

THE REPUBLIC OF TRINIDAD AND TOBAGO

IN THE HIGH COURT OF JUSTICE

CV2019-02683

IN THE MATTER OF THE JUDICIAL REVIEW ACT, CH. 7:08

AND

**IN THE MATTER OF AN APPLICATION FOR LEAVE TO APPLY FOR JUDICIAL
REVIEW IN ACCORDANCE WITH THE CIVIL PROCEEDINGS RULES, PART 56.3**

BETWEEN

- 1. POLICE CORPORAL #14321 RICARDO MORRIS**
- 2. POLICE SERGEANT #12163 RICHARD HOOD**
- 3. POLICE CORPORAL #14332 RICHARD SMITH**

Applicants/Intended Claimants

AND

THE COMMISSIONER OF POLICE

Respondent/Intended Defendant

BEFORE THE HONOURABLE MADAME JUSTICE JOAN CHARLES

Appearances:

Claimant: Brent Winters

Defendant: Joel Roper instructed by Shaun Morris

Date of Delivery: 2nd November 2020

REASONS

[1] By Fixed Date Claim filed on the 15th October 2019, the Claimants claimed the following Reliefs:

- i. An order of certiorari to remove into this Honourable Court and quash the decision of the Commissioner communicated by letter dated May 2019, not to furnish the Claimants with a comparative list of rankings reflecting their respective positions amongst the officers promoted to the rank of Sergeant since the 22nd April 2016.
- ii. An order of mandamus directing the Commissioner to comply and submit to the Court a comparative list of rankings reflecting the respective positions of the Claimants amongst the officers promoted to the rank of Sergeant since the 22nd April 2016.
- iii. An order directing an inquiry to ascertain when the Claimants became entitled to be promoted according to the comparative list of rankings referred to at (ii) above.
- iv. An order directing an inquiry as to any damages that any of the Claimants are entitled to as compensation for the lost opportunity of promotion to the rank of Sergeant.
- v. An order for the payment of such damages pursuant to the inquiries referred to at (iii) and (iv) above.
- vi. An order that the Commissioner consider, and if necessary, promote the First and Third named Claimants so entitled to the rank of Sergeant in accordance with their relative ranking, under the comparative list of rankings referred to at (ii) above.
- vii. A declaration that the continuing failure and refusal of the Commissioner to permit the First and third named Claimants to sit

the Police Inspector promotion examination scheduled for the 3rd August 2019, is unlawful, illegal and of no effect.

- viii. An interim injunction restraining the Commissioner from holding any promotion assessment to the rank of Police Inspector pending the hearing and determination of these proceedings.
- ix. Interest on damages.
- x. Costs.

BACKGROUND

[2] At the time of the filing of this Claim Ricardo Morris ('Morris') and Richard Smith ('Smith') held the substantive office of Corporal, and Richard Hood ('Hood') held the substantive office of Sergeant, in the Second Division of the Trinidad and Tobago Police Service ('Police Service').

[3] The Commissioner of Police ('Commissioner'), is the person vested with powers by Section 123A (2)(a) of **the Constitution of Trinidad and Tobago**¹('Constitution') and **the Police Service Act**², to make appointments on promotion to offices in the Second Division of the Police Service. The offices in the Second Division are Constable, Corporal, Sergeant and Inspector. In 2007, a complement of primary and secondary legislation (**Police Service Act, Police Service (Amendment) Act**³ and the **Police Service Regulations**⁴) were brought into operation. These pieces of legislation introduced a new points-based system for promotion in the Second Division that ensured promotions predicated on transparency, merit and ability.

¹ Chapter 101

² No.7 of 2006)

³ (No. 13 of 2007)

⁴ 2007

[4] The **Police Service Regulations**⁵ provides that every officer considered for promotion would be rated in accordance with points awarded in three criteria totaling 100 points and placed on an Order of Merit List ('OML'). The criteria for the award of points are outlined below:

i. Performance appraisal	40 points (maximum)
ii. Interview	25 points (maximum)
iii. Examination mark	35 points (maximum)
Total	100 points (maximum)

[5] In 2015, the Commissioner advertised that there were to be promotions to the rank of Sergeant. As Corporals who had already undergone performance appraisal and passed the qualifying examination, the Claimants were interviewed and became eligible candidates for promotion to the rank of Sergeant.

