

REPUBLIC OF TRINIDAD AND TOBAGO

IN THE HIGH COURT OF JUSTICE

High Court Action No. 3133 of 2003

Claim No. CV2018-00447

BETWEEN

OSWALD ALLEYNE AND 152 OTHERS

Claimants

AND

THE ATTORNEY GENERAL OF TRINIDAD AND TOBAGO

Defendant

Before the Honourable Mr. Justice V. Kokaram

Date of Delivery: Thursday, 11 October, 2018

Appearances:

Mr. Ramesh Lawrence Maharaj S.C. leads Ms. Vijaya Maharaj instructed by Ms. Nyala Badal Attorneys at Law for the Claimants

Ms. Monica Smith, Mr. Neal Byam, Mr. Andre Cole and Ms. Candice Alexander instructed by Ms. Avaria Niles and Ms. Diane Katwaroo Attorneys at Law for the Defendant

JUDGMENT

TABLE OF CONTENTS

	Page No.
Introduction	4
Part A Case Management of Assessment of Damages	12
Brief Review of Management of Assessment	12
Duty of Candor	13
Striking Out Portions of the Evidence	14
Cross-Examination	16
Part B Approach, Methodology and Principles	18
Issues	18
Factual Background	18
Procedural History	22
The Regulations	26
Main Submissions of the Parties	30
A Working Guide to Assessing Constitutional Damages	30
Understanding the Nature of the Constitutional Right	39
Compensation – A Nominal Sum?	40
Compensatory and Vindictory Damages	45
Compensatory Damages – Pecuniary Loss	47
Common Evidence	47
Loss of Chance	50
The Quantification of the Loss of Chance	55
Compensatory Damages – Non-Pecuniary Loss	67

Vindictory Damages	70
The Treatment by the State of the Claimants	71
The Failure to Explore a Short Term Option	74
Difficulty in Quantifying Certain Losses	75
Judicial Trends- Establishing a suitable range	75
The Additional Award	78
Conclusion on Awards Made	80
Part C Computation on Awards	81
Summary of Approach to making appropriate awards	81
The Nineteen (19) Claimants	82
The Quality of Evidence adduced by the 134 Claimants	83
Retired MPOs	89
Current MPOs	175
Resigned MPOs	263
Deceased MPOs	273
Conclusion	288

INTRODUCTION

1. This is an assessment of compensation due to one hundred and fifty three (153) Claimants for breaches of their constitutional rights to equality before the law and protection of the law and of the right to such procedural provisions as are necessary for giving effect and protection to their constitutional rights and freedoms under sections 4(b) and 5(2) (h) of the Constitution.
2. These Claimants are municipal police officers (MPOs) that comprise the municipal police force governed by the Municipal Corporations Act 1990. Their main complaint over the years against the State has been that they were unjustifiably treated less favourably than regular police officers (RPOs) in terms of their remuneration among other issues concerning their terms and conditions of service. It was a situation which was exacerbated by the State's inexplicable failure to enact the necessary regulations to govern the MPOs under their principal legislation for a period of some 15 years. It has been determined by the Judicial Committee of the Privy Council that those constitutional rights were breached by the State's failure and/or refusal to enact regulations under section 26 of the Statutory Authorities Act¹ and section 60 of the Municipal Corporations Act². The Privy Council determined that the Claimants are entitled to effective relief beyond a mere declaration to include monetary compensation which now falls to be assessed by this Court.
3. These proceedings were launched by the Claimants in November 2003. Eventually the Court of Appeal had ordered the State to enact the necessary regulations within six months of the delivery of that judgment in December 2011. The State failed to do so and up to the hearing of the appeal before the Privy Council in October 2014 it had nothing to show the MPOs that their concerns of a lack of a regulatory environment was being taken seriously. The State belatedly enacted the necessary regulations, Legal Notices 300 of 2014, on the eve of the Privy Council delivering its judgment³. Even so it was pointed out by the Board that there

¹ Chapter 24:01

² Chapter 25:04

³ Subsequently Legal Notices 9 and 21 of 2015 were published enacting an amendment to the Municipal Police Service Regulation 2014 and enacting Regulation under section 26 of the Statutory Authorities Act

were a number of defects. It was in any event too little too late. The Privy Council in making its order that the State are to pay these Claimants compensation has left it open at this assessment to make the following awards:

- (a) compensation for the contravention of the Claimants constitutional rights and freedoms;
- (b) if applicable an additional award by way of general or vindicatory damages;
- (c) an additional award specifically in respect of the State's failure to comply with the order of the Court of Appeal, from 28th September 2012 onwards, to make regulations prescribing the procedures for recognising the Claimants' associations.

4. The Claimants who have given evidence at this assessment come from a wide cross section of the municipal police force attached to the main cities of Port of Spain and San Fernando and various boroughs through the country such as Arima and Point Fortin. From Police Constables to Superintendents; from MPOs discharging duties patrolling our streets to joint patrols; from laying criminal charges to conducting wrecking duties; from exercising supervisory responsibilities to conducting criminal prosecutions in our Courts, their story lifted from the numerous affidavits has been the same: a sad tale of frustration, anguish, loss and a deep sense of resentment and despair in being treated as inferior to RPOs despite discharging similar duties and having absolutely no recourse to make out their case for an improvement in their terms and conditions of office before the Industrial Court. Since 2002 they have endured inferior remuneration packages compared to RPOs executing similar duties. They were left at the whims of the statutory authorities or municipal corporations, unable to attain improved terms and conditions commensurate with a proper evaluation of their jobs. Nor have their associations been recognised for the purposes of entering into "good faith" negotiations to bargain for improved terms and conditions or to obtain awards and determinations by the Industrial Court for increased remuneration packages and terms and conditions of service consistent with good industrial relations practices. They attested to feeling like "headless chickens" with no clear nor consistent guidelines or protocols to manage their ascendancy in the service. The Privy Council described this state of affairs as being left in "regulatory limbo". Their evidence at this assessment suggests to me that they

were left in regulatory “purgatory”. Understandably they felt undervalued, demoralised, discouraged and disrespected. Though their loss of morale did not impact upon the discharge of their duties, for them they must have lost all hope in public institutions, if not the meaning of the rule of law.

5. Monetising the Claimants’ constitutional rights must not further demean it. These are not breaches of private rights. These are breaches of our fundamental and supreme law. The solemn and sacred pact made by the State to treat its citizens with dignity, respect and in accordance with the rule of law has been broken. Moreover as employees discharging valuable services to the nation, the self-worth and esteem that should come with employment has been crushed by a State’s insensitive lethargy. As a valuable workforce our social pact affirms the principles of social justice and the operation of an economic system that should result in the material resources of the community being distributed to subserve the common good that labour should not be exploited and there should be opportunity for advancement on the basis of recognition of merits, ability and integrity⁴. An expression in money terms of appropriate compensation under the Constitution must therefore have as its main focus the dignity of the human spirit and the nobility of our entrenched freedoms.
6. In determining an appropriate award of compensation the Court exercises a wide discretion to make such awards that are proportionate to vindicating the constitutional right of the Claimants under sections 4(b) and (5(2) (h) of the Constitution. The Claimants would be entitled to be compensated for such proven pecuniary and non-pecuniary loss, the onus of proof resting on them. Any vindicatory award that is to be made must mark among other things, the gravity of the breach and the importance of upholding the rule of law. Importantly the object of any award made in this assessment is not to serve as a punishment of the State. Rather it serves the functions of protection of the Claimants and vindication by reminding the State of their obligations under the law and of the Court’s intolerance of abuse of power by the State in any form.

⁴ See the Preamble of the Constitution of Trinidad and Tobago

7. In my view, for the reasons set out in this judgment, the Claimants are entitled to be compensated for their financial loss proven as a result of the breach of their constitutional rights. I have found the State's criticism of the Claimants' evidence of financial loss as without merit. The Claimants evidence of pecuniary loss is cogent and credible and in the most part uncontradicted by the State. I accept the proposition that by the failure of the State to enact the necessary regulations that the Claimants had lost their chance to put before the Industrial Court what I have assessed to be a moderately good case that their remuneration packages ought to have been increased in comparison to RPOs. I have used in this regard, as a guide the common law principle of "loss of chance" which is explained later in this judgment. Even though that the Court has engaged in a hypothetical exercise of determining the Claimants' chances of success at the Industrial Court it has strived to do its best to provide adequate redress under the Constitution.⁵
8. I have examined some issues of process and industrial relations law which they would face in pursuing a claim for an increase in remuneration using the RPOs as their benchmark and evaluated their chances of success at 60%. In doing so, however, I have also been cognisant of the fact that the Claimants' original claim for breach of their right to be treated equally pursuant to section 4(d) of the Constitution or that they were entitled to an equal pay to RPOs had failed in the lower court. Compensation in this case which examines the evidence of the disparity in pay between RPOs and MPOs should not be confused with their original "equal pay complaint". I have also included in this award a sum to reflect their non-pecuniary loss to compensate them for their distress, humiliation and injury incurred in being left in such a regulatory "blackhole". This included the uncertainties in their promotional opportunities.

⁵ It was an observation that was also dealt with by the Privy Council. At paragraph 44 of the Privy Council decision, Lord Toulson commented:

"It is a general principle of the common law that if an injured party can establish a head of loss, which by reason of the wrongdoer's conduct it is difficult to quantify, the fact that there may be many speculative factors is not a reason for denying the assessment. A monetary award under section 14(1) is discretionary, but that is not in itself a reason to adopt a different approach."

Depending on the facts of the Claimants individual cases that sum ranged from a minimum of \$100,000.00 to a maximum of \$150,000.00.

9. Second, it is also a fitting case for an award of “vindicatory damages” to highlight the importance of the preservation of the Claimants’ section 4(b) right and to truly vindicate those constitutional rights which were infringed by the State. Such a sum I have assessed in the sum of \$300,000.00 for each Claimant.
10. Thirdly, the additional award to be made to each Claimant is to underscore the fact that orders of a constitutional Court must be obeyed by the State. To do otherwise would dilute the meaning and significance of the rule of law and make a mockery of the citizen’s right to redress under section 14 of the Constitution.⁶ I have assessed that award in the sum of \$80,000.00 for each Claimant. There are 19 Claimants who did not file any evidence at this assessment and attorneys for the Claimants have no instructions from them. For the reasons set out in this judgment no awards have been made for them.
11. An overview of the awards made in this assessment for all 134 Claimants are as follows:
 - (a) A compensatory award for each Claimant comprising:

⁶ Section 14 of the Constitution provides:

14. (1) For the removal of doubts it is hereby declared that if any person alleges that any of the provisions of this Chapter has been, is being, or is likely to be contravened in relation to him, then without prejudice to any other action with respect to the same matter which is lawfully available, that person may apply to the High Court for redress by way of originating motion.

(2) The High Court shall have original jurisdiction—

(a) to hear and determine any application made by any person in pursuance of subsection (1); and

(b) to determine any question arising in the case of any person which is referred to it in pursuance of subsection (4), and may, subject to subsection (3), make such orders, issue such writs and give such directions as it may consider appropriate for the purpose of enforcing, or securing the enforcement of, any of the provisions of this Chapter to the protection of which the person concerned is entitled.

(3) The State Liability and Proceedings Act shall have effect for the purpose of any proceedings under this section.

(4) Where in any proceedings in any Court other than the High Court or the Court of Appeal any question arises as to the contravention of any of the provisions of this Chapter the person presiding in that Court may, and shall if any party to the proceedings so requests, refer the question to the High Court unless in his opinion the raising of the question is merely frivolous or vexatious.

(5) Any person aggrieved by any determination of the High Court under this section may appeal therefrom to the Court of Appeal and shall be entitled as of right to a stay of execution of the order and may in the discretion of the Court be granted bail.

(6) Nothing in this section shall limit the power of Parliament to confer on the High Court or the Court of Appeal such powers as Parliament may think fit in relation to the exercise by the High Court or the Court of Appeal, as the case may be, of its jurisdiction in respect of the matters arising under this Chapter.

(i) Pecuniary loss:⁷

- 60% of their claim for loss of salary, meal and housing allowance;
- In respect of retired MPOs (before 2015):
 - 100% of the pension and gratuity due and payable under the 2015 Regulations;
 - 60% of the difference representing the additional sum they would have received in pension and gratuity if their pensionable salary had increased to those of RPOs of equivalent rank;

(ii) Non-pecuniary loss ranging between \$100,000.00 to \$150,000.00.

(b) A vindictory award of \$300,000.00 for each Claimant.

(c) An additional award of \$80,000.00 for each Claimant.

I have not considered an award of interest as appropriate having regard to the nature of the compensatory award.

Costs have been assessed in the sum of \$902,258.00.⁸

12. For ease of reference I have set out in a table format at the end of this judgment a summary of the awards for each of the 134 Claimants who have proven their claim.

13. I have structured this judgment in three main parts:

A: An explanation of the case management of this assessment.

B: An explanation of the approach, methodology and principles adopted in making the assessment of the Claimants' "constitutional damages" and

⁷ Subject to tax and statutory deductions

⁸ Claimants Statement of Costs filed 8th June 2018 and Defendants written reply filed 28th June 2018

Instructing Attorney and Disbursements: \$44,758.00

Junior Counsel: \$449,000.00

Senior Counsel: \$408,500.00

C: The computation of three awards for each Claimant: compensatory damages, vindictory damages and the “additional award”. I have examined their claims in four main groups: retired MPOs; current MPOs; resigned MPOs; deceased MPOs. I have set out in detail the working example of one of the Claimants in each of the various groups followed by an examination of the distinguishing features of each of the Claimants in each group.

14. It is now October 2018 and the Claimants’ long awaited compensation is being assessed by this Court after a long and arduous judicial journey. Not only is their compensation being assessed after failed negotiations with the State over the years, but after fifteen (15) years of litigation it still appears that the nub of their complaint has still been left unresolved. These MPOs have still not accessed the Industrial Court to articulate an improvement in their terms and conditions of employment due to continuing uncertainties with respect to the regulations. To treat with this case in monetary terms in light of these regulatory gaps may bring little real comfort to those Claimants who are still in the municipal police service. Their complaint which was about the failure to pass regulations is now compounded by regulations which though enacted, still fails to provide access to the Industrial Court or at least it is unclear as to their exact route. What then does constitutional redress mean for these Claimants?
15. Such unique circumstances demonstrate that traditional compensation in monetary terms may do little to salve this wound and recourse must be to a therapeutic approach by the Court so that these Claimants can be restored to a position of regulatory certainty. This must be seen as both a benefit for the MPOs as well as the State. For this reason, I have explored with the parties on a voluntary basis, the establishment of a Committee to further investigate and resolve the ambiguities in the Regulations for speedy submission to Parliament within, I suggest, a four (4) month window.
16. I am mindful that the jurisdiction of this Court is limited to the assessment of compensation as ordered by the Privy Council. In the traditional sense compensation translates to a money payment with the purpose of vindicating the rule of law. But the rule of law may at times be cheapened by monetising it. It may be more helpful at times to view compensation through a therapeutic lens with an eye on restoration and rehabilitation of relationships of State and

employee. Simply to turn a blind eye to the obvious continuing injustice would only, I fear, increase the Claimants anguish over the true meaning of vindicating constitutional rights and indeed, effective constitutional remedies.

PART A

CASE MANAGEMENT OF THE ASSESSMENT

Brief review of management of the assessment

17. The assessment is being conducted based upon the affidavit evidence filed by the parties. This assessment first came on for hearing on 4th October 2016 when directions were given for the parties to provide their evidence for this assessment. Due to the sheer volume of potential claims, both parties were given approximately six (6) months to prepare their evidence. The Claimants were to file their evidence by 21st March 2017 and the State by 18th September 2017. The months of October and November 2017 were set aside by the Court for the parties to explore a settlement. In May 2017 representation orders were made appointing persons to represent the estates of those Claimants who died during the course of this litigation.
18. In October 2017 the proceedings were converted under the CPR to facilitate a more efficient management of the assessment. Supplemental affidavits were filed in November and December 2017 by the Claimants. The Defendant eventually responded with two affidavits on 9th February 2018 of Ultra Ali and Desdra Bascombe. The Claimants filed two affidavits in response on 9th March 2018 of Dave Brijmohan and Patricia Springer. The Claimants filed two trial bundles and a third electronic version in May 2018. Written submissions were filed by the parties on 4th May 2018, June 2018. In response to the Court's questions further submissions were filed in August and September 2018.
19. 134 Claimants have filed their affidavits providing details of their pecuniary and non-pecuniary losses for this assessment. Nineteen (19) Claimants have failed to do so. There are only five affidavits for the State. In addition to the affidavits filed in the original proceedings of Osbourne Ashby and Patricia Hypolite the affidavits of Ms Bascombe and Ms Ali specifically reply to the Claimants' evidence in relation to compensation.
20. In managing this assessment the Court gave also directions for the filing of a table or matrix of the claims of the Claimants' pecuniary loss summarising the evidence in their affidavits. The Defendant was directed to respond with a similar table. The purpose of the table, as

explained to the parties in my case management of this assessment, was to conveniently set out the relevant claims under discrete heads based on the evidence. In this way the evidence of both parties on the alleged loss would be better understood and can be conveniently reviewed. It could also form the basis for settlement discussions and for a more focused response by the State. Unfortunately, the State did not take advantage of this opportunity. No assistance was provided to respond, save to criticize the Claimants' table as lacking in any foundation. The State's own affidavits failed to constructively respond to any of the evidence of loss led by the Claimants with respect to their compensation: salaries, pensions, gratuity, meal and housing allowances. It was telegraphed long ago in the substantive matter that their claim was based on a disparity between their benefits and that of the RPOs. See for instance the Neville Robinson affidavit. I would have at least expected the State to be ready to respond with their own version of the calculation of the relevant comparative MPOs and RPOs in the face of the Claimants certified pay records. They have refused to do so.

21. Instead the State adopted an approach of only dealing with two of the Claimants' affidavits as "representative" of the 153 Claimants. No such approach was directed by this Court. That was a sensible approach adopted in the substantive matter but that was on the issue of liability. The State ought to have thoroughly responded to each of the Claimants' claim of pecuniary and non-pecuniary loss. No attempt has been made by the State to refute the suggestion by the Claimants of the existence of the disparity in pay between the two groups, the quantification of that disparity and the types of allowances, pension and gratuity enjoyed by MPOs and RPOs. To a large extent much of the Claimants' evidence lies unchallenged.

The duty of candour

22. In light of the Claimants providing the particulars of loss supported by documents from various authorities the Defendant should have assisted the Court on the issue of remuneration of the MPOs. The Defendant owes a duty of candour to disclose materials reasonably required to arrive at an accurate decision. See **R v Lancashire County Council ex parte Huddleston** [1986] 2 All ER 941 See also **Dennis Graham v The Attorney General** [2015] UKPC 3. I endorse Lord Donaldson's MR views that the relationship between the Courts and administrators is one of a partnership based on the common aim to maintain the highest

standard of public administration.

