39. **Orders**

**It is hereby adjudged and declared**

*(i) that the Respondent breached its statutory duty pursuant to section 15 **Judicial Review Act**, in that the Public Service Commission (PUBLIC SERVICE COMMISSION) has failed to render its decision on the Claimant's submissions filed pursuant to Regulation 98(1)(c) Public Service Commission Regulations (PSC Regulations).*

*(ii) that there be an order of Mandamus to compel the Public Service Commission to forthwith render a decision with respect to the Applicant/ Intended Claimant's submissions in accordance with section 15 of the Judicial Review*

*(iii) that the Claimant is entitled to a decision under regulation 98(1) (c) the Public Service Commission Regulations Chapter 1:01 of the Laws of the Republic of Trinidad and Tobago.*

Date of Delivery: March 29, 2019

Judge: Justice Dean-Armorer