[6] On the April, 2016, the Commissioner published Departmental Order No. 50 of 2016, which contained an OML ('the original 2016 OML List) upon which promotions to the rank of Sergeant were to be based. This list had the names of 756 corporals reportedly ranked according to their scores from the criteria mentioned above. The Claimants were ranked as follows:

Richard Hood - #552
Ricardo Morris - #613
Richard Smith - #722

⁵ Regulation 20 (4) and (5) (4) Every officer considered for promotion shall be rated according to the criteria specified in subregulation (5) and each officer who is allocated sixty or more points shall be placed on an Order of Merit List. (5) The criteria mentioned in subregulation (4) shall be as follows: Maximum Points Performance appraisal 40 Interview 25 Examination mark 35

- [7] On the 22nd April, 2016, the Commissioner promoted the first 460 officers on the original 2016 OML to the rank of Sergeant. Due to their placement outside the top 460, the Claimants were not promoted.
- [8] The Claimants were aggrieved by the decision of the Commissioner not to award them the maximum 35 points for the Examination Mark criterion, and soon after the aforementioned promotions, the Claimants filed an Application for Leave to apply for Judicial Review on the 25th July, 2016, by Claim No. CV2016-02527 ('the Initial Claim') to challenge the process used to promote the said 460 Corporals.
- [9] During the course of the Initial Claim, disclosure of the Claimants' individual scores was made by the Commissioner by letter dated 4th October 2016. The respective scores of the Claimants were:

Officer	Performance Appraisal	Examination Mark	Interview	Total
Richard Hood	40	28.75	16.6	85.35
Ricardo Morris	40	27.50	17.1	84.60
Richard Smith	40	25.00	16.6	81.60

- [10] Whilst the Initial Claim was still extant before the Court, on the 21st December, 2016, the Commissioner revised the original 2016 OML by Departmental Order No. 156 of 2016 ('the revised 2016 OML'), and promoted a further 28 Corporals to the rank of Sergeant. On the 14th August, 2017, the revised 2016 OML was itself revised by Departmental Order No. 95 of 2017 ('the revised 2017 OML').

- [11] Both the revised 2016 and 2017 OMLs contained the same number of candidates as the original 2016 OML and, despite the promotions, included the names of both the Sergeants already promoted, as well as those not yet promoted. By including the previously promoted Sergeants on the revised OMLs, the Claimants were able to see their respective rankings as compared to those already promoted.
- [12] On the 26th March, 2018, the Initial Claim was determined by the Honourable Madam Justice Dean-Amorer in the Claimants' favour and the Court declared that the Commissioner and/or the Promotion Advisory Board, in making the decision not to award the Claimants the maximum 35 points for the Examination Mark, acted in breach of the principles of natural justice and procedural fairness, and deprived them of a legitimate expectation, contrary to the relevant sections of the **Judicial Review Act (JRA)**⁶. The Court went on to direct that the computation of the Claimants' marks be remitted forthwith to the Commissioner and the Promotion Advisory Board for their immediate re-consideration and necessary action.
- [13] On the 8th May 2018, the Commissioner filed a Notice of Appeal of the Order of Dean-Amorer J. (Civil Appeal No. P 149 of 2018), and applied to the Court of Appeal for a stay of the said Order pending determination of the Appeal. On the 17th July, 2018, the stay of the said Order was granted by the Court of Appeal.
- [14] After the stay was imposed, the Commissioner proceeded to make further promotions to Sergeant, as follows:

⁶ Section 3(c), 3(d), 3(m) Judicial Review Act Chap. 7:08

- i. by Departmental Order No. 106/2018 dated the 15th August, 2018 — 81 Corporals were promoted;
- ii. by Departmental Order No. 112/2018 dated 3rd September, 2018 – 20 Corporals were promoted; and
- iii. by Departmental Order No. 126/2018 dated the 10th October, 2018 – 8 Corporals were promoted. Among those promoted by the aforementioned Departmental Order No. 112/2018 was Richard Hood, whose promotion was stated to take effect from the 7th May, 2018. Hood was listed at number 12 of the 20 officers promoted by the said Departmental Order.

[15] Following the last set of promotions on the 10th October, 2018, the Commissioner filed a Notice of Withdrawal of Appeal on the 30th October, 2018. The said Notice of Withdrawal was later confirmed by Order of the Court of Appeal dated the 3rd December, 2018.