Striking out of portions of the evidence

23. The parties agreed on the striking out of some of the Claimants' evidence in the affidavit of Oswald Alleyne filed on 28th March 2017⁹. With respect to the affidavit evidence of Mr. Oitive Lewis filed on 31st March 2017 portions of it was admitted de bene esse subject to the parties' submissions on the relevance admissibility and weight of the evidence.¹⁰

⁹ Paragraph 25 lines 4 – 7 “*In the circumstances I ought to be compensated the differences I have suffered between the salaries paid to me and that of RPOs of equivalent rank between 2000 to the date of the enactment of the said regulations on the 29th January, 2015, as set out below...*”

Paragraph 32 “*In addition to compensation for the contravention of their rights and freedoms, the amount of such compensation to be assessed by a Judge in Chambers, I am entitled to an additional award by way of general or vindicatory damages to reflect the sense of public outrage, to emphasise the importance of the constitutional rights and the gravity of the breach and to deter further breaches.*”

Paragraph 38 lines 1-4 “*The evidence of the State showed that there was no intention of the State to make the Regulations unless directed by the Court to do so and that the State was prepared to permit the state of affairs to continue even though it has been declared by the High Court and the Court of Appeal that it had infringed our constitutional rights.*”

Paragraph 29 lines 1-4 of the appendix to the table filed 16th October 2017 “*The evidence of the State showed that there was no intention of the State to make the Regulations unless directed by the Court to do so and that the State was prepared to permit the state of affairs to continue even though it has been declared by the High Court and the Court of Appeal that it had infringed our constitutional rights.*”

¹⁰ Paragraph 10 – “*The review Committee in 2016 met with the Honourable Minister Franklyn Khan, then Minister of Local Government to indicate to him our concerns that the Regulations would not be applied with equality to MPOs appointed by the Public Service Commission. Mr. Khan promised to look into these issues, to consult the Attorney General and to have a further meeting with us. This did not happen.*”

Paragraph 11- “*We also sought meetings with the Minister of Local Government, Attorney General and with the Minister of Legal Affairs in order to have our concerns addressed.*”

Paragraph 12- “*The Honourable Minister Mr. Stuart Young, Minister in the Office of the Attorney General and Legal Affairs confirmed a meeting date to meet with us and then cancelled the meeting and indicated that he would get back to us. The Honourable Minister did not reschedule this meeting and we have made numerous attempts to have these issues addressed before we apply to have our Association recognized in accordance with the Recognition of Municipal Police Service Associations Regulations 2015.*”

Paragraph 13- “*However to date we have been unable to get another meeting with the Honourable Minister Mr. Stuart Young. There is now produced in a bundle marked “O.L.4” copies of letters by which the Committee requested meetings with the Minister of Local Government and the Attorney General.*”

24. Mr. Octive Lewis holds the rank of Inspector and is the Chairman of the Municipal Officer Review Committee which represents the interests and co-ordinates the efforts of all the Claimants in these proceedings. In those paragraphs he has adduced evidence of the following matters which took place after the delivery of the judgment of the Privy Council:

(a) the Claimants' attempts to meet with the State to deal with outstanding issues in relation to the enacted regulations one of which was the question of whether the regulations applied to the MPOs appointed by the Public Service Commission;

(b) their attempts to meet to resolve the issue of compensation as ordered by the Privy Council.

25. The State contends that the evidence in these paragraphs are hearsay and are irrelevant to the assessment. In my view the evidence is not hearsay having been made by the Claimants to the State. This evidence was not contradicted by the State in its affidavit in reply. In any event even without the filing of hearsay notices, the Court can exercise its discretion to admit hearsay evidence where there is no material prejudice to the Defendant. See section 43 of

Paragraph 14- *“Our Attorneys-at-law responded to the office of the Attorney general in a without prejudice letter providing details of their proposal for damages and also indicated that on the issue of the amendment to the regulations, we MPO’s would have direct discussions with the Attorney General on the matter. However the Office of the Attorney General never responded to this letter and the MPO’s have been unsuccessful in obtaining a meeting with the Attorney General or the Honourable Minister Mr. Stuart Young.”*

Paragraph 15- *“We have also made attempts to clarify the issue with the Public Service Commission. However the Public Service Commission has refused to consider that MPOs appointed by it are governed by the Municipal Police Regulations 2014, the Municipal Police Service (Amendment) Regulations 2015 or the Recognition of Municipal Police Service Associations Regulations 2015. It has taken the position that MPOs appointed by the Public Service Commission Regulations are governed by the Civil Service Regulations. In fact as Chairman of the said Committee I was recently approached by Municipal Police Inspector Sewak Baran of the Sangre Grande Regional Corporation who has been informed by the Ministry of Rural Development and Local Government that he should be guided by the Public Service Regulations and the Civil Service Regulations governing the public sector and that his failure to comply with lawful instructions and directions was tantamount to an act of misconduct in accordance with section 149 of the Civil Service Regulations. True copies of letter dated 31st January 2017 from Inspector Baran to the Chief Executive Officer of the Sangre Grande Regional Corporation and the response of the 9th February 2017 from the Permanent Secretary is now produced and shown to me in a bundle marked “O.L.7”*

Paragraph 16- *“In or about 2014 I met with the President of the Public Services Associations (PSA) Mr. Watson Duke who insisted that we do not fall under the PSA. If MPOs appointed by the Public Service Commission cannot be members of Association recognized under the Recognition of Municipal Police Service Association Regulations 2015 and are not represented by the PSA, this would mean that they have no access to the Industrial Court.”*

the Evidence Act and rule 30.8 CPR. In this case the Defendant had its opportunity to reply to this evidence. In any event what is material is the weight to be attached to such statements in the context of an assessment being conducted pursuant to the clear orders made by the Privy Council. See **Anand Rampersad v Willies Ice Cream Ltd** Civil Appeal No. 20 of 2002, **Pamela Hunt v The Permanent Secretary in the Ministry of Education** CV2014-02496 and **Faiiq Mohammed v Jack Austin Warner** CV2013-04726.

26. The evidence is also relevant. The question of relevance is to be answered from the perspective as to whether it makes a sufficient probative contribution to justify its time and expense in its presentation, its value and worth in the context of the proceedings. See **Faiiq Mohammed and B v The Children's Authority of Trinidad and Tobago and the Attorney General of Trinidad and Tobago** CV2016-04370. In these proceedings concern was expressed by the Privy Council in its postscript of the deficiencies in the regulations which were belatedly enacted. This, in the context of an exceptional order being made by the Privy Council of an additional award to reflect the State's non-compliance with its orders, provides further support for such an award where uncertainties continue to linger as well as inaction by the State in the face of judicial edicts compelling the State to act expeditiously to regulate the terms and conditions of employment of the MPOs.

27. There has been no disclosure of the content of any "without prejudice" discussions. However, it is relevant in understanding whether the parties have in fact met to negotiate a compromise of the issue of compensation as there is a continuing obligation on the parties to assist the Court to give effect to the overriding objective - See Part 1 CPR. Further stone walling even on the issue of negotiations is relevant on the issue of the conduct of the State if not at least on the matter of costs.

Cross-Examination

28. It is disturbing that the State in its written submissions has seen the need to criticise the quality of the Claimants evidence at this assessment on the basis that there has been no cross-examination. This was already raised and dealt with. I had refused permission to cross examine two of the Claimants and no appeal was filed against that ruling despite the State

pursuing an appeal against the order on their application to strike out evidence. In my ruling on 11th May 2018 I stated:

“The Defendant by its affidavits in response do not raise any critical factual dispute. At best what the Defendant seeks in its notices is general clarification on the proof of loss. I am satisfied that this issue can be addressed in submissions. However, if on reflection the need arises for further information, the Court will give directions for the filing of supplemental affidavits by the Claimants to clarify any issue of loss identified by them.”

29. There has been no challenge to that decision by the Defendant on appeal. Even so the State sought leave to cross-examine only two and not all the Claimants. I had explained to the parties that there really is no dispute of fact save that as I understand the State’s case to be that the Claimants have not come up to strict proof in proving their loss. Even then the State failed to properly identify the conflict on the facts that would warrant cross-examination to give effect to the overriding objective. Both parties appeared to me in my management to have accepted the approach of examining the affidavit evidence and take the submission of the parties on the quality of the evidence into consideration in arriving at its decision on making a suitable award. In any event the Court requested from the Claimant further clarification of their claim which was supplied by them with responses from the Defendant.
30. Ultimately, the Claimants’ pecuniary claim rest on a loss of chance which involves a hypothetical exercise, speculative but measureable, and it is accepted by their Counsel that their pecuniary losses will come under close and anxious scrutiny by this Court. I now turn to examine some working principles in the task of assessing compensation for breach of the constitutional rights.

PART B

APPROACH, METHODOLOGY AND PRINCIPLES

Issues

31. The main issues that fall for determination at this assessment are as follows:

- (a) The measure of compensatory damages to be awarded to the Claimants for breach of their rights under sections 4(b) and 5(2) (h) of the Constitution:
 - (i) What principles should guide the Court in making appropriate compensatory orders?
 - (ii) How is the Court to assess the Claimants' chance to advance their claims for increased benefits before the Industrial Court which was lost as a result of the State's breach of their constitutional rights ("the loss of chance")?
 - (iii) Whether the Claimants have adduced credible evidence to prove pecuniary and non-pecuniary loss.
- (b) Whether an award of vindictory damages is appropriate in the circumstances of this case.
- (c) The measure of an additional award to specifically deal with the State's failure to comply with the order of the Court of Appeal.

Factual Background to the assessment

32. The main facts are not in dispute. By virtue of Section 53 of the Municipal Corporations Act, MPOs have in respect of the whole of Trinidad and Tobago all the powers, privileges and immunities conferred on RPOs by the common law and also all the powers, privileges, immunities and liabilities conferred or imposed on a constable or a First Division or Second Division Police officer of corresponding rank by the Police Service Act.

33. MPOs have performed and continue to perform the same and/or similar functions and/or duties performed by RPOS of equivalent rank which include: Street Patrols, Police Prosecution

and Court and Process Duties, Charge Room duties, Processing of prisoners and granting of bail, Execution of warrants of arrests and search warrants, Sentry or Guard Duties, Provision of security at demonstrations, public marches and squatter demolition exercises, Driver duties, Administrative duties, Asset protection, Duties for State of Emergency, Policing duties at Public demonstrations or protests, Escort to public health inspectors and building inspectors. There are also MPOs attached to the Task Force alongside RPOs. The Task Force is a special unit dedicated to the detention of crime and the pursuit, apprehension and prosecution of criminal offenders.

34. The State recognized that MPOs performed the same duties and functions as RPOs in that up until the year 2000, they received the same salary as RPOs of equivalent rank. However, this changed in 2000 as a result of a job evaluation exercise conducted in relation to RPOs by which the Ministry of Finance agreed to an increase in the salaries of RPOs by incorporating a new service allowance into the basic salary of RPOs. There was no similar job evaluation in respect of MPOs. As a result, from 2000, there grew a disparity between the salaries and allowances for the MPOs as compared to the RPOs.
35. From 2000 MPOs received less housing allowance, meal allowance, service/proficiency allowance, pension and gratuity and other terms and conditions of service. Increases in the meal and housing allowance MPO's were limited to 60% of the increases in meal and house allowances received by RPOs. The pension and gratuity of MPOs were calculated at $66\frac{2}{3}\%$ of the salary whereas pensions and gratuities of RPOs are calculated at between 85% to $92\frac{1}{2}\%$ of their salary. MPOs who died whilst on active duty were not entitled to full military funeral nor was any provision made for a funeral grant whilst members of the Police Service are entitled to both.
36. Over the years the Claimants formed themselves into unincorporated associations in order to have their concerns addressed by the State. There was the San Fernando Police Association, which represented the affairs of San Fernando and Point Fortin Municipal Police and the City Police Association (Port of Spain) which represented Port of Spain and Arima Municipal Police. There is also a Trinidad and Tobago Municipal Police Review Committee, which comprises all MPOs for the purposes of this litigation.

37. Since 2000 the unincorporated associations met with the Chief Personnel Officer (“CPO”) to have discussions in an attempt to have a job evaluation done for MPOs and to have other concerns addressed by the State.
38. On the 28th August, 2001, the CPO at a meeting with the Association representing the Claimants promised the Claimants that job evaluations would be conducted in relation to MPOs by January 2002. Despite this promise, this was never done even though the Associations continued to make representations to the CPO and also raised their concerns with the Junior Minister of Finance and the Prime Minister.
39. The Claimants by letter dated 9th April, 2003, wrote to the then Minister of Finance and received a reply dated 18th June, 2003 indicating that the matter had been referred to the CPO. By pre-action letter dated 4th September, 2003 the Claimants wrote to the Prime Minister and by letter dated 20th October, 2003 the Claimants were advised that their concerns had been noted and that a copy of the letter had been forwarded to the Minister of National Security. There was no further response to their letters.
40. The Claimants contend that they could not have their disputes resolved by the Industrial Court because the Statutory Authorities Commission did not make any Regulations under Section 26 of the Statutory Authorities Act. Section 26 of the Statutory Authorities Act provides:
- “26. The President may make Regulations setting out the conditions to be satisfied and the procedure to be adopted for the recognition by the statutory authority of existing associations and of associations formed pursuant to section 25(2).”
41. Section 25(2) provides for the Claimants to form associations to be recognised as appropriate associations for consultations and negotiations on terms and conditions of employment. Without the “Section 26 regulations” the Claimants association had no status of recognition.
42. These sections provide for the procedure to be adopted for the recognition of any Association formed by the Claimants to enable them to have a statutory scheme of consultation and dispute resolution so that the Claimants could access the Industrial Court through their representative associations. Without access to the Industrial Court, MPOs have no recourse

to any form of tribunal or Court to resolve their disputes and are left at the mercy of the State.

43. The Claimants were also in “regulatory limbo” as the State did not make any Service Regulations to govern their classification, duties, remuneration, discipline or promotion in the Municipal Police Service even though the Statutory Authorities Service Commission (“SASC”) under Section 60 of the Municipal Corporation Act provided for this to be done. Because there were no Service Regulations, there was no fixed procedure for appointments, promotion or discipline and this resulted in such matters being conducted arbitrarily and on an ad hoc basis. Promotions were rarely advertised internally and people became aware of vacancies by word of mouth. The qualifications required for appointment and promotions were often changed and there were no fixed requirements in terms of merit and ability. At the early stages, MPOs were being automatically promoted based on seniority and then the system changed by which promotion was being done on the basis of interviews which were not advertised. With respect to training, in some instances persons were appointed before they were sent to Police Training College and in some instances they were appointed after training. Some persons had to go through full training courses and in some instances people went through crash courses.
44. This treatment in terms of being subjected to an uncertain statutory regime was the complete opposite of the treatment of RPOs by the State. RPOs are governed by the Police Service Act and the Police Service Regulations which provides a comprehensive code for the organization and administration of the police service including provisions for the forming of Police Service Association with rights of consultation over the remuneration of RPOs and if after consultation the Minister of Finance and the Association were unable to reach an agreement, the Police Service Act provided a dispute resolution scheme for the dispute to be referred to an independent Special Tribunal under the Civil Service Act and for that tribunal to be an Independent Special Tribunal to be guided by Section 22 (a) to (f) of the Industrial Relations Act 1972. An award under the Special Tribunal is final.
45. This forms the backdrop of the Claimants’ constitutional complaint. In these proceedings, the State admitted that no job evaluation had been done for MPOs. In relation to the failure of

the State to make Regulations under the said Section 60 and Section 26, the State contended that there was no mechanism to enable the Statutory Authorities Service Commission to carry out such functions. I set out below the relevant determinations during the course of the proceedings leading to this assessment.

Procedural History-The Decision of the High Court

46. On the 9th November 2005 the High Court held inter alia as follows:

- a. **The unequal pay complaint**: that the Claimants failed to establish a prima facie case of unequal treatment under Section 4(d) of the Constitution by the failure of the State to equalise their salaries and benefits with the RPOs. The trial judge was of the view that there was insufficient evidence to establish that the duties actually performed were the same as RPOs. In other words there were insufficient comparators to ground a claim under section 4(d);
- b. **The lack of service regulations complaint**: that the State in failing or refusing to make regulations under Section 26 of the Statutory Authorities Act, had denied and continued to deny, the Claimants access to a court of justice for the determination of their rights and obligations in breach of their right to the protection of the law guaranteed under Section 4(b) of the Constitution;
- c. **The lack of equal rights and representation complaint**: that the State in failing or refusing to make Regulations under Section 60 of the Municipal Corporations Act and Sections 6, 26 and 28 of the Statutory Authorities Act had denied and continued to deny the Claimants the right to such procedural provisions guaranteed to them by Section 5(2)(h) of the Constitution for the purpose of giving effect to their rights and freedoms in Section 4(b) of the Constitution.

47. The High Court ordered damages in favour of the Claimants to be assessed by a Judge in chambers to give effect to the rights to the protection of the law and to the procedural provisions necessary to give effect to the aforesaid rights. The trial judge declined to award an additional award “to reflect the sense of public outrage, emphasise the importance of the constitutional right and the gravity of the breach, and deter further breaches”.

48. Both the Claimants and the State appealed to the Court of Appeal against the parts of the Judgment not in their favour.

The Court of Appeal's Decision

49. On the 20th December, 2011, the Court of Appeal:

- a) dismissed the Claimants' appeal against the decision of the learned Judge in respect of the Claimants' claim of inequality of treatment; upheld the Section 26 declaration;
- b) set aside the Section 60 declaration;
- c) set aside the order made in the Claimants' favour for damages and instead directed the State to enact the Section 26 Regulations within a period of six months (the Court of Appeal considered that an assessment of damages would involve too much speculation);
- d) held that the Claimants were not entitled to vindicatory damages/an additional award of damages.

50. The Court of Appeal also granted a stay of execution of its decision, which expired on 28th September, 2012. After this stay of execution expired, the State did not apply for a further stay and it also failed to enact the Regulations.

51. Despite the Court of Appeal's order, the State did not enact the Regulations until 24th October, 2014 when the matter was heard at the Privy Council.

The Privy Council's Decision

52. The Claimants appealed to the Privy Council to set aside the Court of Appeals' decisions to set aside the Section 60 declaration, the order made in their favour for damages and to hold that the Claimants were not entitled to vindicatory damages/an additional award.

53. After the proceedings were heard but before Judgment was delivered, the State passed the Municipal Service Regulations 2014 pursuant to Section 60 of the Municipal Corporations Act on the 24th October, 2014 which was also intended to achieve the objective of providing Regulations as required also by Section 26 of the Statutory Authorities Act.

54. In a judgment delivered on the 21st January, 2015, the Privy Council ordered:

- a) A declaration that the failure of the State to make Regulations under Section 60 of the Municipal Corporations Act was a denial of the Claimants' right to the procedural provisions guaranteed to them by Section 5 (2) (h) of the Constitution for the purpose of giving effect to their rights and freedoms under Section 4 (b) of the Constitution ("the Section 60 declaration").
- b) Affirmation of the declaration of the High Court that the State in failing and/or refusing to make Regulations under Section 26 of the Statutory Authorities Act has and continues to deny the Applicants access to a Court of Justice for the determination of their rights and obligations in breach of their right to the protection of the law guaranteed under Section 4 (b) of the Constitution ("the second 26 declaration").
- c) An order that the Defendant to pay the Claimants' compensation for the contravention of their rights and freedoms, the amount of such compensation to be assessed by a Judge in chambers, to whom it shall be open to make an additional award by way of general or vindicatory damages.
- d) Unusually the Privy Council went further to make an order that the Judge assessing compensation make an additional award specifically in respect of the failure of the State, from 28th September 2012 onwards, to comply with the Order of the Court of Appeal to make regulations prescribing the procedures for recognizing the Claimants' associations. The Privy Council was extremely critical of the State's delay in complying with an order of the Court.

55. On the question of whether the Claimant's claim of a lost chance of receiving parity in pay with RPOs was too speculative, the Privy Council opined that it was a credible head of loss that was capable of measurement. Lord Toulson observed at paragraphs 45 and 46:

"45. In the Board's judgment, the Court of Appeal erred in setting aside the judge's order on the ground that any assessment was bound to involve a large amount of speculation. By doing so it left the MPOs with no redress for the past denial of their rights.

46. The Board nevertheless recognises that it is impossible to tell at this stage how difficult the process of assessment may be, and for that reason it considers that it should have been left open to the judge carrying out the assessment to be able to award general (or vindicatory) damages if at the end of the exercise they considered such an award to be appropriate. There are ample grounds on which the judge might reach that conclusion, particularly the lengthy time which the state has had to redress the situation and its shoddy treatment of the MPOs, which has been a combination of broken promises and stone walling. Two years passed between the issue of proceedings and the first instance judgment, and another six years between the first instance judgment and the Court of Appeal's judgment. The Court of Appeal's description of it being a case of "administrative sloth and inertia" was mild."

56. In a postscript to the judgment, the Law Lords also highlighted certain defects in the Municipal Police Regulations 2014. It was stated:

"51.....More significantly, the respondent also brought it to the Board's attention that on 24 October 2014 (11 days after the hearing before the Board) the SASC introduced the Municipal Police Service Regulations 2014. These regulations were made under section 60 of the Municipal Corporations Act, but the respondent's accompanying note stated that they were intended to achieve the objective of providing regulations as required both by that section and section 26 of the Statutory Authorities Act. The note referred in particular to regulations 172-177 as intended to provide for the recognition of the appropriate association(s) of MPOs. There are, however, a number of defects. For example, regulation 177 empowers "the Minister" (defined as meaning the Minister to whom responsibility for national security is assigned), if satisfied that an association satisfies section 34 of "the Act", to cause a notice of recognition to be published. But the regulations contain no definition of "the Act" and Page 13 provide no indication of what rights follow from recognition. It is unclear what, if any, connection exists between recognition under regulation 177 and the provisions of the Industrial Relations Act. The Board put these and other questions to the respondent.

52. In a further note the respondent drew the Board's attention to section 14 of the Interpretation Act of Trinidad and Tobago which provides the references to "the Act" in subordinate legislation are to be taken as referring to the Act under which the legislation was made, i.e. the Municipal Corporations Act. But as the respondent recognises in the note, that Act contains no provision for the formation and recognition of municipal police associations. References to "the Act" in regulations 172-177 were therefore intended to be references to the Police Service Act, but the regulations do not say so and it is hard to see what power the SASC has under the Municipal Corporations Act to make regulations for the purposes of the Police Service Act. The respondent acknowledges in his recent note that there will have to be further legislation of some kind in order to correct the present deficiencies, but the Attorney General wishes it to be made clear that the new regulations were passed in good faith with the intention of complying with the orders of the Court of Appeal. This the Board fully accepts."

57. To the extent that there may still exist defects in the regulations, both parties have agreed that after delivering this judgment to exchange communication on these defects and how they can be remedied. I also propose for the reasons set out later in this judgment that the parties establish a working Committee chaired by the Court to assist them on the way forward to remedying this aspect of the parties' dispute.

The Regulations

58. By 2014 the Municipal Police Service Regulations were enacted. In January 2015, the Municipal Police Service (Amendment) Regulation and the Recognition of Municipal Police Service Associations Regulations came into force.

59. In their written submissions¹¹, the Defendant provided a useful summary of the history of the enactment of these regulations:

¹¹ Submissions of the Defendant filed 4th May, 2018

- i. In July 2007 the Ministry of Local Government approached Cabinet for the establishment of a Committee to review the existing legal and administrative framework governing the employment of MPOs.
- ii. In August 2007, the Cabinet agreed to the establishment of a Municipal Police Review Committee.
- iii. In March 2009, the Committee convened.
- iv. In July 2009, the Committee submitted its recommendations to Cabinet.
- v. In August 2009, the Finance and General Purposes Committee of Cabinet considered the recommendations and recommended *inter alia* a comprehensive report to the Ministerial Team by October 15, 2009.
- vi. In May 2010 there was a change of Administration.
- vii. In or around July 2012 with a view to compliance with the orders of the Court of Appeal (*supra*), Cabinet considered the issue of regulations and in light of the importance it was decided that it was in the public interest for wider consultation with the relevant stakeholders to develop a proper policy.
- viii. These stakeholders would have included the municipal corporations, the police service and its association, the Ministries of National Security and Local Government and MPO's.
- ix. During the period May 2010 to the present, the Minister of Local Government and the Minister of National Security were changed on at least three (3) occasions as a result of Cabinet re-shuffles, which contributed to the regrettable delay in the resolution of this matter.
- x. On March 1, 2013 a presentation entitled "*Municipal Police Review: Toward Re-organisation and Integration*" was made to the Ministers of Local Government, National Security and Public Administration along with representatives of the Trinidad and Tobago Police Service, the Municipal Police Services, the Public Management Consulting Division and the Office of Law Enforcement Policy.

- xi. This presentation served to inform Ministers of previous work completed by the Municipal Review Committee as established in August 2007 and also highlighted specific and critical areas to be addressed in reviewing the governance, administrative and operational framework of the Municipal Police Services. The Working Committee was mandated to carry out a review on these matters and to submit a report by March 31, 2013.
- xii. Between March 1, 2013 and April 17, 2013 the Working Committee met on various dates. It should be noted that Heads of the various Municipal Police Services were invited to a meeting on March 22, 2013 and provided significant pertinent information to the Working Committee.
- xiii. In May 2013 the Working Committee issued their report. It should be noted that the Working Committee included Municipal Police Officers Selwyn Joseph, Patricia Springer-Carter and Glen Charles, who are the seventeenth, eighty-fifth and one-hundred and eleventh Claimants in the instant matter.
- xiv. In October 2013 Cabinet agreed to pay arrears for house, meal, plain clothes and proficiency allowances to the Claimants relating to the differences between MPO's and regular police officers. (This is referred to at paragraph 11 of the affidavit of Desdra Bascombe filed on 9 February 2018.)
- xv. On October 15, 2014 the then Attorney General made recommendations to Cabinet for the approval of the draft Municipal Police Service Regulations. Recommendations were also made to Cabinet *inter alia* to agree to the Working Committee's recommendations as to the governance, administrative and operational framework of the Municipal Police Services in its May 2013 report.
- xvi. On October 24, 2014, following the then Attorney General's recommendations and the approval of Cabinet, the Statutory Authorities' Service Commission made Regulations ('the 2014 Regulations') pursuant to Section 60 of the Municipal Corporations Act 1990, which are in force as of October 24, 2014.

xvii. Thereafter, the Municipal Police Service (Amendment) Regulations and the Recognition of Municipal Police Service Associations Regulations came into force in January 2015.

60. Section 60 of the Municipal Corporations Act provides:

“The Commission may make Regulations providing for the classification of officers in a Municipal Police Service, including qualifications, duties and remuneration and providing generally for the discipline, good order and government of the Municipal Police Services and until such Regulations are made hereunder, Regulations made under the Police Service Act, insofar as the Commission deems them applicable to any matter concerning Municipal Police Services or Municipal Police Officers, shall apply mutatis mutandis.”

61. Under the Municipal Police Service Regulations 2014, a constable can be considered for promotion after three years of service (Regulation 17). Vacancies may also be advertised (Regulation 18). Part IV of the Regulations provides for the resignation, retirement and termination of appointment of MPOs. Part VI provides for salaries, increments, advances and allowances. Regulation 52 provides for an acting allowance for an officer who is appointed to act in an office in a salary range that is higher than that of his substantive office. MPOs are also given a funeral grant for an officer who dies while in service (Regulation 53) and a hardship allowance (Regulation 54). The regulations also provides for a housing allowance (Regulation 55), plain clothes allowance (Regulation 56), proficiency allowance (Regulation 57), temporary separation allowance (Regulation 58) and subsistence and meal allowance (Regulation 62). Part VIII provides for vacation leave, special leave and medical matters. Part XIII provides for the disciplinary procedure for MPOs who fail to comply with the regulations. Part XV provides for gratuities and pensions.

62. The Recognition Regulations LN 21 of 2015 deal with the mechanism by which the statutory authority shall recognise an association to represent the interest of MPOs. It will cause a notice of recognition of that association as the appropriate recognized association to be published in the Gazette together with any withdrawal of recognition from an appropriate recognized association under section 25(2) of the Act, as may be necessary.

Main Submissions of the parties

63. The State has made the following main submissions. First the Regulations have been in force for approximately three years since its enactment and therefore there can be no continuing breach of the Claimants' rights. Second, although an award of compensation need not be nominal it must be no more than necessary to give recognition to the value and importance of the Claimants' constitutional rights and vexation caused by their denial. Third, that the quality of the evidence of the Claimants to prove their loss is deficient, speculative and lacking verification. Fourth, that the Claimants' scenario is similar to **Dennis Graham v Police Service Commission** Privy Council Appeal 108 of 2010 where a nominal \$35,000.00 award was made. In fact the payment of arrears in allowances made to the Claimants over time should be considered as adequate compensation for them. Fifth, that it is inappropriate for the Court to exercise its jurisdiction to make an award of vindictory damages as the rights of the Claimants were vindicated by the enactment of the Regulations in 2014. Finally, no award should be made for the failure of the State to make the Regulations in accordance with the Order of the Court of Appeal, as there is no evidence of public outrage.

64. The Claimants main contentions are as follows: The Claimants are to be placed in as far as possible the position as if their constitutional rights had not been infringed. Such damages should include loss of earnings and damage for distress and inconvenience. There is credible and uncontradicted evidence of loss. The Court should evaluate the loss of chance by relying on well-known common law principles. This is a suitable case to make both the award of vindictory damages in the range of \$250,000 to \$350,000.00 and an additional award in the sum of \$80,000.00.

A working guide to assessing Constitutional Damages

65. Under section 14(1) of the Constitution, the Court has a wide jurisdiction to vindicate the constitutional right by means of a monetary award. It is not bound by the traditional guides applied in awarding damages in the area of private law. See **Khimraj Bissessar v Attorney General** (HCA) No. 490 of 1988. The fact that a monetary award in addition to declaratory relief are being made to "vindicate the rule of law" demonstrates the need to provide

effective relief and protection against the abuse of State power under the Constitution. It is an important feature of the rule of law. As observed in **Fundamentals of Caribbean Constitutional Law**¹²:

“The rule of law is a “multi-layered concept that takes account of concomitant restraint on state action and protection of citizens. The organs of the state and all persons within the state must be governed and constrained in their actions by existing laws. The core idea in Caribbean constitutional law that is associated with the rule of law is that of constraining state action to ensure state accountability; “those exercising public power should do so lawfully” and in accordance with the constitution and other relevant laws. The rule of law operates by restraining the exercise of arbitrary power and applying principles of rationality and fairness. On the other side, all citizens are entitled to the benefit and protection of the laws properly made. Wit J in *Ag v Joseph* explains that “the law cannot rule if it cannot protect, so there must be protection against abuse and arbitrary exercise of power.” That protection includes the creation of positive laws that restrict the free use of violence, including violence by non-state actors.”

66. In this case the constitutional rights to be vindicated are the section 4(b) constitutional right of “equality before the law and protection of the law” and the section 5(2) (h) right to such procedures to give effect to their fundamental rights. It was the State’s refusal and delay in enacting procedures under the Statutory Authorities Act and Municipal Corporations Act which violated these Claimants’ constitutional rights to be treated equally with RPOs and to be afforded all the protection of process the law had envisioned. In this case regulations under sections 26 of the Statutory Authorities Act and section 60 of the Municipal Corporations Act was to be seen as a sine qua non of the enjoyment of service as MPO.

67. What was once considered to be the uncharted sea of assessing damages under our Constitution is now well traversed with several Privy Council judgments since **Maharaj v The Attorney General of Trinidad and Tobago**¹³. Our jurisprudence in awarding compensation for

¹² Fundamentals of Caribbean Constitutional Law by Tracy Robinson, Dr. Arif Bulkan and the Honourable Mr. Justice Adrian Saunders, paragraph 6-002 page 262

¹³ See Lord Halisham’s judgment in *Marahaj v AG* no2 1978 2 AER 688 letter d

breaches of constitutional rights has been developed over time with these well-known Privy Council authorities providing a useful compass to guide our assessments: **Attorney General v Ramanoop** (2006) 1 AC 328, **Alphie Subiah v The Attorney General of Trinidad and Tobago** Privy Council Appeal No. 39 of 2007, **Naidike v The Attorney General of Trinidad and Tobago** Civil Appeal No. 86 of 2007; **Romauld James v The Attorney General of Trinidad and Tobago, Privy Council** (2010) UKPC 23, **Central Broadcasting Services Ltd v Sanatan Dharma Maha Sabha of Trinidad and Tobago** (Civil Appeal No. 216 of 2009), **Merson v Cartwright** (2005) 67 WIR 17, **Sam Maharaj v Prime Minister of Trinidad and Tobago** [2016] UKPC 37.

68. In the **Attorney General v Ramanoop** (2006) 1 AC 328, Lord Nicholls of Birkenhead at paragraphs 17 to 18 stated:

“17. Section 14 recognises and affirms the court’s power to award remedies for contravention of chapter 1 rights and freedoms. This jurisdiction is an integral part of the protection chapter 1 of the Constitution confers on the citizens of Trinidad and Tobago. It is an essential element in the protection intended to be afforded by the Constitution against the misuse of State power. Section 15 presupposes that, by exercise of this jurisdiction, the Court will be able to afford the wronged citizen effective relief in respect of the State’s violation of a constitutional right. This jurisdiction is separate from and additional to (“without prejudice to”) all other remedial jurisdiction of the Court.

18. When exercising this constitutional jurisdiction the Court is concerned to uphold, or vindicate the constitutional right which has been contravened. A declaration by the court will articulate the fact of the violation, but in most cases more will be required than words. If the person wronged has suffered damage, the court may award him compensation. The comparable common law measure of damages will often be a useful guide in assessing the amount of this compensation. But this measure is no more than a useful guide because the award of compensation under Section 14 is discretionary and moreover, the violation of the constitutional right will not always be coterminous with the cause of action at law.”

69. Such damages under the Constitution can include compensatory damages but where the Court identifies an appropriate compensatory award it must ask itself whether that sum affords adequate redress or whether an additional award should be made to vindicate the person's constitutional right.

70. In **Merson v Cartwright** (2005) 67 WIR 17, at paragraph 18, Lord Scott of Foscote:

“18.....the nature of the damages awarded may be compensatory but should always be vindicatory and, accordingly the damages may in an appropriate case, exceed a purely compensatory amount. The purpose of a vindicatory award is not a punitive purpose. It is not to teach the executive how to behave. The purpose is to vindicate the right of the complainant, whether a citizen or a visitor, to carry on his or her life in the Bahamas free from unjustified executive interference, mistreatment or oppression. The sum appropriate to be awarded to achieve this purpose will depend upon the nature of the particular infringement and the circumstances relating to that infringement. It will be a sum at the discretion of the trial Judge. In some cases a suitable declaration may suffice to indicate the right, in other cases an award of damages, including substantial damages may seem to be necessary.”

71. In **Ramanoop** (supra) where Lord Nicholls stated at paragraph 19:

“An award of compensation will go some distance towards vindicating the infringed constitutional right. How far it goes will depend on the circumstances, but in principle it may well not suffice. The fact that the right violated was a constitutional right adds an extra dimension to the wrong. An additional award, not necessarily of substantial size, may be needed to reflect the sense of public outrage, emphasise the importance of the constitutional right and the gravity of the breach, and deter further breaches. All these elements have a place in this additional award. “Redress” in Section 14 is apt to encompass such an award if the court considers it is required having regard to all the circumstances. Although such an award, where called for, is likely in most cases to cover much the same ground in financial terms as would an award by way of punishment in the strict sense of retribution, punishment in the latter sense is not its object. Accordingly,

the expressions “punitive damages” or “exemplary damages” are better avoided as descriptions of this type of additional award.”

72. Lord Toulson in the judgment of the Privy Council in this case at paragraphs 39, 40 and 41 also stated that an appropriate case in which to award an additional sum is where it is difficult for a Claimant to prove a loss measureable in a strict financial sense:

“39. In summary, the object of the jurisdiction is to uphold and give effect to the right which has been contravened. Sometimes the court may judge a declaration to be sufficient for this purpose, just as the European Court of Human Rights will sometimes treat a finding of violation of the European Convention on Human Rights as affording sufficient satisfaction to the applicant. But often the court will find that more than words are required to redress what has happened. There are no standard rules, but the fact that the injured party has suffered damage will obviously militate in favour of a monetary award. In assessing compensation in such a case, the common law measure of damages will be a useful guide, but no more than a guide (just as an award by the Strasbourg Court will not necessarily be the same as the measure of damages at common law for conduct amounting to a tort). Other relevant factors would include the seriousness of the breach.

40. While an award under section 14 need not necessarily amount to the full financial loss which the injured party may have suffered, conversely in some cases it is right that an award should go beyond the amount of pecuniary damage which the injured party may be able to prove. Indeed the fact that it may be very difficult for the complainant to prove a loss measurable in strictly financial terms, in a case where there has been a serious violation serious of his constitutional rights, may be a good reason for adding an amount to mark the importance of respect for the constitutional right which he has been denied. Such an award has attracted the label “vindicatory”, although any award is in a real sense intended to be vindicatory, but it has the character of a general award, in the sense used by Martin B in *Prehn v Royal Bank of Liverpool* (1870) LR 5 Ex 92, 99-100 (quoted in *McGregor on Damages*, 19th ed, 2014, at 3-003):

“general damages ... are such as the jury may give when the judge cannot point out any measure by which they are to be assessed, except the opinion and judgment of a reasonable man.” ”

41. The commonest instances of such awards for non-pecuniary injury, as noted by McGregor, are damages for injury to reputation in cases of defamation or pain and suffering in cases of personal injury, but there are other less common examples, such as damages for distress in a case where the object of a contract is to provide peace of mind (*Watts v Morrow* [1991] 1 WLR 1421, 1445 per Bingham LJ). In the present context an award of general damages is a tangible recognition of the value and importance of the complainant’s constitutional rights and vexation caused by their denial, albeit incapable of measurement in financial terms by the use of a slide rule. The amount does not necessarily have to be large, but to award only a nominal or derisory sum would be liable to add insult to injury. It would be wrong to suggest a conventional figure, because much will depend on the facts of the particular case. If a court makes an award under this head, whether in addition to an award based on proof of measurable damage or not, it should explain what it is doing and why.”