[16] By letter dated the 15th February, 2019, from Mr. Christian Chandler, attorney at law for the Defendant, the Claimants were informed that the Commissioner had "decided to award thirty-five (35) points for the Examination Mark to each of the Claimants involved in this matter", and that the merit list to the rank of Sergeant was to be adjusted to reflect the new points given to the Claimants. By further letter dated the 3rd April, 2019, from Mr Chandler aforesaid, the Claimants were informed that the Order of Dean-Amorer J. had been complied with and annexed was a copy of Departmental Order No. 61 of 2019, ('the 2019 OML ') containing a third revision of the original 2016 OML. However, unlike the earlier revised OML, the 2019 OML listed a mere 111 officers comprised solely of those Corporals who were still to be promoted. As a consequence, only one hundred and eleven Corporals from the original 2016 OML had not been promoted.

[17] The 2019 OML ranked Morris and Smith at positions number 4 and 5, respectively. Hood was not included on the 2019 OML owing to his earlier promotion to Sergeant.

[18] A juxtaposition of the revised total scores of Morris and Smith with that of Hood, shows that Morris would have scored higher than, and Smith equal to Hood. This fact is demonstrated by the table below:

Officer	Performance Appraisal	Examination Mark	Interview	Total
Ricardo Morris	40	35	17.1	92.10
Richard Hood	40	35	16.6	91.60
Richard Smith	40	35	16.6	91.60

[19] The revised marks of Morris and Smith would have entitled them to rank higher than some of the officers already promoted, and at the very least, they would have been promoted at the same date as Hood on the 7th May 2018.

[20] The Claimants claimed damages for the loss of a chance to gain promotion/earlier promotion on the basis of the foregoing.

[21] The Claimants submitted that the Commissioner made an error by not awarding them the full 35 points for the Examination Mark at the time of compiling the original 2016 OML, which when adjusted to take into account the 35 points, would have caused the Claimants to rank higher than some of the officers on the original 2016 OML and promoted to the rank of Sergeant since that time. The Claimants submitted further that as a consequence of that error on the part of the Defendant, the

Claimants were not promoted when they were so entitled and accordingly have lost the benefit of, *inter alia*, the enhanced salary, acting appointments and opportunity to qualify for promotion to the next higher rank of Inspector, that they would have otherwise received.

[22] The Claimants asserted that in order to determine where they would have ranked amongst the officers on the original 2016 OML subsequently promoted to Sergeant, and discover when their promotions ought to have been made, they required that a comparative list of rankings be compiled to reflect their placement amongst those candidates already promoted to the rank of Sergeant on the 21st April, 2016.

[23] By letter dated 23rd April 2019, attorney for the Claimants sent to the Commissioner pre-action correspondence (copied to the Chief State Solicitor), requesting:

- i. a comparative list of rankings in order to ascertain where the Claimants would rank amongst those officers promoted to the rank of Sergeant on 22nd April, 2016, in order to determine their lost chance at promotion;
- ii. in the circumstance where the Claimants were ranked higher, to enter into negotiations with a view to settlement of damages; and
- iii. to permit Morris and Smith the opportunity to sit the upcoming Police Inspector Examination despite not holding the substantive rank of Sergeant.

[24] Mr. Chandler aforesaid, by letter dated 7th May 2019, indicated that the Commissioner was of the view that the Claimants, having failed to include a claim for damages as part of the reliefs sought in the Initial

Claim were now precluded from so doing and any attempt to seek damages at this stage would amount to an abuse of process. The letter went on to advise that the request for a comparative OML ought to be made via a Freedom of Information Request. There was no response on the issue of allowing officers Morris and Smith to sit the Police Inspector Examination.

[25] The Claimants' Attorney-at-Law, by letter dated the 4th June, 2019, wrote to the Commissioner applying for a comparative list of rankings pursuant to Section 13 of the **Freedom of Information Act**. To date there has been no response thereto.

EVIDENCE

The Claimants

[26] The Claimants' affidavit deposed to the chronology of facts outlined above.

Evidence for the Defendant

[27] Mr. Chandler, on behalf of the Defendant deposed that PC Morris, who was on injury leave since the 25th June 2016, would be promoted retroactively to 'the date he would have been entitled had he not been on injury leave'⁷. He also revealed that the Third Claimant Richard Smith was promoted to the rank of Sergeant on 12th August 2019, and would be eligible to sit the promotional exam for the rank of Inspector to be held in August 2020.