73. In **Alphie Subiah v The Attorney General of Trinidad and Tobago** Lord Bingham offered further guidance at paragraph 11 on the approach to be adopted in quantifying an appropriate award of compensation for violation of the Constitution:

“[11] The Board's decisions in *Ramanoop*, paras 17 – 20, and *Merson*, para 18, leave no room for doubt on a number of points central to the resolution of cases such as the present. The Constitution is of (literally) fundamental importance in states such as Trinidad and Tobago and (in *Merson's* case), the Bahamas. Those who suffer violations of their constitutional rights may apply to the court for redress, the jurisdiction to grant which is an essential element in the protection intended to be afforded by the Constitution against the misuse of power by the state or its agents. Such redress may, in some cases, be afforded by public judicial recognition of the constitutional right and its violation. But ordinarily, and certainly in cases such as the present (and those of *Ramanoop*, and *Merson*, and other cases cited), constitutional redress will include an

award of damages to compensate the victim. Such compensation will be assessed on ordinary principles as settled in the local jurisdiction, taking account of all the relevant facts and circumstances of the particular case and the particular victim. Thus the sum assessed as compensation will take account of whatever aggravating features there may be in the case, although it is not necessary and not usually desirable (contrary to the practice commended by the Court of Appeal of England and Wales for directing juries in *Thompson v Commissioner of Police of the Metropolis* [1998] QB 498, 516 D-E, [1997] 2 All ER 762, [1997] 3 WLR 403) for the allowance for aggravated damages to be separately identified. Having identified an appropriate sum (if any) to be awarded as compensation, the court must then ask itself whether an award of that sum affords the victim adequate redress or whether an additional award should be made to vindicate the victim's constitutional right. The answer is likely to be influenced by the quantum of the compensatory award, as also by the gravity of the constitutional violation in question to the extent that this is not already reflected in the compensatory award. As emphasised in *Merson*, however, the purpose of such additional award is not to punish but to vindicate the right of the victim to carry on his or her life free from unjustified executive interference, mistreatment or oppression..."

74. In **Mukesh Maharaj v The Attorney General of Trinidad and Tobago** Civil Appeal No. 118 of 2010 Chief Justice Archie commented::

"[8] So, to make it clear, 'compensation' or 'damages' in the context of an award or 'redress' pursuant to section 14 of the Constitution may include, but have never been confined to compensation in the sense of readily quantifiable pecuniary loss. In fact the Court, in the exercise of its discretion to afford redress is concerned only with what is appropriate in the circumstances and is not obliged to compensate the complainant for pecuniary loss....."

.....

[16] One should also not lose sight of the fact that the starting point of constitutional redress is the vindication of the victim's constitutional right. It is for that reason that it

has been said, in Ramanoop for example, that where there is an adequate common law remedy, one should not seek constitutional redress unless there is some unusual feature of the case that renders it an appropriate course of action.

75. Recently, Jamadar JA in **The Attorney General of Trinidad and Tobago v Selwyn Dillon** Civil Appeal No. P 245 of 2012 usefully set out the following principles as a guide in the assessment of constitutional damages at paragraph 20:

- (1) the award of damages is discretionary;
- (2) the nature of any award of damages is always with the intention and purpose of upholding and/or vindicating the constitutional right(s) infringed and in furtherance of effective redress and relief for the breaches;
- (3) whether an award of damages is to be made depends on the circumstances of the case, including consideration whether a declaration alone is sufficient to vindicate the right(s) infringed and whether the person wronged has suffered damage;
- (4) in determining the sufficiency of a declaration and/or the need for damages, the effect(s) of the breach on the party seeking relief is a relevant and material consideration;
- (5) compensation can thus perform two functions - redress for the in persona damage suffered and vindication of the constitutional right(s) infringed;
- (6) compensation per se is to be assessed according to the ordinary settled legal principles, taking into account all relevant facts and circumstances, including any aggravating factors;
- (7) in addition to compensation per se, an additional monetary award may also need to be made in order to fully vindicate the infringed right(s) and to grant effective redress and relief;
- (8) such an additional award is justified based on the fact that what has been infringed is a constitutional right, which adds an extra dimension to the wrong, and the additional award represents what may be needed to reflect the sense of public outrage at the

wrongdoing, emphasise the importance of the constitutional right and the gravity of the breach, and/or to deter further similar breaches;

(9) the purpose of this additional award remains, as with compensation, the vindication of the right(s) infringed and the granting of effective relief and redress as required by section 14 of the Constitution, and not punish the offending party; and

(10) care must be taken to avoid double compensation, as compensation per se can also take into account similar considerations, including relevant aggravating factors and is also intended to uphold and/or vindicate the right(s) infringed.”

76. I will only add to those useful principles the following in relation to the assessment of a compensatory award under the Constitution:

- The award must be no more than necessary to give recognition to the value and importance to the constitutional rights and violation caused by their denial. **Naidikie v Attorney General, Mukesh Maharaj v Attorney General.**
- The Court will require proof of damages, the burden of which lies on the Claimant. The award of compensation is fact sensitive. The quality of evidence required will depend on the facts and nature of the case. **Romauld James v Attorney General, Dennis Graham v Attorney General and Central Broadcasting Services.**
- Any speculative loss does not automatically deprive the Claimant of his right to compensation so long as the Court can exercise its discretion to make an appropriate award having regard to the nature of the breach and the right that has been violated. **Oswald Alleyne v Attorney General, Sam Maharaj v Attorney General.**
- Monetary compensation can be awarded by reference to comparable common law measures of damages as a guide. **Ramanoop v Attorney General, Oswald Alleyne v Attorney General, Naidikie v Attorney General.**
- Where there is evidence of direct loss that is recoverable as a component of compensation. Another component of compensation is to address non-pecuniary matters

such as distress and inconvenience. **Subiah v Attorney General, Maharaj v Attorney General.**

- Another relevant factor in assessment is the seriousness of the breach. The gravity of the constitutional breach can be a factor which warrants an uplift in the award of compensation. Aggravating factors are also to be taken into account. **Naidikie v Attorney General.**

77. By no means should these constitutional damages be seen as serving a function of punishment of the State. In upholding or vindicating the constitutional rights and in furtherance of effective redress, its function is protective in nature. To this end a critical component is an appreciation of the importance of the constitutional rights in play which grounds the claim for damages.

Understanding the nature of the Constitutional right

78. The section 4(b) constitutional rights have been the subject of recent litigation and our Courts have given the “protection of the law” right a quite liberal interpretation and importance in its role in maintaining the rule of law and a functioning democracy. See **The Maya Leaders Alliance v The Attorney General of Belize** [2015] CCJ 15(AJ). More importantly at stake in this case are substantive and process rights. The right to have Regulations enacted is the doorway for these Claimants to access the Industrial Court and indeed to normalise their status and terms and conditions of service.

79. These rights recognise the sacred pact between the State and the individual which affirms, in the preamble of our Constitution, a vision of a civilised nation which holds concepts such as social justice, the fair distribution of goods and services, human dignity and a labour force free from exploitation as core values of a free and democratic State. Chief Justice Sharma said it best in the Court of Appeal’s decision in **Ramanoop**¹⁴:

“There is something solemn and sacred about the Constitution. It represents the hope and aspirations of the nation. There are strong spiritual and moral

¹⁴ **Ramanoop v The Attorney General of Trinidad and Tobago** Cv.A.No.52/2001 page 18

underpinnings on which it is founded. In it the nation affirms its belief in the supremacy of God, acknowledges the dignity of the human being, and the State faithfully pledges to secure and protect the fundamental rights and freedoms of its citizens. These are some of the noble ideals, which illustrate the great divide between private law on the one hand and the Constitution on the other.”

80. In approaching this assessment the Court must strive to give life to these fundamental rights.

Compensation-A nominal sum?

81. It has already been determined by the Privy Council that the Claimants deserve and indeed are entitled compensation. Disappointingly, the State has not offered any evidence at all to rebut the evidence of the Claimants of their financial loss when they had ample time to do so¹⁵. However, from the State’s written submissions it appeared that the State’s position was that nothing can be awarded to the Claimants by way of compensation. Only when pressed by this Court did the Defendant submit that a nominal award of \$35,000.00 may be appropriate for compensatory damages and for the additional award but that no award should be made for vindicatory damages.

82. This is unfortunate. Indeed the assessment should not have reached this stage and reasonable exchanges of proposals ought to have been engaged to arrive at a suitable sum for compensation as well as to deal with the main problem of rectifying the MPOs terms and conditions of employment. As difficult as this exercise may first appear because of the sheer numbers of Claimants and notwithstanding my sympathy for the attorneys for the State to troll through the evidence, a zero sum approach to this question of assessment is unacceptable.

83. Take for example a Claimant such as Trevor Harewood who has retired from the service of MPO prior to 2015 when the Regulations were finally enacted. He received a pension based upon the calculation of pension benefits prior to the passage of the service regulations. There is absolutely no answer from the State why persons such as Mr. Harewood ought not to be

¹⁵ Save for the State’s evidence of the payment of arrears of salaries and allowances to the Claimants.

compensated for the pension they ought to have received if the formula enacted in the new regulations were applied to them between the date of his retirement and the date the Regulations were enacted in 2015. There are even some retirees, such as Luciana Pierre who have to date inexplicably not been in receipt of their pensions even though they have retired from the service prior to 2015. What is the State's response? It simply highlights the continuing injustice to the MPOs of enduring a period of service without any sensitivity to their concerns and service regulations to regulate their terms and conditions of employment including their ability to access certain benefits or the Industrial Court to litigate their industrial relations grievances.

84. The Court exercises a wide discretion in the assessment of damages. Indeed the Courts routinely assess damages for intangibles such as pain, suffering, loss of reputation. These are all intangible but important aspects of the mortal self that the Court routinely makes awards based on certain guidelines. In personal injury cases the Court in assessing loss of future earnings must speculate as to the chances of the Claimant in his earning capacity when the future is uncertain. The law has resolved itself to two approaches, a multiplier and multiplicand approach and a "Blamire award" approach. In both approaches there is an element of speculation yet the Court utilising the benefit of the evidence adduced makes as conventional a forecast of the Claimant's future loss as possible. In compensating persons for pain, suffering, loss of amenities or even in loss of reputation in defamation cases the Courts adopt an approach of monetising a person's reputation or his sense of worth or his pain and suffering endured.

85. The approach of a Constitutional Court in awarding compensation for breach of a fundamental right is no less an exercise of the Court placing its value on the dignity of the human spirit, on the sense of loss and despair when fundamental rights are breached, on the sacred pact which binds our civilised society together as espoused in our preamble to our Constitution. Arriving at a compensatory award to "give effect to or vindicate the breach of a constitutional right" involves all these intangibles but they are no less real and critical for the aggrieved Claimant as it is for our society which cherishes the respect for the rule of law and our fundamental human rights.

86. It has been determined that the right to equality of treatment and protection of the law was violated when these MPOs were put into “legislative limbo”. As time dragged on their claims for increased benefits in terms of salaries and allowances were deliberately placed in a legal vacuum. Their terms became at the behest and leisure of the State without any recourse to the law to arbitrate on fair and proper terms. More importantly they were unable to access a specialised court which the expert on industrial relations jurisprudence to determine what is fair, just and equitable in setting their salaries and pay¹⁶. Had such procedures been instituted the very same arguments would be placed before the correct Court to determine the question what should be the appropriate increases or appropriate benefits to be applied to MPOs. They were deprived of that chance and the task of this Court is as best as it can to monetise that loss. It is a hypothetical exercise...but by no means unreal. The Court can apply well known principles to determine an appropriate award for compensation.

87. Clearly, the Claimants cannot receive by way of compensation an award representing the difference between their existing salaries and that of RPOs. That does not automatically follow. I do not understand the Claimants’ case to be as high as that. What the Claimants have done is arm the Court with evidence to examine the disparity between the MPO and RPO and to ask the Court in light of the constitutional right which has been breached of equality of law and the protection of the law, what is the appropriate sum to be awarded representing their financial loss as a result of the State’s inactivity and assess their chances had they been conferred the chance through the Regulations to access the Industrial Court. Additionally, the inactivity of the State in such a fundamental matter as this touching and concerning the welfare of employees surely must lead to frustration, hopelessness, despair, anxiety and loss of faith in the institution. This too attracts a monetary award based on conventional principles.

88. There are two authorities of the Privy Council that deserve some further analysis as they provide two sides to the coin on this assessment of damages where there are speculative claims. The first is **Central Broadcasting Services Ltd and another v the Attorney General of**

¹⁶ See **Caroni (1975) Limited v. Association of Technical Administrative and Supervisory Staff** [2002] 67 WIR 223

Trinidad and Tobago [2018] UKPC 6 and the second is **Sam Maharaj v Prime Minister of Trinidad and Tobago** [2016] UKPC 37. Both are appeals from our Court of Appeal and deal with the question of breach of the constitutional right to equality of treatment and protection of the law. In both a compensatory award was seen as necessary to vindicate the Claimant's constitutional right. Both assessments had their various degrees of speculation but they both underscored the Court's attempt to utilise the available evidence to determine the question of any direct or pecuniary loss as a result of the breach quite apart from the question of monetising the very breach itself.

89. In **Central Broadcasting Services** the Claimants were entitled to compensatory damages for the delay in the State issuing a broadcast licence as well as a "vindicatory" award. The Claimants had provided the Court with estimates of its loss of profits as a result of the denial and delay in issuing the broadcast license. It consisted of estimated income and revenue statements prepared with the assistance of accountants. The evidence was subject to cross examination. There were some variables in whether the Claimant could have attained their level of income and revenue such as the growth of the economy and increased competition. Faced with the uncertainty with these two competing forces the Board was satisfied that the correct approach was to accept and adjust a base line profit from the estimated income statement. The Court was also correct to adopt a conservative approach in light of the lack of any independent or comparative evidence. The compensatory award of \$952,890.00 based on the evidence of the estimated loss of profitability was not disturbed. In **Central Broadcasting Services** the Privy Council noted the careful consideration of Boodoosingh J of the evidence adduced in that case.¹⁷

¹⁷ **Central Broadcasting Services Ltd and another v the Attorney General of Trinidad and Tobago** [2018] UKPC 6 paragraph 18:

"...There was nothing inherently difficult in calculating the compensatory damages. The principles of the law on vindicatory damages are well-established and the only novelty in the case was the egregious nature of the Government's breaches of the appellants' fundamental rights which gave rise to an award of vindicatory damages of a size which was unprecedented in Trinidad and Tobago. Each side of the dispute chose to instruct three counsel in what will have been a politically controversial case, but their decision to do so is not a measure of what it is reasonable for the court to award as costs."

90. The State in this case have pointed out that the Claimants evidence in **Central Broadcasting Services** was supported by expert evidence of accountants. This they say is a material deficiency in these Claimants' claims. However each case is fact sensitive. This present claim is not one of a company claiming loss of profits in a speculative radio market. That was a company which was private entity with no ties and to that extent a stranger to the State. In this case, the Claimants are virtually the employees of the Defendant; MPOs in the employ of various corporations of the State. It is expected that they, as the keeper of the records, would have been able to refute or shed light on the allegations of the Claimants.

91. Importantly in **Central Broadcasting Services**, there was an additional award of \$500,000.00 to vindicate the Claimant's rights which were breached. The Court considered the breach of the constitutional right occasioned by the delay of the State in granting the licenses serious enough to be monetised in that sum.

“The principles of the law on vindicatory damages are well-established and the only novelty in the case was the egregious nature of the Government's breaches of the appellants' fundamental rights.”¹⁸

92. In **Sam Maharaj**, the appellant successfully argued that the failure to re-appoint him as a member of the Industrial Court was unreasonable and a breach of his right to the protection of the law. There are two important features of that case. First, the importance the Board has attributed to the wide concept of the protection of the law to the individual and our society. The second is the award of damages even in speculative cases. In that case the Claimant was entitled to be treated as though he had been reappointed as a Judge of the Industrial Court for a period of five (5) years. His claim for pecuniary loss was not particularised in the affidavits however, it was observed that at an assessment of damages he would be given the opportunity to advance further evidence in support of such pecuniary loss. A similar approach was adopted in this case where all the Claimants were permitted to adduce their own evidence of their pecuniary and non-pecuniary loss as result of the constitutional breaches.

¹⁸ Ibid

Compensatory and Vindictory Damages

93. I briefly treat with a concept of awarding one sum to deal with both compensatory and vindictory elements. In a minority judgment in **Mukesh Maharaj** Archie CJ usefully examined these authorities and explained that the Court's task in providing constitutional redress by way of compensation is to make one award which may serve different functions but one purpose. Archie CJ in **Mukesh Maharaj** suggests a single award of damages, achieves the general purpose of vindication.

“[11] In *Merson v Cartwright* [2005] 67 WIR 17 the Board merely reaffirmed that the nature of damages awarded may exceed a purely compensatory amount and that the purpose of ‘vindication’ was not punishment. Thus, while I am consciously avoiding the importation of common law terminology, for the purposes of analogy, I understand the Board to have been saying that the augmentation of any award to take into account the nature of the particular infringement and the circumstances of that infringement could more be likened to aggravated as opposed to punitive or exemplary damages, and it would not therefore require the award of a separate sum. Indeed the notion of exemplary damages in constitutional motions was expressly rejected.”

[17] If the purpose of any ‘additional award’ is not punitive then any other intended purpose can be achieved by its explicit recognition in the overall quantum awarded without any need to set out a separate sum. Returning to the analogy of aggravated damages for the moment, it was acknowledged in *Subiah* that, unlike some other jurisdictions, it is not the practice in Trinidad and Tobago to award a separate sum for aggravated damages.

[18] In summary, therefore, the expression “vindictory damages” in the sense of a separate award has a rather tenuous lineage. A careful reading of the authorities convinces me that it has never really been expressly approved by the Privy Council (at least as a requirement), and its use may be misleading in that it may tempt trial courts to artificially and doubly compensate claimants in respect of breaches that are properly

compensable by a single and undifferentiated award of 'damages'. It is my hope that this expression will no longer trouble us in the future."¹⁹

94. He considered the vindication of the right to encompass compensation and loosely importing the common law jargon of aggravated and exemplary damages. There has been no further discussion on this in our local jurisprudence and it appears that before and since then there is the usual award of compensatory damages and an additional award if required to vindicate the right of the Claimant as a "vindicatory award". The latter serves a purpose of compensation for another element of the wrong and was akin to such additional award as exemplary damages but was not to be confused with the object of that award of punishment which serves no place in constitutional damages. In my view, the notion of compensation encompass two streams of loss: the first, any direct provable loss or pecuniary loss and the second, any other intangible loss such as mental distress, inconvenience or aggravating circumstances which ought to be the subject of compensation. I have loosely referred to this as pecuniary and non-pecuniary loss in this judgment. The second stream is not to be confused with a purely vindicatory award which is an additional award necessary to give effect to vindicate the constitutional right. To that extent the Court must ensure it is necessary to do so and is not subject to an aspect of double counting, if not punishment by making an oppressive and disproportionate award.

95. In this assessment I have followed the traditional route and will leave open the question whether the true view should be that one compensatory award is to be made which would entail an assessment of two elements of compensation and vindication and we dispense with the word "vindicatory damages". It may well be two roads leading to the same village.

96. I turn now to examine the Claimants' claim for compensatory damages, vindicatory damages and for the additional award.

¹⁹ **Mukesh Maharaj v The Attorney General of Trinidad and Tobago** Civil Appeal No. 118 of 2010 paragraph 11.

COMPENSATORY DAMAGES

Part 1-Pecuniary Loss

Common Evidence

97. These Claimants held varying ranks in the municipal police service in ascending order of Police Constable, Corporal, Acting Corporal, Police Sergeant, Police Inspector Assistant Superintendents and Superintendents. They were retained by either the Public Service Commission or the SASC and were attached to various corporations in the cities of Port of Spain, San Fernando and the Borough of Arima, Point Fortin, Diego Martin. Of the 153 Claimants' approximately fifty one (51) were Constables, twenty three (23) Corporals, twenty seven (27) Sergeants, twenty one (21) Inspectors, six (6) Assistant Superintendents and three (3) Superintendents. Of the fifty (50) Claimants who have since retired, ten (10) retired as Constables, nine (9) as Corporals, eleven (11) as Sergeants, twelve (12) as Inspectors, six (6) as Assistant Superintendents and two (2) as Superintendents .
98. The Claimants have given evidence that like RPOs of equivalent rank, they perform the following among other duties (a) Street Patrols, (b) Police Prosecution and Court and Process Duties, (c) Charge Room duties, (d) Processing of prisoners and granting of bail, (e) Execution of warrants of arrests and search warrants, (f) Sentry or Guard Duties, (g) Provision of security at demonstrations, public marches and squatter demolition exercise, (h) Driver duties, (i) Administrative duties, (j) Asset protection, (k) Duties for State of Emergency, (l) Policing duties at Public demonstrations or protects and (m) Escort to public health inspectors and building inspectors.²⁰
99. The MPOs as recognized by the Privy Council also provided compelling documentary evidence to demonstrate similarity of duties and functions with RPOs of equivalent rank. In the affidavit of Neville Robinson filed on the 18th May 2004 (Tab 6), he produced a Duty Roster which showed the duties which the MPOs attached to the POS Corporation performed (N.R 5). This Roster showed that there were MPOs attached to the Task Force a Special Unit dedicated to

²⁰ See the main affidavit of Neville Robinson, the supplemental affidavit of Octice Lewis and each of the Claimants

the detection of crime and the pursuit, apprehension and prosecution of criminal offenders. He also exhibited as "N.R 6", a list of the number and types of charges laid over the last ten (10) years by MPOs. That list showed that they were involved in the investigation and the laying of charges of a variety of matters outside of the security and protection of property of the various Corporation and that MPOs play an important role in the detection of crime and infractions of the law and the pursuit, apprehension and protection of criminal offenders.

100. Further, in the second supplemental affidavit of Octive Lewis filed on the 31st March 2017 in respect of the assessment for damages paragraphs 18 to 21 gives further evidence of the duties performed by MPOs. He deposed that MPOs continue to perform the duties stated in the affidavit of Mr. Robinson filed on the 18th May 2004, he produced the duty rosters of the MPOs of the Arima Municipal Corporation for the period 2001 to 2015 which show that the MPOs continued to be assigned duties which included market patrol, station sentry, office duties, driving duties, street and joint patrol ("O.L 8") and he also produced the following from MPOs of the Port of Spain Municipal Corporation: (a) copies of some of the charges laid by MPOs including arrests and charges for obscene language, resisting arrest, possession of a weapon, assault, possession of illicit spirits, trafficking of cocaine and larceny ("O.L 9"), memos for wrecking duties ("O.L 10") and the copies of the list of duties of Municipal Police Constables and Corporals prepared by the Superintendent in charge of the Municipal Police Station ("O.L 11") which show that MPOs perform police duties such as charge room duties, street and mobile patrols, court process duties, prisoners and holding bay duties. The State has not disputed any of this evidence in its affidavits in reply.

101. The evidence of the Defendant in this matter as contained in the affidavit of Osborne Ashby filed on the 12th May 2004 is entirely rebutted by the evidence of the Claimants in this case. Mr. Ashby's evidence that MPOs are engaged entirely primarily in the security and protection of the property in the Corporation as opposed to the detection of crime and infractions of law and pursuit, apprehension and protection of criminal offences cannot be sustained in light of the documentary evidence produced by the Claimants.

102. Despite the Claimants' unequal pay complaint being unsuccessful in the lower court, the Privy Council commented at paragraph 35:

“This lamentable and longstanding state of affairs has affected the constitutional rights of MPOs. They have a right both to equality before the law and to the protection of the law. There has been inequality between RPOs and MPOs in that the former operate within a service which is governed by published service regulations but the latter do not. Mr Robinson testified to the fact that service promotions in the municipal services are dealt with on an ad hoc basis and that this promotes unfairness, inequality of treatment and arbitrariness. His statement was not contradicted. More generally service regulations operate for the protection of both the public and police officers. Disciplinary provisions of the kinds contained in the Police Service Regulations provide an example.”

103. Further at paragraph 42 the Lord Toulson commented:

“In this case the judge had good reason to make an order for payment of compensation to be assessed. The MPOs produced cogent evidence, based on similarities between their responsibilities and those of RPOs and the development of significant pay differentials as a consequence of a re-evaluation of the national but not the municipal services, to suggest that their inability to present their case on pay and conditions to an independent adjudicator was likely to have caused them loss. The denial of their rights was long standing.”

104. The Privy Council has already dealt a blow to the State’s submission in this assessment that the task of assessing compensation for these Claimants is an exercise of speculation and therefore an act of futility. Lord Toulson pointed to a quantifiable head of loss of the “lost chance” to present a case on the inequities of pay to an independent tribunal. In paragraph 44 of the judgment he further commented:

“It is a general principle of the common law that if an injured party can establish a head of loss, which by reason of the wrongdoer’s conduct it is difficult to quantify, the fact that there may be many speculative factors is not a reason for denying the assessment: see *Simpson v London and North Western Railway Co* (1876) 1 QB 274, 277, *Chaplin v Hicks* [1911] 2 KB 786, 792, *Davies v Taylor* [1974] AC 207, 212, *Gregg v Scott* [2005] 2 AC 176, paras 17 and 76-79, and *Parabola Investments Ltd v Browallia Cal Ltd* [2010] EWCA Civ

486, [2011] QB 477, paras 22-23. A monetary award under section 14(1) is discretionary, but that is not in itself a reason to adopt a different approach.”

105. The Claimants have accordingly presented their pecuniary loss in terms of loss or salaries and allowances, pension and gratuity. The question must be asked, what would the Claimants have lost in that period of time when their complaint arose in 2000 to the date that the regulations were finally enacted in January 2015. Furthermore, in so far as gratuity and pensions are concerned, insofar as there was a lost chance to improve their terms in relation to their pensionable salary how is that to be assessed? The Court although engaged in asking a hypothetical question of the lost chance does have at its disposal forensic tools to aid in quantifying such chances.

Loss of Chance

106. The approach of the Court in such circumstances is to quantify the loss by evaluating the loss of chance in this case of the Claimants presenting their claim to the Industrial Court. In assessing an appropriate award of compensation guidance can be obtained from similar approaches in the law of tort and contract where even though claims may involve some element of speculation, the Court has developed guidelines for ascertaining an appropriate award of the Claimants’ loss.

107. **Chaplin v Hicks** (1911) 2 K.B 786 is the classic example of the recovery of damages based on a loss of chance. The Defendant’s breach of contract prevented the Plaintiff from taking part in a beauty contest and deprived her of a chance of winning one of the prizes. The Court of Appeal upheld the judge’s award on the basis that while there was no certainty that she would have won, she lost the chances of doing so. Vaughn Williams LJ at page 792 said:

“But the fact that the damages cannot be assessed with certainty does not relieve the wrong-doer of the necessity of paying damages for his breach of contract.”

108. And Farwell LJ at page 798 said:

“It is contended that the amount of the plaintiff’s loss is so entirely a matter of pure chance as to be incapable of assessment. I cannot for this purpose draw any distinction

between a chance and a probability. In the Oxford English Dictionary one of the definitions of “chance” is “a possibility or probability of anything happening, as distinct from a certainty,” and a citation is given from Reid’s *Intellectual Powers*, “the doctrines of chances is a branch of mathematics little more than an hundred years old.” The two words “chance” and “probability” may be treated as being practically interchangeable though it may be that the one is somewhat less definite than the other. The necessary ingredients if such an action are all present, the defendant has committed a breach of his contract, the damages claimed are a reasonable and probable consequence of that breach and loss has accrued to the plaintiff at the time of the action.”

109. Importantly, the Court recognised that the duty of the Court is to put the Claimant into the position if the contract had been performed. That it must weigh the pros and cons of a future event occurring and make an assessment as best as it can after it had established that breach had occurred. Vaughn Williams LJ indeed relied upon the law of averages as a convenient mathematical formula to calculate the Claimant’s lost chance.

110. I agree with the Claimants that the chance lost must be substantive rather than speculative and the law is concerned with the loss of the opportunity and the loss of the desired outcome. The cases cited by the Claimants are useful. In **Gregg v Scott** (2005) 2 AC 176 at page 183, Lord Nicholls of Birkenhead said as follows at para 17:

“In order to achieve a just result in such cases the law defines the claimant’s actionable damages more narrowly by reference to the opportunity the claimant lost, rather than by reference to the loss of the desired outcome which was never within his control. In adopting this approach the law does not depart from the principle that the claimant must prove actionable damage on the balance of probability. The law adheres to this principle but defines actionable damage in different, more appropriate terms. The law treats the Claimant’s loss of his opportunity or chance as itself actionable damage. The claimant must prove this loss on balance of probability. The Court will then measure this loss as best it may. The chance is to be ignored if it was merely speculative, but evaluated if it was substantial: See *Davies v Taylor* (1974) AC 207, 212 per Lord Reid.”

111. **Parabola Investments Ltd and another v Browallia CI Ltd and others** (2011) QB 477 is a useful authority. In this case the Claimant had estimated loss of profits as a result of the fraud of the Defendant. At the trial the Claimant had submitted expert evidence on his loss. No rival estimates were provided by the Defendant. Its case was that the matter was altogether too speculative for the judge to be able to make any reasonable estimate of the profit which Tangent would have made during the relevant period. The judge adopted a conservative estimate of 50% an annual percentage of profit pitched at a level “which takes sufficient account of the inherent risk in any trading such as that certain trades would probably have been loss making.” A similar approach was taken with another claim for loss of profits. At the Appeal the Defendant contended that the loss of profits claimed was unproven and arbitrary. Lord Toulson pointed out that there are some forms of loss that are capable of being established with precision and other forms of consequential loss are not capable of similarly precise calculation because “they involve the attempted measurement of things which would or might have happened (or might not have happened) but for the defendant’s wrongful conduct as distinct from things which have happened. In such a situation the law for not require a Claimant to perform the impossible nor does it apply the balance of probability test to the measurement of the loss.”²¹

112. Lord Toulson further observed at paragraph 23:

“The claimant has first to establish an actionable head of loss. This may in some circumstances consist of the loss of a chance, for example *Chaplin v Hicks* (1911) 2 KB 786 and *Allied Maples Group Limited v Simmons & Simmons* (1995) 1 WLR 1602, but we are not concerned with that situation in the present case, because the judge found that, but for Mr. Bomford’s fraud, on a balance of probability Tangent would have traded profitability at stage 1, and would have traded more probability with a larger fund at stage 2. The next task is to quantify the loss. What that involves is a hypothetical exercise, the court does not apply the same balance of probability approach as it would to the proof of

²¹ **Parabola Investments Ltd and another v Browallia CI Ltd and others** (2011) QB 477 at paragraph 22

past facts. Rather it estimates the losses by making the best attempt it can to evaluate the chances great or small....”

113. Where the loss of chance depends on a third party, such as in this case the Industrial Court, the Claimant does not have to show on a balance of probability what the third party would have decided, he merely needs to show that he had a real or substantial rather than speculative chance that the third party would have acted to confer the benefit or avoid the risk to the Claimant. In **Allied Maples Group V Simmons & Simmons** (1995) 1 WLR 1602 it was stated at page 1611:

“In many cases the Plaintiff’s loss depends on the hypothetical action of a third party, either in addition to action by the plaintiff, as I prove on balance of probability, as Mr. Jackson submits, that the third party would have acted so as to confer the benefit or avoid the risk to the plaintiff, or can the plaintiff succeed provided he shows that he had a substantial chance rather than a speculative one, the evaluation of the substantial chance being a question of quantification of damages.”

114. The Court emphasised that the evolution of that chance regardless of its speculation will range between something that qualifies as real or substantial on the one hand to near certainty on the other hand. If of course the chance is too speculative then it may not be capable or suitable for assessment. Whether a chance is to be quantified as in a lower or upper end of a bracket depends entirely on the circumstances. Where chance is dependent on a third party it is a matter of inference as to what that third party’s attitude will be as in many cases direct evidence from the third party will not be forthcoming.

115. The main question for the Claimants is whether it would have successfully obtained from the Industrial Court the claim to increase of wages and benefits which they claim were denied them by the delay in the passage of the regulations. There can be no doubt from the decision of the Privy Council that the Claimants have established the disparity in benefits between themselves and RPOs. There is also no doubt that the only forum to rectify and remedy this imbalance was the Industrial Court through the enactment of the appropriate regulations.

Equally, the delay in the passage of the regulations deprived the Claimants of that chance to put before the Industrial Court this claim for increased wages.

116. Establishing a similarity in duties, in the absence of a job evaluation for the MPOs creates a basis for their claim to be treated equally with RPOs and would be the basis of a claim at the Industrial Court. The Claimants' evidence of pecuniary loss entailed an examination of their comparable salaries and allowances with RPOs. They have calculated the differences in their salaries, housing and meal allowances by comparing what they earned with what RPOs of equivalent rank earned as evidence of their pecuniary loss. Retired Claimant MPOs calculated this difference for the period 2000 (when the disparity in salary commenced) to the date of their retirement. The current Claimant MPOs calculated these differences for the period 2000 to January 2015 (i.e. when the Regulations pursuant to Regulation 26 of the Statutory Authorities Act were enacted). The Claimants accept that their base line figures should be discounted by 25% to take into account the incidence of taxation.

117. It is reasonable to conclude that the Industrial Court would most likely have remedied the discrepancies. The exact extent to which, however, is dependent on a number of contingencies which can be subjected to a relevant discount on the claims being made by the Claimants.

118. Establishing the loss of chance as a suitable guide to the Claimants' pecuniary loss therefore is unremarkable in this case. The real question involves the quantification of that lost chance. The Claimants have estimated that their lost chance is 80%. In other words they have put their chances of success of providing an entitlement to an increase in their salaries and benefits to that of the levels of RPOs as very high or excellent. By way of generalisation I would quantify an excellent chance of proving a claim as ranging between 80% to 100%. A moderate chance of success could be categorised at 50% to 70%. A low chance of success could be categorised in the region of 15% to 40%. These of course are generalisations but there are useful principles to be employed in assessing chances of success.

119. In my exchanges with Senior Counsel I light-heartedly commented that I felt that this Court is now being invited to step in the shoes of the Industrial Court to now make an award

that is just and equitable. Of course the Claimants do not ask this Court to do so, but to consider, starting from a base line, what may have been their chances of obtaining better terms and conditions taking all the circumstances into account. In that exercise I acknowledge that the State has not supplied any evidence to suggest that the Claimants would not have received any increased benefits. It must be accepted then that they would have, but by how much?

The quantification of the Loss of Chance

120. Upon the Claimant establishing a substantive loss of chance, it is the duty of the Court to determine the value of the loss of chance in percentage terms. In **Vasiliou v Hajigeorgiou** [2010] EWCA Civ 1475 Patten LJ at paragraph 21 in his judgment stated:

“In the classic loss of chance case the most that the claimant can ever say is that what he (or she) has lost is the opportunity to achieve success (e.g.) in a competition.....or in litigation.....The loss is by definition no more than the loss of a chance and, once it is established that the breach has deprived the claimant of that chance, the damage has to be assessed in percentage terms by reference to the chances of success.....”

121. The Claimants submitted the following authorities to show a percentage range of 20% to 60%:

(a) In the case of **Timothy Wright v Lewis Silkin LLP** [2016] EWCA Civ 1308 a firm of solicitors which had negligently failed to advise a businessman on the inclusion of a jurisdiction clause in a Heads of Terms document governing his relationship with his employer. At paragraphs 56-59 of the judgment the Court of Appeal concluded that, whilst there was a real and substantial chance, the chance was relatively low and could not be higher than 20% since there was no real risk of the clause being objected to and the risk was therefore relatively low. The Court also considered that there was only a 20% chance of payment of the judgment debt without the need for enforcement proceedings.

(b) In the Canadian case of **Bossio v Li** 2012 BCSC 1544 the Supreme Court of British Columbia at paragraphs 61 to 71 dealt with the assessment of damages where the

claimant lost the opportunity to be promoted based on the actions of the defendant. The Court found that Mr. Bossio had a real and substantial possibility that he would have been seriously considered for promotion if he had not been injured but that it was possible that he would not have been the successful candidate since the position was also open to other candidates. The Court found that it was also a possibility based on the evidence that the position would not have become available. The loss of chance was assessed at 25%.

(c) The Privy Council in the case of **Phillip & Co v Stephen John Whatley** [2007] UKPC 28 concerned an action against a law firm for loss of a chance to pursue a claim for damages for personal injury against an employer, substituted its own assessment of the prospects of establishing liability and of successful recovery of any damages awarded and quantified the defendant's loss of chance at 28%. The defendant in this case had suffered an accident whilst at work. His efforts to sue the company responsible came to nothing because his solicitors (appellants) failed to issue proceedings within the relevant time limit. Whatley therefore sued Phillip for the lost opportunity of suing and recovering damages in respect of his accident. The first issue was that of Whatley's prospects of success in his original claim on the merits. The Gibraltar Court of Appeal had found that Whatley had an excellent case on the facts and had put his prospects of success at 100%. However, the Privy Council ruled that the Court of Appeal was in error in this respect. Whatley would have had to face strong allegations of contributory negligence in failing to wear a hard hat on site when the accident occurred and further there were uncertainties as to securing a recovery. It followed that Whatley's overall prospects were assessed at 28% (**see paragraphs 46 and 47**)

(d) In the English case of **Wellesley Partnership LLP v Withers LLP** [2015] EWCA Civ 1146, Lord Justice Floyd at paragraphs 90 to 126 discussed the loss of chance issue and the quantification of the loss of chance. In conclusion at paragraph 126 the Court of Appeal upheld the trial judge's finding of assessing the claimant's loss of chance at 60%.

(e) A useful authority in calculating the appropriate loss of chance is **Whatley v Phillips** [2007] UKPC 28. Whatley contended that he had a large potential claim for damages as a result of a work related injury sustained on his employers work site. He placed that claim at around two million pounds. The claim was never filed due to the negligence of Whatley's solicitors. The task of the Court was to assess the damages that fell due to Whatley for his failed chance to pursue that claim. The Privy Council observed at paragraphs 2 and 3 that:

"The conventional approach to a claim such as the present is not to seek to try the original claim, but to measure its prospects of success and assess damages on a broad percentage basis...The assessment which Dudley J had to undertake was complicated. He had to assess not merely the prospects in law of a successful claim against W&F, but also the prospects of W&F satisfying any such claim"

In that case the additional difficulty was that W and F had very limited means a matter which is not an issue in this case even though the Court can take judicial notice of our country's general downturn in the economy and harsh economic climate. But W& F was in fact wound up on a creditor petition with a substantial deficit. The only hope lay in the employers recovering monies from its employment liability policy with Generali which was a matter of some speculation. The trial judge calculated the chances of success on liability as more than negligible and assessed it at 25%. The prospect of recovering against Generali at 25% giving an overall chance of success rounded at 7% which is 25% of 25%.