⁷Para 6 of the Affidavit of Christian Chandler

[28] He deposed that the Claimants still had to be interviewed at the next sitting of the Promotion Advisory Board before being considered and then placed on the OML in the order in which they are ranked⁸.

[29] Mr. Chandler asserted that the Claimants' claim for damages for a lost chance of promotion and a comparative OML should not be granted since:

- a. no such claim for damages had been made in the initial Claim even though the Claimants were aware that if they were awarded the maximum examination marks, they would have been placed higher on the 2016 OML with the benefit of the revised mark.⁹
- b. the current proceedings constitute an abuse of the Court's process and are contrary to the principles of good administration since the Defendant had been made to defend the initial claim where declarations had been sought and is now forced to defend this claim which arose out of the same facts but where different reliefs are now sought.
- c. the Second Claimant Richard Hood retired on 21st December 2019.

ISSUES

- (a) ***Is the Defendant's failure to disclose a comparative Order of Merit List for the 2016 promotional examination in breach of the principles of fairness, transparency and constitutes an***

⁸Para 11 of affidavit of Christian Chandler

⁹Para 23 of the affidavit of Christian Chandler

unreasonable, irregular or improper exercise of discretion contrary to Section 5(3)(c), (d) and (e) of the Judicial Review Act?

- (b) ***Is the Claimant's claim for damages an abuse of process of the Court by reason of their failure to seek this Relief in the Original Claim before (then) Justice Dean-Amorer?***
- (c) ***Should the Claimants be awarded damages for loss of a chance of promotion based on the 2016 rankings on the Order of Merit List?***

Issue (a)

[30] It is not in contention by the parties that the Defendant has failed and/or refused to disclose the comparative rankings of the Claimants based on the 2016 OML. The Claimants contend that this failure to disclose is in breach of Section 19(4) of **the Police Service Act**¹⁰, which entitles an officer to be informed of his ratings. This non-disclosure by the Defendant is also contrary to Regulation 20(4) of **the Police Service Regulations**¹¹, which provides that every officer considered for promotion shall be rated according to the relevant criteria and that those who qualify shall be placed on an OML, and mandates the Commissioner to cause the said OML to be published in a Departmental Order.

[31] The Claimants argued that the cumulative effect of the primary and secondary legislation is to create an environment of transparency to enable an officer to ascertain his placement amongst the other candidates with whom he participated in the promotion assessment

¹⁰ Police Service Act Chapter 15:01 (4) A police officer is entitled to apply to the Board to be informed in writing of his ratings.

¹¹ Regulation 20 Police Service Regulations Sub 4 (4) Every officer considered for promotion shall be rated according to the criteria specified in subregulation (5) and each officer who is allocated sixty or more points shall be placed on an Order of Merit List.

process. The refusal of the Commissioner to provide the Claimants with a comparative list of ranking serves to undermine the very tenets of transparency that the legislation endeavours to promote, and conceals the true positions of the Claimants without reasonable justification.

[32] The Defendant argued that the Claimants' claim for disclosure of their rankings on the 2016 OML was being advanced as a means to launch a claim for damages for a lost chance which they are not entitled to since this relief was not included in the Initial Claim.

ANALYSIS

[33] I agree with the Claimants' submission that the decisions of the Defendant as outlined in his letter dated 7th May 2019, that the Claimants' request for a comparative OML ought to be made pursuant to a Freedom of Information Request amounted to an error of law and an unreasonable, irregular or improper exercise of discretion contrary to Section 5(3) (c), (d) and (e) of the **JRA**¹².

[34] A police officer is entitled to be informed in writing of his ranking¹³. The Police Commissioner is mandated to cause the OML to be published by Departmental order. Additionally, every officer considered for promotion shall be rated according to the relevant criteria and those who qualify shall be placed on an OML¹⁴. The clear object of these provisions is to allow an officer to ascertain his placement among other candidates with whom he sat the promotional exam. The Defendant's action of refusing to disclose the Claimants' comparative ranking on the 2016 OML amounts in my view to a clear breach of the purpose and intent of the Police

¹² Judicial Review Act Section 5(3) (c) – (e) The grounds upon which the Court may grant relief to a person who filed an application for judicial review includes : (c) failure to satisfy or observe conditions or procedures required by law; (d) breach of the principles of natural justice; (e) unreasonable, irregular or improper exercise of discretion;

¹³ Section 19(4) of the Police Service Act Chapter 15:01

¹⁴Section 20 of the Police Service Regulations

Service Act and the Regulations promulgated thereunder. I am also of the view that the Defendant's refusal to disclose the ranking is unreasonable and an improper exercise of his discretion. It is to be noted that no/or no proper explanation has been given for this refusal and noncompliance with the Act and Regulations aforesaid.

- [35] The Defendant had demanded that the Claimants seek disclosure of their rankings pursuant to a request under the **Freedom of Information Act**, yet when this request was made, he failed and/or refused to notify them of his approval or refusal of their request. This decision amounted in my view to an improper irregular and unreasonable exercise of the Defendant's discretion since the requested document was not an official document provided for under the provision of the **Freedom of Information Act**.

Issues (b) and (c)

- [36] The Defendant submitted that since the Initial Claim before the then Justice Dean-Amorer did not include a claim for damages pursuant to Section 8(4)(a)¹⁵ of the **JRA**, it would be an abuse of process to allow such a claim in these proceedings. He submitted further that having not included a claim for damages in the Initial Claim, that Court was never in a position to consider the applicability of damages or the entitlement of same in circumstances where unfairness as well as breach of legitimate expectations were found to have occurred. The Defendant argued that it would be unfair to allow the Claimants to raise this issue before this Court given the above circumstances.

¹⁵ **Judicial Review Act Section 8(4)** On an application for judicial review, the Court may award damages to the applicant if— (a) the applicant has included in the application a claim for damages arising from any matter to which the application relates

[37] The Defendant submitted further, that at the time of the Initial Claim, the ruling of the Privy Council in **Alleyne and others v the Attorney General of Trinidad and Tobago**¹⁶ which allowed for damages to be paid for a lost chance for promotion had already been delivered on the 21st January 2015. The Claimants applied for leave to issue Judicial Review proceedings on the 20th July 2016, more than one year after the Judgment in **Alleyne**, yet no claim for damages was made. Leave was granted the Claimants on the 30th September 2016, together with an order for the amendment of the application to include injunctive proceedings. Still later on the 12th January 2017, directions for the filing and service of affidavits were given. The Claimants having failed to apply to the Court to amend their Claim to include a relief for damages despite the said Judgment in **Alleyne** ought not to be permitted to pursue this relief in subsequent proceedings.

[38] The Claimants on the other hand submitted that a claim for damages could not be made at the inception of the Initial Claim for Judicial Review, because the Claimants could not prove any type of monetary loss at that time. The Claimants also submitted that Section 8(4)(b)¹⁷ of the **JRA** provides that the Court must be satisfied that at the time of making the application, the applicant could have been awarded damages. The Claimants contended that when the Initial Claim had been instituted they were not in possession of evidence of damage since they could not prove that had they been granted the maximum points for the Examination Mark, that they would have been promoted to the rank of Sergeant ahead of those originally promoted.

¹⁶ 2015 UKPC3

¹⁷ **Section 8(4)(b)** On an application for judicial review, the Court may award damages to the applicant if—(b) the Court is satisfied that, if the claim has been made in an action begun by the applicant at the time of making the application, the applicant could have been awarded damages.

[39] The Claimants argued that the first occasion on which they were able to prove that they ought have been promoted to the rank of Sergeant earlier than those already promoted was on the 7th May, 2018 when the 2nd Claimant (Richard Hood) was promoted to the rank of Sergeant. The fact that the revised marks of the 1st and 3rd Claimants were in fact higher than and equal to Hood's scores, respectively, they should, at the very least, have been promoted at the same date as Hood.

ANALYSIS AND CONCLUSION

[40] It should be stated at the outset that at the time of the Initial Claim, the Claimants had no evidence of damage in that they could not prove that had they been granted the maximum points for the Examination Mark, that they would have been promoted to the rank of Sergeant ahead of those originally promoted. The first occasion on which the Claimants were able to prove that they ought to have been promoted to the rank of Sergeant earlier than those already promoted was on the 7th May 2018, when the Second Claimant was promoted to the rank of Sergeant. Based on the fact that the revised marks of the First and Third Claimants were higher than and equal to Hood's scores, respectively, they should, at the very least, have been promoted at the same date as Hood.