The Court of Appeal was more optimistic. It held the chances of success was excellent at 100%, the chance of recovery at 80%. Hence the overall chance of success was 80% (being 80% of 100%). The Privy Council valued the chance of success as high but at 70%. The chance of recovery as 40%. The value of the prospect of success lost was therefore valued at 28%.

95. Some consideration must be given to the forum in which the Claimants dispute for an increased remuneration would be resolved. The Industrial Court is recognised as a

specialist Court in matters of industrial relations jurisprudence and exercise an extremely wide jurisdiction. The Court is guided by section 10(3) of the Act which provides:

“10 (3) (3) Notwithstanding anything in this Act or in any other rule of law to the contrary, the Court in the exercise of its powers shall—

(a) make such order or award in relation to a dispute before it as it considers fair and just, having regard to the interests of the persons immediately concerned and the community as a whole;

(b) act in accordance with equity, good conscience and the substantial merits of the case before it, having regard to the principles and practices of good industrial relations.

122. The Claimants’ claim would constitute a trade dispute under the Industrial Relations Act (IRA) Chapter 88:01. The relevant important stages in those proceedings are as follows:

- (a) A report is made to the Minister of Labour of the existence of a trade dispute. See section 51 of the IRA)
- (b) The Minister convenes a conciliation meeting with the Association and the Employer. See section 55 IRA. Importantly the Association and not the Claimants themselves will have locus in those proceedings.
- (c) If the dispute is unresolved a trade dispute is then referred to the Industrial Court by issuing a certificate of unresolved trade dispute. See section 59 IRA.
- (d) At the Industrial Court, among other things, before the matter comes on for hearing the Industrial Court can itself engage in a conciliation exercise to determine whether the matter can be amicably resolved.
- (e) Certain procedural steps are engaged at direction hearings before the hearing is conducted before the Industrial Court.
- (f) Amongst the facilities available at the Industrial Court in Trade disputes which involves pay disputes the Office of Economic and Industrial Research of the

Industrial Court can be engaged to carry out a survey of salaries and emoluments of comparable jobs. See section 82 IRA.

123. In addressing the Court on the contingencies that may be the subject of the Claimants' claim the Claimants helpfully submitted a number of Industrial Court authorities setting out the principles which will guide the Industrial Court in making an appropriate award. See **OWTU v Trinfowarding International Inc** TD 307 of 2008; **Association of Technical Administrative and Supervisory Staff v Caroni Ltd** TD 183 of 2004. Those relevant principles are as follows:

- That, in taking the interest of the community as a whole into account in a wage dispute, the Court must be conscious of the principles of social justice enshrined in paragraph (b) of the Preamble of the Republican Constitution.
- That the Court should be mindful of certain public interest aims and aspirations that should be borne in mind generally when hearing and determining disputes over wages and salaries and other terms and conditions of employment, viz
 - (a) The necessity to maintain and expand the level of employment in Trinidad and Tobago;
 - (b) The necessity to ensure to workers a fair share of increases in productivity in enterprises;
 - (c) The necessity for the establishment and maintenance of reasonable differentials in rewards between different categories of skills;
 - (d) The necessity to maintain and improve the standard of living of workers;
 - (e) The necessity to preserve and promote the competitive position of products of Trinidad and Tobago in the domestic market as well as the overseas markets.
- That the present successful state of the general economy is no licence for excessive wage or salary increases and that reasonable restraint should be exercise in gathering claims for increased wages or salaries and other terms and conditions of employment.

- That the affluence of any particular employer is not itself any justification for granting wage or salary increases.
- That while it should consider the general level of wage increases in the country generally and in the particular environment in which an employer operates, each case has to be considered on its peculiar merits, facts and circumstances.
- That in determining wages or salary and other terms and conditions of employment, the Court also takes into account existing customs, usages and practices in the particular establishment, the immediate environment and the country as a whole.
- That over the years the Court, has in the exercise of its powers under the Act, employed the system of comparability to determine what wages or salaries and other terms and conditions of employment should be applicable in any particular undertaking. Comparability is, however not exact science but, in the exercise of its mandate to be fair and just to employers, trade unions and workers, the Court had adopted this system. External comparison includes the examination of wages, salary, terms and conditions of employment applicable generally in Trinidad and Tobago.
- That the Court also examines similar inclusions in comparable establishments of reputable and responsible employers in the particular sector in which the employer concerned operates.
- That the net should be cast as wide as possible to maintain an even balance.
- That comparability is, however not absolute or conclusive, since the Court may take other things into consideration, including, but not limited to the necessity to award higher wage or salary increases to restore peace and stability in a particular enterprise or where it is necessary to give the employer relief from certain onerous provisions in a hitherto concluded collective agreement or for other good substantial reasons.
- That in the case of relief from existing onerous provisions, the principles of good industrial relations practice have always recognised and accepted that an employer should “Buy out” or “trade off” the particular onerous provision or provisions.

- That the Court also considers the increase in the cost of living as shown by the index of Retail Prices published periodically in the Trinidad and Tobago Gazette.
- The collective agreements that are registered in the Court have been voluntarily negotiated and constitute the most sensible guide to applicable wages or salaries and other terms and conditions of employment in comparable establishments. These collective bargains are more likely to represent the fairest possible rates for the various job classifications than in the case of terms and conditions unilaterally fixed for non-unionised employers.
- That employers, who do not have recognised majority unions, have been known to dictate to their employees the terms and conditions on which they are prepared to continue to employ them and the salaries or wages and other terms and conditions in such enterprises are fixed unilaterally by the employer.
- That, while the Court normally looks at the salaries or wages, terms and conditions applicable in unionized environments, it will not necessarily exclude consideration of terms and conditions of employment applicable in undertakings in which collective bargaining is non-existent.

These constitute a shopping list of factors to be considered in the exercise of that industrial relations jurisprudence.

124. I would therefore take into account two main factors that would impact upon the Claimants chances of success. The claim itself in the Industrial Court is subject to the discretionary considerations set out above and such circumstances as the conduct of a job evaluation, comparison of the MPOs to other members of the security force and civil service, other collective agreements, research into such economic factors as retail prices index and the like. All of these variables represent in my view a first discount on the Claimants base line figure.

125. A second discount can be taken into account to cater for process issues that will affect the final outcome of the dispute: the quality of the evidence submitted, the discrepancies where they exist in the presentation of the Claimants' evidence. The Court's own rules of

assessment, cross examination and further input by their Research Officer. Not forgetting the prospect of the matter being settled in conciliation either with the Minister of Labour or by a member of the Industrial Court itself.

126. In this case therefore it would be appropriate to begin with the Claimants' net base line figure subject to verification from their supporting documentation, discount that to take into account other variables which would have produced a true disparity between the present entitlements with current trends and the discretionary nature of the award, then discount that figure to take into account the process of interrogation and review in the presentation of that evidence.

127. I believe a formula can conveniently express the process of quantifying the Claimants' pecuniary and non-pecuniary loss as follows:

A (RPOs terms and conditions) $- B$ (MPOs terms and conditions) $\times c\%$ (process issues which impact the chance of success) $d\%$ (other issues which reflect the discretionary nature of the award) $= C$ (pecuniary loss) $+ D$ (non-pecuniary loss distress and inconvenience) $= E$ (total compensatory award)

$A - B \times c\% \times d\% = C + D = E$ (total compensatory award)

128. In such a formula $c\%$ and $d\%$ will represent the loss of chance discount, A and B will vary for each of the 153 Claimants. I have considered whether D should also vary with each Claimant based on the evidence presented, I discuss this later in the judgment.

129. I will attribute a 20% discount to take into account the substantive challenges the claim will face and a 20% discount to arrive at a total deduction of 40% of the claim which would mean the Claimants' will have in my view overall a 60% chance of success.

130. A 60% chance is a moderate one given the factors I have listed above. It is definitely better than a low chance of success and it is not excellent because of two (2) main factors:

- a) The wide discretion which would entitle the Industrial Court to take into account considerations set out above.

b) The rigorous process exercise which will also include comparative research by the Research Officers of the Industrial Court.

131. In this assessment I have therefore assessed the Claimants base line figure and then awarded 60% of their claim, taking into account a 25% deduction for taxation.

The base line: Loss of earnings- Loss of salary, housing and meal allowance

132. The Claimants provided cogent evidence of their disparity in their salaries and benefits as compared to RPO's. It is also undisputed that the disparity only arose because there was a job evaluation for RPOs which resulted in a service allowance being consolidated with their pay thereby creating the disparity. The Claimants have all tendered copies of their pay record cards showing salary and allowances for the relevant period and they calculated disparity in meal and housing allowances which they received and that of the RPOs of equivalent rank for January 2000 when the divergence of salary began.

133. The Claimants were able to establish the salaries of RPOs for each year by reference to the Memorandum of Agreements between the CPO and the Trinidad and Tobago Police Service Social and Welfare Association for the period 2000 to 2013 which recorded the increases which RPOs received during this period. The salaries of the RPOs for the period referred to in each Memorandum of Agreement is found in each agreement under the heading "Compensation Plan". The salaries are tabulated according to the officer's range. Similarly, the Memorandum of Agreements between the Chief Personnel Officer and the Public Services Association of Trinidad and Tobago for the years 2000 to 2013 recorded the increases which MPOs received in salary and allowances. The Memorandum of Agreements are exhibited to the affidavit of Dave Brijmohan. Mr. Brijmohan then used this information to prepare a table depicting the differences in salary and allowances between RPOs and MPOs for the relevant period which is exhibited as "D. R 3".

134. The Claimants have each exhibited tables to their affidavits which set out their salary and the meal and housing allowances received by them since 2000 to either their date of retirement or in the case of current/active MPOs to January 2015. They also set out in these tables the salary received by RPOs of equivalent rank for each year during the relevant period.

They then deducted the sums received by RPOs from the sums received by them to arrive at the losses suffered by them, their base line figure. They have also taken into account any arrears received from the State. As a result of increases in meal and housing allowances made in their favour. These increases were limited to 60% of the increases which RPOs received.

Pension and Gratuity

135. The MPOs were paid gratuity and pension at the rate of $66\frac{2}{3}\%$ of their last monthly salary as opposed to 85% as stipulated in the Regulations. Each MPO therefore calculated the difference in monthly pension they received and gratuity as a result of the disparity. It is to be noted that even if the formula was the same as the RPOs, they would still have received less pension and gratuity because of their salaries being lower than RPOs.

136. The Claimants submitted that the current Claimant MPOs (who have not retired):

a) calculated the difference in their loss of pension by comparing the pension which they would receive (if they retired on their current salaries) with the pension which would be received by RPOs of equivalent rank. Prior to the enactment of the Municipal Police Service Regulations (the Service Regulations), the yearly pensions of MPOs were calculated at $66\frac{2}{3}\%$ (i.e. $400/600 \times$ annual salary) of their last annual salary. The Service Regulations in Regulation 181 now stipulate that this pension should be calculated at the rate of not less than 85% (i.e. a formula of $400/480 \times$ annual salary) which is the same rate used for the calculation of RPOs' pension. The figures claimed by the Claimants (who have not retired) are therefore calculated on the assumption that the rate of 85% will be applied to them upon retirement having regard to the enacted Service Regulations. They will however still experience a loss, since they receive less in salary than RPOs and because pension is calculated on the basis of their last salary, they will receive less in pension.

b) claim the difference between what they would receive in gratuity and what an RPO of equivalent rank would receive in gratuity. The figures are calculated on the assumption that the Claimants would retire on their current salaries. Gratuity is calculated by applying a formula of $\frac{1}{4} \times 25/2$ to the yearly pension (which is calculated

using the 85% formula referred to above). The disparity arises because of the difference in salary.

137. The Claimants also submitted that the retired Claimant MPOs have been paid pension and gratuity on the basis of the rate of $66\frac{2}{3}\%$ (i.e. a formula of $400/600 \times$ annual salary) and not at the rate of 85% as now stipulated in the Service Regulations. The difference between them and the existing MPOs is that the existing MPOs should retire with pension and gratuity based on 85% of their salaries whilst MPOs who retired before the Regulations were enacted retired on pension and gratuity based on $66\frac{2}{3}\%$ ($400/600 \times$ annual salary) of their annual salaries. Retired MPOs, therefore have 2 claims for losses:

(a) (1) the difference in pension which the retired MPO received based on the rate of $66\frac{2}{3}\%$ of their last annual salary and what he would have received if his pension was calculated at the rate of 85% of the last annual salary he actually received (marked as (P1) on their Tables).

(2) the difference in pension which the retired MPO received and what he would have received if he was paid the same salary as an RPO of equivalent rank at the date of his retirement and if his pension was calculated at the rate of 85%. (marked as (P2) on their Tables).

(b) (1) the difference in gratuity which the retired MPO received based on the rate of $66\frac{2}{3}\%$ and what he would have received if his gratuity was calculated at the rate of 85% of his last annual salary. (marked as (G1) on their Tables).

(2) the difference in gratuity which the retired MPO received and what he would have received if he was paid the same salary as an RPO of equivalent rank at the date of retirement and if gratuity was calculated at the rate of 85%. (marked as (G2) on their Tables).

138. By way of pecuniary loss the Claimants are entitled to the following sums:

(i) 60% of the net disparity in salary and housing and meal allowance.

(ii) In respect of the retired MPOs:

- (a) 100% of the figures claimed as their lost pension and gratuity under the 2015 Regulations. Referred to be the Claimants as their P1 and G1 figures respectively. Those figures represent the difference between what they received upon retirement and what they would have in fact received upon retirement if the Regulations were enacted before their retirement.
- (b) 60% of the additional sum they would have received in pension and gratuity if their salaries were equated by the Industrial Court to those of RPOs of equivalent rank. That is the difference between the figures claimed by the Claimants as P1 and P2 and also G1 and G2.

COMPENSATORY DAMAGES

Part II -Non Pecuniary Loss

General inconvenience and distress

139. The MPOs all set out the inconvenience and distress which they suffered from the lack of service regulations from financial difficulties in being unable to provide for their families to feeling ashamed that they were unable to be promoted regardless of being in the service for many years. They also set out the impact on their promotional opportunities caused by the delay and implementation of the service regulations. Some of the MPOs were able to estimate their actual loss.

140. Some of the evidence of the stress and humiliation has been repeated by several Claimants and are briefly captured in the analysis later in the judgment. By way of example paragraph 32 of the affidavit of Octive Lewis, paragraph 32 of the affidavit of Dean Fraser, paragraph 31 of the affidavit of Manuel Harripaul. These are not only compensatable by a general award but represent aggravating features of the Claimants' plight. Lord Kerr usefully commented in **Romauld James**:

"28. An injury suffered as a result of discrimination is no less real because it does not possess tangible physical or financial consequences. And the difficulty in assessing the amount of compensation for that type of injury should not deter a court from recognising its compensatable potential. This concept was well expressed by Mummery LJ in *Vento v Chief Constable of West Yorkshire Police* [2003] ICR 318, at 331: -

"50. It is self-evident that the assessment of compensation for an injury or loss, which is neither physical nor financial, presents special problems for the judicial process, which aims to produce results objectively justified by evidence, reason and precedent. Subjective feelings of upset, frustration worry, anxiety, mental distress, fear, grief, anguish, humiliation, unhappiness, stress, depression and so on and the degree of their intensity are incapable of objective proof or of measurement in monetary terms. Translating hurt feelings into hard currency is bound to be an artificial exercise. As Dickson J said in *Andrews v Grand & Toy*

Alberta Ltd (1978) 83 DLR (3d) 452, 475-476, (cited by this court in Heil v Rankin [2001] QB 272, 292, para 16) there is no medium of exchange or market for non-pecuniary losses and their monetary evaluation: 'is a philosophical and policy exercise more than a legal or logical one. The award must be fair and reasonable, fairness being gauged by earlier decisions; but the award must also of necessity be arbitrary or conventional. No money can provide true restitution.'

51. Although they are incapable of objective proof or measurement in monetary terms, hurt feelings are none the less real in human terms. The courts and tribunals have to do the best they can on the available material to make a sensible assessment, accepting that it is impossible to justify or explain a particular sum with the same kind of solid evidential foundation and persuasive practical reasoning available in the calculation of financial loss or compensation for bodily injury."

141. The Claimants referred to the following authorities to establish a range of awards to capture this non-pecuniary loss:

- (a) In the case of **Khimrajh Bissessar v the Attorney General of Trinidad and Tobago** (HCA) No. 490 of 1988, Ventour J in which he granted compensatory damages in the sum of \$125,000.00 which included the loss of salary and damages for distress, humiliation and inconvenience suffered as a result of the contravention of the Claimant's constitutional rights.
- (b) In the case of **South West Regional Health Authority v Samdaye Harrilal** Civil Appeal No. 60 of 2008 the Court of Appeal reduced the award general damages as well as damages for distress, anxiety and inconvenience to the sum of \$120,000.00 as a result of the negligence of the Appellant.
- (c) In the case of **Paul Welch v the Attorney General of Trinidad and Tobago** (CV2009-04042), the Claimant was awarded the sum of \$50,000.00 for his distress and inconvenience suffered and the loss of chance of pursuing an appeal.

(d) In **Aldwyn Saunders v Jim McPie** (CV 2013-01438) the Court awarded the sum of \$57,800.00 being compensation for the continued unabated physical inconvenience and mental distress and anxiety of having to live in an unsafe house under conditions which were negligently created.

142. In my view, a suitable award for this non-pecuniary loss for such anguish for a fifteen (15) year period would be in the range of \$100,000.00 to \$150,000.00.

“VINDICTORY DAMAGES”

143. I agree with the Claimants submission that a purely compensatory award will not vindicate the breach of the Claimants’ compensatory rights and the Claimants ought to be awarded an additional sum to reflect the importance of the right and/or the seriousness of the breach. In my view, based on the evidence adduced at this assessment, the award of damages must go more than just to strictly compensate the Claimants for the direct losses that they have endured through the loss of chance analysis conducted above and their distress and mental anguish being left in regulatory limbo. It is necessary in this case to underscore the importance of the constitutional right to the protection of the law and to take into account the high handed actions of the State demonstrating an officious abuse of power against which the Court must protect the Claimants by an additional award.
144. Lord Toulson identified the lengthy time which the State has had to redress the situation and its “shoddy treatment of the MPOs, which has been a combination of broken promises and stone walling”. On the issue of delay Lord Toulson remarked that “Two years passed between the issue of proceedings and the first instance judgment, and another six years between the first instance judgment and the Court of Appeal’s judgment. The Court of Appeal’s description of it being a case of “administrative sloth and inertia” was “mild.”
145. In arriving at a suitable award I have given regard to the following matters:
- a) The unreasonable delay and indifference of the State to the Claimants’ complaint of inequality of treatment and their need for a regulatory environment. It was treatment that was contemptuous and struck at the heart of the dignity of each Claimant as employees and citizens.
 - b) The failure to explore adopting short terms measures available under the relevant legislation to deal with the apparent inequalities.
 - c) The difficulty in quantifying certain losses relating to the failure of the Defendant to enact service regulations which included loss serious employment issues and, ad hoc procedures.