[41] The facts of the instant case do not reveal a misuse of the process of the Court. On the facts of this case, the Claimants were successful in the Initial Claim; whilst the Order of then Justice Mira Dean-Amorer was on appeal by the Defendant, further appointments on promotion to the rank of Sergeant were made. Despite being eventually awarded full marks for the Examination Mark, they were not retroactively promoted nor awarded compensation for the lost opportunity at promotion.

[42] I note that when the Initial Claim was filed, the Claimants were unaware that their final score would have entitled them to be placed higher on the 2016 OML, and therefore entitled to be promoted much earlier due to the failure of the Defendant to disclose their ratings, as he was legally obliged to do. The Claimants were not in possession of this information at the time of the filing of the Initial Claim. The inclusion of a claim for damages in the Initial Claim in the absence of this information would have been regarded as speculative and refused. The receipt of their ratings allowed them to fall within the parameters of Section 8(4)(b) – thereby entitling them to Claim for damages.

In **Commissioner of Police and Bertrand Alleyne and Others**¹⁸ J.A. Smith opined:¹⁹

“53. A point to note is that in the Lucas case, Boodoosingh J. felt that the applicants were not entitled to an award of damages since their claim was too speculative. Promotions are a matter for the COP and one could not be certain whether those sergeants would have been promoted. At the time of that decision there were similar findings by the Court of Appeal in other cases that such losses were too speculative...”

In **Alleyne** *supra*, Smith J.A. explained the basis for an award of damages for loss of a chance of promotion thus:²⁰

“54. However, only some of these applicants will be entitled to damages namely:

¹⁸ Civil Appeal No S-247/2015

¹⁹ **Commissioner Of Police and Bertrand Alleyne and Others** - paragraph 53

²⁰ **Commissioner Of Police and Bertrand Alleyne and Others** - paragraph 54

- a) *Those who can prove that they are ranked higher than the original 51 promoted sergeants on the revised/comparative Order of Merit list.*
- b) *Those who can prove that contrary to the findings of Boodoosingh J. In Sherma James case, they are ranked higher than any of the other sergeants who were promoted after the original 51(all other facts being equal).”*

[43] As adumbrated in the **Alleyne case**, a claim for damages on the ground of loss of a chance is only maintainable where the loss is not speculative and the Claimant can prove that they are ranked higher than any of the other sergeants who were promoted after the original set of promotions. This was the basis upon which the Court of Appeal directed that there be an inquiry as to damages to ascertain who of the applicants were entitled to damages.

[44] Smith J.A. explained why the loss in the **Alleyne** case was not speculative as follows²¹:

“Further, in the present case, the loss is not as speculative for the following two reasons:

- (i) *Since the Lucas case the revised/comparative Order of Merit List now makes it possible to know who was entitled to be promoted according to the comparative rankings.*
- (ii) *On the uncontested evidence of the Respondents, there is an established practice that promotions are made strictly on the rankings in the Order of Merit List.*

²¹ Para 53 *supra*

Since these categories are not readily ascertainable particularly category (b), there needs to first be an inquiry as to damages, to ascertain who of these 32 applicants are entitled to damages.”

[45] In the circumstances I hold that the Claimants’ claim for damages for loss of a chance for promotion is lawfully made pursuant to Section 8(4)(b) of the **JRA** and does not amount to an abuse of process. They are entitled to damages on the basis of the evidence which they have adduced which proved that they were ranked higher than other officers who had been promoted to the rank of Sergeant ahead of them.

[46] I therefore Order:

1. An Order of Certiorari to remove into this Honourable Court and quash the decision of the Commissioner communicated by letter dated 7th May 2019, not to furnish the Claimants with a comparative list of rankings reflecting their respective positions amongst the officers promoted to the rank of Sergeant since the 22nd April 2016.
2. An order of mandamus directing the Commissioner to compile and submit to the Court a comparative list of rankings reflecting the respective positions of the Claimants amongst the officers promoted to the rank of Sergeant since the 22nd April 2016.
3. An order directing an inquiry to ascertain when the Claimants became entitled to be promoted according to the comparative list of rankings referred to above.

4. An order directing an inquiry as to any damages that any of the Claimants are entitled to as compensation for the lost opportunity of promotion to the rank of Sergeant.
5. An Order for the payment of such damages pursuant to the inquiries referred to at (3) and (4) above.
6. The Defendant do pay to the Claimants the Costs of the Application to be assessed in default of agreement by the Registrar.

Joan Charles
Judge