- d) The trends in our local jurisprudence on the awards of vindictory damages in similar circumstances.

The treatment by the State of the Claimants

146. The State's treatment of the Claimants is characterised by an attitude that was indifferent and contemptuous. The undisputed evidence in this assessment reveals the following:

- (a) Since 2000 the MPOs were making representations to the State to have Regulations enacted pursuant to Section 26 of the Statutory Authorities Act and Section 60 of the Municipal Corporation Act.
- (b) The Claimants filed these proceedings in the High Court in the year 2004 in the light of absolutely no interest of the State in treating with their concerns.
- (c) The Claimants made numerous representations and complaints to the State for redress and as stated above the State since 2002 promised to conduct a job evaluation for MPOs. However despite this promise, it instead conducted job evaluations for other civil servants including teachers, the police service, the fire service and the prison service but it did not conduct the job evaluation for MPOs. With respect to the Regulations, the Personnel Department took the position that it was the responsibility of the SASC to implement the regulations and the SASC took the position that they did not have the resources to do so. Neither did anything. To date no job evaluation has been for MPOs.
- (d) In the Claimants' affidavits they have all referred to an official in the Ministry of Public Administration and Information who assisted the CPO in carrying out the functions of the Personnel Department, said that in 1995 the CPO began a comprehensive evaluation exercise, which was completed in relation to teachers, police, prison and fire services but that no such exercise had been conducted for MPOs. He stated at paragraph 6:

“It is our view that the Statutory Authorities Service Commission is now responsible for determining terms and conditions of service for Municipal Police

Services. Notwithstanding our view in the matter, we are considering to conduct a job evaluation exercise for the Municipal Police Officers.”

- (e) Further, Mrs. Patricia Hypolite, a Senior administrative officer with the SASC, in her affidavit of the 25th February, 2004 (Tab 4, Vol 1, Trial Bundle) in relation to the complaint about the failure to make regulations under Section 60 of the Municipal Corporations Act said that the Statutory Authorities Commission did not have the personnel available to work out the MPOs terms and conditions of employment. At paragraph 6, she said as follows:

“There are not and never have been any Personnel Technicians and/or Human Resource Advisers at the SASC Department...It cannot classify posts and is not equipped to perform other related duties normally performed by Human Resource Advisers such as working out terms and conditions of service.”

- (f) The evidence of Ms. Desdra Bascombe demonstrates that Cabinet had agreed that certain allowances be increased with effect for varying rates which led ultimately to a payment to the Claimants of arrears or meal and housing allowances calculated in accordance with guidelines issued by the CPO with effect from 2011. This was paid to various MPOS at various times during the period 2003 to 2017.
- (g) Utra Ali in her affidavit of 9th February 2018 in response could not satisfactorily explain in my view why these Claimants were left in Regulatory purgatory for all these years. Changes in Administration and re-shuffles in Cabinet cannot excuse the delay by the State and its treatment of the Claimants. Her evidence supports the case for the Claimants of unreasonable delay and indifference with which the State approached the issue of the enactment of the Regulations.
- (h) Up until the time that the appeal was heard by the JCPC the State did not enact the Regulations.
- (i) Eleven days after the hearing before the JCPC, the State enacted the Municipal Police Service Regulations on the 24th October 2014 which were made under Section 60 of

the Municipal Corporation Act but were also meant to achieve the objective of providing the Regulations required by Section 26 of the Statutory Authorities Act.

(j) In the postscript to the Judgment of the JCPC at pages 12 and 13 of the written judgment, the Board refers to the said Regulations and identifies a number of deficiencies in the Regulations. The JCPC was therefore aware that the Municipal Police Regulations were enacted before its Judgment was delivered on the 21st January 2015 and it still made the order in respect of damages at Tab 8 of the Record of Appeal in Volume 1. In other words, the JCPC did not consider that by the State enacting the said Regulations, that the Claimants were not entitled to vindicatory damages or an additional award.

(k) The State corrected some of the deficiencies identified by the JCPC through the Municipal Police Service (Amendment) Regulations and also through the Recognition of Municipal Police Service Association Regulations made on the 29th January 2015 pursuant to Section 26 of the Statutory Authorities Act. In the affidavit of Octive Lewis filed on the 21st March 2018, he has identified further issues which the Claimants have with the said Regulations and the attempts by the Claimants to have those deficiencies addressed by the State.

147. It took the State over fourteen (14) years to enact the regulations. Despite the decisions of the High Court and the Court of Appeal the State took no urgent steps to enact the Regulations. Indeed the urgency with which the Regulation ought to have been introduced was made apparent in 2011 upon the delivery of the decision of the Court of Appeal. At paragraph 79 Jamadar JA stated as follows:

“I have read the judgment of Breaux, J.A. and I agree with his conclusions as well as his general analysis which has led to those findings. In particular, I agree with the orders he has proposed, though my preference would have been that the State be directed to enact regulations pursuant to section 26 of the SAA within a shorter period of say three (3) months of the making of the orders herein – given

the circumstances of this case and the time that has elapsed since these proceedings were commenced and since the trial Judge's orders were made."

148. The evidence demonstrates that there was no intention of the State to make the Regulations unless directed by the Court to do so. Indeed, from the further inactivity of the State to "meet and treat" with the Claimants over their concerns about these Regulations some of which was expressed by the Privy Council, the State has still not understood the importance of these constitutional rights unless it is monetised to ring home the message of the importance of the dignity and integrity of the working class citizens. Sadly, it appears that the State would only act if such awards are made.

The failure to explore a short term option

149. It was entirely open to the State to adopt the regime of the police service as a temporary stop gap measure until the long awaited job evaluation exercise was carried out. Section 60 of the Municipal Corporation Act provides as follows:

"The Commission may make Regulations providing for the classification of officers in a Municipal Police Service, including qualifications, duties and remuneration and providing generally for the discipline, good order and government of the Municipal Police Services and until such Regulations are made hereunder, Regulations made under the Police Service Act, insofar as the Commission deems them applicable to any matter concerning Municipal Police Services or Municipal Police Officers, shall apply mutatis mutandis."

150. There is no explanation by the State at this assessment why such an option could not have been explored or what detriment would have been incurred or prejudice to the State to do so. It simply was a case of the State throwing their hands in the air and virtually leaving these MPOs to the whim of administrative discretion. The admonishment of the Privy Council in this regard is important and deserves repeating:

"34. No satisfactory explanation was given by the state for the failure to make any regulations under section 60 of the Municipal Corporations Act regarding the governance of municipal police services, or in the meantime to make any of the Police Service Regulations applicable, contrary to the plain purpose of the statute. Although the section

used the word “may” and not “shall”, it cannot be doubted that the Commission was under a duty to consider what regulations should be made and, if that involved any significant delay, what parts of the Police Service Regulations should be applied until such regulations were made. Underlying section 60 is the public imperative of ensuring that police forces operate under a proper system of public regulation. The apparent reason given for nothing having been done was that the Chief Personnel Officer regarded it as the responsibility of the SASC, which under section 60 it was, but only the Personnel Department had the personnel capable of performing the task. It is not a case of the left hand being ignorant of what the right hand is doing. Both the right hand and the left hand knew that the other was doing nothing.”

Difficulty in quantifying certain losses

151. I accept the Claimants’ submission that it is difficult to quantify some of the losses which the Claimants would have suffered as a result of the failure of the Defendant to enact the Service Regulations pursuant to Section 60 of the Municipal Corporation Act. This no doubt arises in this case by the nature of MPOs having no service regulations providing for matters such as discipline. This often resulted in these matters being conducted on an ad hoc and arbitrary manner. The uncertain regulatory environment in relation to discipline were copiously set out in each of the Claimants’ evidence and are examined later in this judgment.

Judicial Trends-Establishing a suitable range

152. From our local jurisprudence a suitable range of vindicatory awards can be relied upon with of course the largest award being that of Boodoosingh J in **Central Broadcasting Services** of \$500,000.00. The following authorities provide a useful guide:

- (a) In **Ramanoop** which involved breaches of the right to liberty, an additional award of \$60,000.00 was made.
- (b) In **Khimrajh Bissessar** which involved breaches of the right to equality of treatment in which a Senior Officer had been repeatedly by passed for promotion, an additional award of \$80,000.00 was made.

(c) In **Nadike**, the Applicant was awarded the sum of \$75,000.00 in vindictory damages.

(d) In **Central Broadcasting Services Ltd v The Attorney General of Trinidad and Tobago** (Civil Appeal No. 216 of 2009), the Court of Appeal affirmed the award of an additional award in the sum of \$500,000.00 as the right infringed had not only substantial consequences for the individual rights infringed but also a large segment of the public who were deprived of their right to religious, cultural and political material disseminated by the Claimant. There was no appeal on this award to the JCPC.

153. There is some judicial pronouncement which would suggest that the vindictory award should be a conservative amount. To that extent the Defendants rely on **Merson v Cartwright** [2005] UKPC 38 where Lord Scott reiterated at paragraph 18 that the purpose of a vindictory award is not a punitive purpose nor is it intended to teach the executive not to misbehave. They also rely on the Court of Appeal decision in **Subiah v The Attorney General of Trinidad and Tobago** Civil Appeal No. 10 of 2005, per Archie J.A. with whom Weekes J.A. agreed, in explaining the approach to an assessment as follows, at page 6 paragraph 11:

“Consistent with the view expressed in Ramanoop that breaches of fundamental rights bear a special character, it would be appropriate, though not always necessary, to award a sum of money in addition to granting a declaration. That would help to underscore the importance of the constitutional right. For the reason that follows, that objective can ordinarily be achieved by the award of a small conventional sum.” [Emphasis added]

154. Again, at page 8, paragraph 17 the following was expressed:

“In my view, that is the proper approach. For that reason, also, the latter proposition must be approached with caution. It will only be in the rarest cases that one can envisage a justification for the deterrent and public outrage factors outweighing the compensatory element especially if one bears in mind that the compensatory element takes account of aggravating factors...”

155. It is true that the purpose of vindictory damages is not to punish the State and no aspect of this award is to be interpreted that it is to achieve that purpose. But the State needs to understand by this award the value the Court places on the constitutional rights infringed in

this case and the importance to vindicate the right of the Claimants to carry on their lives free from unjustified executive mistreatment. I am also mindful of the quantum of the compensatory award and not to double compensate for any notion of distress and inconvenience already considered as part of the aggravating features of the Claimants' case.

156. The vindicatory award in this case for the reasons set out above should be more than nominal and I reject the Defendant's suggestion that no award should be made. Indeed it is tempting for the egregious features of this case to follow the trend of *Boodoosingh J.* However, I am mindful that that case involved a wider section of the public. However, equally in this case I cannot discount a large body of the working population of not only these Claimants but their immediate families who from the undisputed evidence have also been impacted by the actions of the State. For these reason I agree with the Claimants that each Claimant should be awarded an additional sum in the range of \$250,000.00 to \$350,000.00.

157. An appropriate sum to represent the nature of the constitutional right to these Claimants and to mark the seriousness of the breach would be for each Claimant the sum of \$300,000.00.

THE ADDITIONAL AWARD

158. The unusual features of this case prompted the Privy Council to leave it open to this Court to make an award to mark the Defendant's refusal to obey the order of the Court. This goes beyond the award for vindictory damages which marks the violation of the right, in this case the statutory failure as it were to enact the necessary regulations. The focus of this award is on the failure to comply with an order of the Court. It is as important a feature of the rule of law that the orders of the Court are to be obeyed and not be the subject of, as in this case, indifference by the State.
159. The question that engaged the attention of the Privy Council and indeed this Court at the assessment was why did the State fail to enact this legislation when ordered to do so in 2012 when the stay of execution of the Court of Appeal's order directing State to enact the Section 26 Regulations within a period of six (6) months. In 2014 when the appeal was being heard at the Privy Council the State had still failed to comply. At the hearing of the appeal, Counsel for the State informed the Board that steps were being taken to enact the relevant regulations. It was after the hearing of the appeal in the JCPC, the State brought to the Court's attention the Municipal Police Regulations 2014 enacted on the 24th October, 2014 which it alleged was intended to deal with the matters required by both Section 60 of the Municipal Corporations Act and Section 26 of the Statutory Authorities Act.
160. Even so the Privy Council in its Judgment identified a number of deficiencies in the Regulations which the Attorney General undertook to rectify.
161. In these circumstances, the Claimants submitted that each Claimant should be awarded an additional sum of \$80,000.00 in respect of the failure of the State, from 28th September 2012 onwards, to comply with the Order of the Court of Appeal to make regulations prescribing the procedures for recognizing the Claimants' associations.
162. The Defendant submitted that there is no evidence of public outrage in this matter that this element ought not to be a factor under consideration in the computation of any additional award. They submit that the sum of \$35,000.00 should be awarded as an additional

award. The State took its guide on an additional award from **Dennis Graham** which was an award of vindictory damages.

163. I have considered the following matters in my computation of a suitable award. First that awards generally under the Constitution are not to serve as a form of punishment and are not punitive in nature. Second, in so far as this award focuses the Court's attention on the breach of its order it is in reality the monetisation of the importance of compliance of orders of the Court as a fundamental requirement of the rule of law. Third, the Claimants have all been satisfactorily compensated and suitable awards have been made to vindicate their rights under the Constitution. This award should not provide double compensation for the egregious factors that have prevailed and which have dominated the discussion above on vindictory awards. Fourth I have examined recent Privy Council cases of **Brantley v Constituency Boundaries Commission** [2015] UKPC 21 and **M v Home Office** [1994]1 AC 377 where Ministers were found liable for contempt in circumstances in which they disobeyed the orders of the Court. In this case, as an alternative for such a punitive exercise of power, the Court is still reminding the State of the importance of obeying the law by this additional award. Fifth, I have given consideration to whether a lump sum approach should be adopted and then pro-rated for each Claimant. In this way the award focuses squarely on the one Defendant. It was an approach explored in **Jason Raymond v The Attorney General**. However, I have had no submissions on this approach by the State. Even so I have considered the overall impact of the award on the State and the awards already made.

164. From our local jurisprudence where conventional sums appear to be closer to the \$35,000.00 - \$100,000.00 mark, an award to mark this aspect of the State actions should range between \$50,000.00 to \$90,000.00. I have taken \$80,000.00 as a suitable additional award which translates in a total award of \$10,720,000.00 payable by the State under this head.

CONCLUSION ON AWARDS MADE

165. An overview of the awards made in this assessment for all 134 Claimants are as follows:

(d) A compensatory award for each Claimant comprising:

(i) Pecuniary loss:²²

- 60% of their claim for loss of salary, meal and housing allowance;
- In respect of retired MPOs (before 2015):
 - 100% of the pension and gratuity due and payable under the 2015 Regulations
 - 60% of the difference representing the additional sum they would have received in pension and gratuity if their pensionable salary had increased to those of RPOs of equivalent rank;

(ii) Non-pecuniary loss ranging between \$100,000.00 to \$150,000.00

(e) A vindictory award of \$300,000.00 for each Claimant

(f) An additional award of \$80,000.00 for each Claimant.

I have not considered an award of interest as appropriate having regard to the nature of the compensatory award.

166. I have also reviewed the Claimants' statement of costs and the Defendant's response.

Costs have been assessed for this assessment in the sum of \$902,258.00.

²² Subject to tax deductions

PART C

COMPUTATION OF AWARDS

Summary of approach to making appropriate awards

167. I turn now to the computation of the pecuniary and non-pecuniary loss of the Claimants. Using the analysis above I have held that the Claimants are all entitled to compensatory damages comprising both their proven pecuniary loss of:

(a) Salaries, meal and housing allowances utilising the loss of chance methodology

(b) Where applicable loss of pension and gratuity entitlements whether direct losses and utilising the loss of chance methodology where applicable.

168. This compensatory award would also include an additional sum to compensate for the distress and hurt feelings for the loss of promotional opportunities. Based on the nature of the evidence that additional award varies within the range of \$100,000.00 - \$150,000.00.

169. In addition to compensatory award, each Claimant will be awarded as explained earlier in this judgment (a) vindicatory damages in the sum of \$300,000.00 and (b) an additional award in the sum of \$80,000.00.

170. I have grouped the Claimants in the following categories: current MPOs, retired MPOs, resigned MPOs, deceased MPOs. These Claimants' awards are set out in the table annexed to this judgment as a matter of convenience. I do not propose to deal with each Claimant in detail as much of the evidence adduced for the compensatory elements are common to the Claimants save for the actual figures and their own experiences of frustration in being left in regulatory limbo. I propose to set out a working example of the computation of the compensatory award for one Claimant in each category. Then I examine all the Claimants claims for the compensatory award. I have studied all the Claimants' affidavits and the summary nature in which some of the Claims are presented is not meant to minimise their claim but simply to economise on the delivery of this judgment.

The Nineteen (19) Claimants

171. Before I set out the awards due to each Claimant I first deal with those nineteen (19) Claimants who have not filed any evidence at this assessment in breach of this Court's order. In managing this assessment I directed all the Claimants to file their evidence relevant to this assessment. The following (19) Claimants chose not to do so: Lee Roy Falcon Stephens, Cornelius Hernandez, Christopher McSween, Esmá Bernadette Ventour, Genevieve Sandiford, Krishna Jaikaran, Lindley Ashford Smith, Imraine Brenda Murray, Joan Fortune, Carol Alexander, Dexter Reason, Derek Robert Williams, Lary Cleophas Christie Hutchinson, Carlton Jackson, Florence Jamie Bernard, Kumar Sunil Bhagwandeed, Aura Martin, Kay Hepburn, Avelon Corust Melissa Monsegue.

172. In their written submissions attorneys for the Claimants indicated that they do not have instructions in relation to these nineteen (19) Claimants. It was submitted that it is still open to the Court to grant a suitable award of damages based on the evidence produced in support of the substantive claim by the other Claimants. I am not prepared to do so. I hold these nineteen (19) Claimants equally to the same standard to which I have held the State at this assessment. In the same way that I would have expected from the State evidence to deal with all the claims of the Claimants I have expected pursuant to my direction evidence produced by each Claimant of their loss. This is the assessment of their damages where they must condescend to particulars providing evidence of pecuniary and non-pecuniary loss and explain how the State's actions have impacted them. I have examined the affidavits in the substantive claim and I have no details of these 19 Claimants are. What rank do they hold? Are they current or retired MPOs? Have they since resigned or died? What is their period of service? There is no basis to make any award for compensation for that matter. If one of these Claimants retired or was terminated in 2004 immediately after the proceedings was launched on what basis can an additional award for failure of the State to comply with the Court of Appeal's order be made. Such an award would be wholly disproportionate. The full weight of the authorities of **Dennis Graham, Mukesh Maharaj, Romauld James and Central Broadcasting Services** requiring the Claimant to prove its loss must apply to these nineteen (19) Claimants. The onus of proof is on these Claimants. They simply cannot rely on general

statements of loss made in the substantive hearing and expect the award of compensation under the Constitution. See Lord Kerr in **Romauld James**.

173. For these Claimants, no awards are made.

The quality of the evidence adduced by the Claimants

174. I have analysed the evidence of the remaining 134 Claimants. The State has criticised the quality of the evidence. The State contended that there exists several deficiencies in the Claimants' proof of damage and gaps with speculative losses that have not been verified. They failed, according to the State, to explain the basis or derivatives for computations of alleged loss and loss opportunity. There is no expert evidence to justify the calculations showing the difference between salaries and allowances between MPOs and RPOs. They also criticised the table that was prepared by the Claimants. Finally they submit that the Claimants neglected to disclose the fact that in October 2013 Cabinet agreed to pay to the MPOs arrears for housing, meal and other allowances relating to the difference between MPOs and RPOs. Interestingly, the State would point to that payment as "compensation already disbursed to the Claimants".

175. I do not agree that the quality of the evidence with respect to the Claimants' pecuniary loss is lacking. In fact, the evidence is cogent, credible and compelling. The submissions of the State are flawed for the following reasons:

- First the State has failed in both its evidence and in its submissions to point out specifically the alleged deficiency or gaps in the evidence. Are there wrong calculations of salaries? Is there an incorrect statement of meal and housing allowance? Is there an example of a figure suggested as a pension payment which is not supported by the exhibit to the affidavit? Not one indication is given. Such a blanket criticism is quite unhelpful in light of the copious documentation produced by the Claimants in their individual capacity and through the evidence of Mr. Alleyne, Mr. Brijmohan and Mr. Fraser. For instance Mr. Brijmohan points out the source of information to obtain the comparative salaries over the years from 2000 to 2015 of RPOs are collated from the relevant collective agreements of the Police Service.

Additionally, the Claimants have produced copies of their own pay records for their period of employment and other evidence of their pay. The tables produced by Dave Brijmohan for example at “D.B.3” setting out the differences in his pay allowances and other RPOS correlate and correspond with the relevant pay records and collective agreements in “D.B.1” and “D.B.2”. These are credible and reliable sources of information from which one can cull the going rates and salaries due over the years to conduct this comparative exercise. That information has been transcribed in the Claimants’ calculation of the comparative salaries over the years in all their exhibitions. I have in fact, in this assessment, cross checked the rates of RPOs as shown in the MOAs and the rates of the Claimants’ in their pay sheets to examine their comparative rates to confirm whether their tabulations are correct. I cite by way of example in the Dave Brijmohan affidavit the comparative salaries at 2004 and the housing and meal allowances correspond to his pay sheets and the RPOs collective agreements. There are some minor discrepancies but it has not significantly impacted on the Claimants’ calculations and in any event I have taken that into account in my assessment of the loss of chance. In any event, the State failed in either its evidence or submission to make known to this Court where any such discrepancy lie. Further, there has been no specific criticism made by the State of the overall approach of the Claimants to calculate their losses.

- Second, the Claimants either through the original affidavits and their supplemental affidavits filed in this assessment have condescended to particulars in the calculation of their loss of pecuniary and non-pecuniary losses. It is true that some of their losses have not been substantiated such as loss of promotional opportunities and I have made my comments on those later in this judgment. However, there is evidence of their distress and despair in the lack of a regulatory environment leaving them in a state of unpredictability and mayhem in relation to their promotions and other matters such as discipline which remains uncontradicted by the State. With regard to their pecuniary loss in relation to salaries, meal/housing allowances and pension/gratuity the evidence has been clearly set out demonstrating the disparity in

MPOs and RPOs. The State's difficulty lies in the notion that this disparity cannot be their actual loss, however, they fail to address the principles of loss of chance which is in essence the case articulated by the Claimants. It is no answer to the Claimants' claim for the State to say it is speculative. That has already been addressed by the Privy Council. The task here is, as best as the Court can do so, to assess that the lost chance of the Claimants to have awarded to them the differences in pay/pension/gratuity that exist between RPOs and MPOs by the Industrial Court.

- Third, the Claimants' evidence is uncontradicted. The only evidence at this assessment by the State, other than the substantive affidavits in the original proceedings are the affidavits of Ultra Ali and Desdra Bascombe. Ms Ali is an Executive Officer of the Statutory Authorities Service Commission (SASC). As an officer of the SASC she remains silent in the face of the many allegations made by the Claimants of the uncertainty in their promotional prospects and makes no comment at all on the calculation of the Claimants' salaries, allowances, pension or gratuity. The purpose of her evidence was solely to set out the steps Cabinet had taken to implement the Regulations over a seven (7) years period. References were made to presentations, reports and deliberations of a Working Committee. It is startling that the State would criticise the Claimants for lack of evidence when Ms. Ali fails to adduce a shred of evidence to set out any deliberations of these Committees, neither minutes, memoranda nor reports. The only exhibit is the judgment of the Privy Council!

Ms. Bascombe is the permanent Secretary of the Ministry of Rural Development and Local Government. It appears that she is the only deponent to respond directly to the Claimants' calculation of their losses, yet she responds only to the affidavit of Oswald Alleyne. See paragraph 1. She has not condescended to reading affidavits of all the Claimants nor importantly the affidavits of Dave Brijmohan or Octive Lewis, the chairman of the Committee representing the MPOs. The only relevance of her affidavit is to point out that Cabinet had agreed that MPOs were to be paid arrears for meal and housing allowances. Mr. Brijmohan has pointed out that these increases and payment of arrears were already taken into account in their calculations. Indeed it is

pellucid when one examines the pay records of the Claimants, it reflects the increased figures for meal and housing allowances and payment of arrears. This confirms Mr. Brijmohan's testimony that credit was already given for these arrears and the case of the Claimants that notwithstanding these increases, a disparity still existed between MPOs and RPOs. In fact Ms. Bascombe has corroborated the Claimants' evidence that the increases they obtained in meal and housing allowances were only 60% of the increases paid to RPOs.

- Fourth, the State's criticism of the lack of expert evidence is misplaced. It could hardly be the case that a worker who does not adduce expert evidence of the loss he incurred as a result of his disparity in his wage and that of a comparative and similar position has not demonstrated his loss. **Central Broadcasting Services** is no authority to suggest that the Claimants must adduce expert evidence to support and prove their loss. I do not discount the value of expert evidence under Part 33 Civil Proceeding Rules 1998 as amended (CPR). However, the quality of the evidence adduced at these assessments is fact sensitive and varies with the circumstances of each case. In **Central Broadcasting Services** it was certainly desirable to have expert evidence as there was evidence being adduced of a private company for loss of its profits, a matter which would fall within the expertise of accountants. However, in this case workers are similarly entitled to calculate their losses so long as they produce their relevant documentation and supporting explanations. This they have all done.

176. **Dennis Graham** has been advanced by the State as a reliable guide to assess the Claimants' claim for compensation in this case. However, the facts of that case are totally apposite to these Claimants. Mr. Graham was a career police officer who complained that his promotion to the rank of Superintendent should have been backdated similar to the other officers who were promoted. His constitutional claim for breach of his right to equality of treatment guaranteed by section 4(d) of the Constitution succeeded. The appeal before the Privy Council was in relation to the award of damages in the sum of \$35,000.00. Mr. Graham contended that it was too low. The trial judge in making the award did not set out his reasons in arriving at that award. The Court of Appel in a condensed decision approved the sum and

concluded that Mr. Graham's material losses, hurt feelings and distress had to be considered. There was undoubtedly no evidence adduced by Mr. Graham to compute a compensatory award. Indeed there was some discussion on whether the matter should have been properly referred to a Master for an assessment of damages. Before the Privy Council the appellant accepted that it had no evidence to demonstrate pecuniary loss, but advanced the argument that it was for the Respondent to produce the rates of pay/pension and other financial details. That argument obviously failed. Reliance was placed on Lord Kerr's judgment in **Romauld James** which aptly disposed of Mr Graham's appeal²³.

"Damages are discretionary; as was stated by Lord Kerr giving the judgment of the Judicial Committee in *James v Attorney General of Trinidad and Tobago* [2010] UKPC 23 at paragraph 36, "[t]o treat entitlement to monetary compensation as automatic where violation of a constitutional right has occurred would undermine the discretion that is invested in the court by section 14 of the Constitution"

177. The Privy Council criticised Mr. Graham's evidence as being "meagre and certainly incomplete. So far as it goes however it tends to indicate that there is no firm basis on which to conclude that \$35,000.00 represents a substantial undervalue of the appellant's claim or that the figure does not fairly reflect the damage suffered."²⁴ However, no such criticism can be made of the Claimants' evidence on their claim for the loss of the chance to earn salary, housing and meal allowances, pension and gratuity on the same level as RPOs. The Claimants' have sensibly abandoned any claims for losses they alleged they incurred in the disparity in other allowances such as service, driving and prosecution allowances. There was no documentary evidence to support the calculation of those allowances. However, the fact that there was a disparity in those allowances has not been contradicted by the State.

178. Finally, the State's criticism of the Claimant's table/matrix is misplaced and unfortunate. This was simply to produce in summary form the calculations and the evidence set out in detail in the individual affidavits to make the information easily identifiable. It also was

²³ **Dennis Graham v The Attorney General of Trinidad and Tobago** [2011] UKPC 46 paragraph 3

²⁴ **Dennis Graham v The Attorney General of Trinidad and Tobago** [2011] UKPC 46 paragraph 27

ordered as a matter of convenience for the Court to understand the Claimants' case in summary form. I took the opportunity to question the Claimants' attorneys on the discrepancies on their figures and their evidence in their affidavits and it demonstrated to me that their process of calculation of their loss was bona fide calculable and verifiable. For the removal of doubt I also explained to the parties that the primary evidence is to be found in the affidavits of the Claimants.

179. From an overview of the evidence at this assessment, in my view the Claimants have sufficiently provided cogent and credible evidence on their lost chance in obtaining a higher salary, meal and housing allowance, pension and gratuity (where applicable) on the equivalent rates of RPOs which has not been answered by the State, and subject, to the Court's own scrutiny of these figures lies, uncontradicted. In so far as no supporting documentation has been produced to support the Claimants' losses of other allowances or their loss of promotional opportunities, while it could not be the subject of exact calculation, their evidence is importantly not denied at all by the State.

180. I turn now to the award of compensation for the MPOs set out in the different categories and the manner in which their loss has been calculated.

RETIRED MPOs

Oswald Alleyne (1st Claimant)

181. Mr. Alleyne was first employed as a policeman for the Corporation in May 1964. He has since retired from the service as an Assistant Superintendent attached to the Port of Spain City Corporation in October 2003. In his principal affidavit he had set out his particulars of loss in relation to meal, housing and service allowances. However, in his supplemental affidavit he, like the other Claimants, have further particularised his loss with supporting evidence. In support of his claim he has annexed his pay records from the Port of Spain City Corporation for the relevant period of his employment from 2000 to 2003.

182. An illustration of evidence of loss from the affidavit of Mr. Oswald Alleyne filed 28th March, 2018 is as follows:

“28. I have calculated the disparity between the salary and meal and housing allowances which I received and that of an RPO of equivalent rank from January 2000 (when the divergence in salary began) to October 2003 when I retired. This amounts to the total sum of \$15,365.61 for salary and \$14,281.58 for meal and housing allowances. There is now produced and shown to me marked “O.A.2”, documents which I have prepared showing how I calculated these total sums.

29. In 2014 the new Service Regulations were enacted and MPOs are now entitled to have their pensions and gratuity calculated using the same formulas as RPOs. However these Regulations were not in force at the time of my retirement in 2003 and I was paid gratuity and pension at the rate of 66 2/3 % of my last monthly salary and not 85% as now stipulated in the Regulations. As a result I received \$867.00 less in monthly pension and I received \$43,350.06 less in gratuity than what I would be entitled to based on the Regulations. I wish to further state that even if the new calculations were applied to me I would still receive less than a RPO of equivalent rank because RPOs receive higher salaries. I would still receive \$656.50 less in monthly pension and \$47,975.06 less in gratuity than a RPO of equivalent rank. I have prepared a document which shows how these calculations

have done and my Pension Computation from the Port of Spain Corporation showing the pension and gratuity I received which is now produced in a bundle and shown to marked as "O.A.3".

183. He also deposes to his inability to be promoted in a timely manner under the Service Regulations:

30. In addition to the loss of income which I have suffered, I have also suffered from loss of the opportunity to be promoted due to the lack of Service Regulations. I say this because although my promotions from the rank of Police Sergeant to Assistant Superintendent were done in a timely manner, that is over the course of three years, I believe that had it not been for the 16 year delay between my promotion from a Police Constable to a Police Corporal in 1980 I would have held these ranks at an earlier stage in my career. Under the new regulations I would have been eligible for promotion after 3 years. Therefore I should have been promoted to the rank of Police Corporal in or about 1968 and further upwards at a consistent manner. Further I also believe that the absence of the service regulations meant that I lost the opportunity to hold the rank of Superintendent as this rank did not exist at the time I was enlisted. This was due to the fact that there was no document detailing what ranks should exist at the Corporations or in the Municipalities and these senior posts were only created if the governing authority felt like there was a need for them. The lack of Service Regulations also resulted in there being no guidelines and procedures in place specifically for MPOs when it came to discipline and punishment. As a senior officer I was tasked with disciplining my subordinates on various occasions. In order to this I had to resort to either the Police Service Regulations or the Statutory Authorities Service Commission Regulations. This resulted in my job being quite challenging as I was not only forced to follow procedures that were quite slow but at times I was uncertain as to which procedure in which regulations to follow. I believe that had there been a specific regulation for MPOs I would have had better assistance in the carrying out of my duties as Assistant Superintendent.

184. He then sets out his feeling of distress, resentment and hardships associated with his plight of being underpaid and in regulatory limbo:

31. Every day since my enlistment in 1964 I did the same functions and duties as my fellow officers in the TTPS, I worked the same hours as the officers in the TTPS, I was exposed to the same risks and dangers as my fellow officers at the TTPS and it was quite frustrating to know that despite all of this at the end of the month my salary was much lower than my fellow TTPS officers. As a married man with three kids I experienced a lot of financial difficulties. I had financial commitments such as a mortgage and other expenses that I had to pay in order to ensure that my family had their basic needs. I was unable to give my children the opportunity to further their studies. This was very heart breaking to me not only as a father but as a person because although I always prided myself as being an honest and hardworking person this was not reflected in the salary that I received at the end of every month. I believe that if it was not for my faith I would not have been able to make it through these circumstances."

185. All of the Claimants' evidence follow this trend of first setting out their disparity in salary meal and housing allowance, losses of pension and gratuity (where applicable), loss of promotional prospects and their general feelings of humiliation and stress that they have endured at the hands of the State.

186. **Loss of Salary Meal and Housing allowance:** When compared to the RPOs who had received higher wages and allowances than MPOs the disparity in Mr. Alleyne's salary, meal and housing allowances is as follows:

- **Salary :** NIL
- **Meal and Housing Allowances:** \$23,232.19

187. Mr. Alleyne has taken into account the fact that he did receive a payment of arrears of salary and allowances which were due to him. Notwithstanding this, there remains a difference between his entitlement as a MPO and the sums paid to RPOs. The total differential is in the sum of \$23,232.19 (gross). The Claimants accept that their figures are

subject to tax of 25%. As discussed above this represents the quantification of Mr. Alleyne's claim to an increased salary and allowances had he had recourse to the Industrial Court. Applying the lost chance of 60% as discussed earlier in this judgment his actual loss is in the sum of:

- **Meal and Housing:** \$23,232.19
- **Tax Deduction (25%):** \$17,424.14
- **Total Loss:** \$17,424.14 x 60% = \$10,454.48

188. **Loss of Pension and gratuity:** It is not in dispute that Mr. Alleyne received a pension and gratuity based on the rate of 66 ⅔% of his last monthly salary. He was deprived of the benefit of the new rate to be applied to MPOs as a result of the belated enactment of the Service Regulations in 2015 which provided for instead at a rate of 85% rate of his last salary to be applied for his pension and gratuity at the rate of 1/24 of a month's pay for each completed year of service. See Regulation 185(6) LN 300/2014 (the new pension and gratuity regime) . This therefore gives rise to two aspects of his claim for increased pension and gratuity.

189. The first is his loss of pension and gratuity if the new pension and gratuity regime was applied from for a period of 135 months when Mr. Alleyne would have instead received an increase in his pension of \$867.00 per month in pension had that 85% regime been applied. It represents a direct loss from the failure of the State to enact these regulations. This equates to a direct loss of \$117,045.00 (\$867.00 x 135months) in pension and gratuity in the sum of \$43,350.06.

190. The second is Mr. Alleyne's lost chance in earning an even higher pension if in fact his pensionable salary was equated to that of RPOs. Had his pensionable salary been equated to that of a RPO of equivalent rank he would have been entitled to a pension of \$959.00 more per month if he had received 85% of a pensionable salary based on a RPO of equivalent rank. He would therefore have been entitled to \$129,532.50 (\$959.50 x 135 months). To avoid double counting his actual loss would be the lost chance of earning such a higher pension and his pension to which he is entitled under the 2015 Regulations calculated above.

distress he would obviously have endured without certainty in his promotional prospects and his general frustration set out in paragraph 31 of his affidavit to award a sum of \$100,000.00.

195. **Vindictory Award:** It is indeed regrettable that the State did not for a period of approximately fifteen (15) years regularise employees' terms and conditions. Some retired in that term. One of the benefits of employment is the value added to one's life, of being productive and a general sense of self-worth. This however is negated when employees provide services and are denied improved terms to match their value to the organisation. This no doubt represents this Claimant's plight which in itself attracts an additional award to compensate for that loss of self-worth and value and lack of recognition by the corporation which he served as MPO. I have compared other awards for vindictory awards, I have taken into account the length of time of fifteen (15) years by the State to enact the regulations, the nature of the jobs performed and the lack of rationale for doing such rudimentary and essential task of enacting regulations. He was denied the protection of the law and equality before the law, a fundamental ingredient of his faith in institutions and the rule of law. I have valued this vindictory award as explained earlier in this judgment in the sum of \$300,000.00.

196. **The additional award:** I have calculated that sum for the reasons explained earlier in the value of \$80,000.00.

197. Mr. Alleyne will be awarded a total sum of **\$661,117.04**.

Compensatory award: \$181,117.04 + \$100,000.00 = \$281,117.04

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$661,117.04**

198. The awards to the other retirees will be similarly calculated and I examine them summarily below.

Sydney Corbett (2nd Claimant)

199. Mr. Corbett has been a MPO since 13th March 1974 attached to the San Fernando City Corporation. He retired from the service in 2013 in the rank of Assistant Superintendent.

200. In terms of his pecuniary loss he calculated his disparity between his salary and meal and housing allowance between himself and a RPO of equivalent rank. Using the estimate of 60% as his chance of being entitled to such an increased income his loss is in the sum of:

- **Salary and Meal and Housing:** $\$281,510.51 + \$135,863.88 = \$417,374.39$
- **Tax Deduction (25%):** $\$417,374.39 \times 25\% = \$104,343.59$
 $\$417,374.39 - \$104,343.59 = \$313,030.80$
- **Total Loss:** $\$313,030.80 \times 60\% = \$187,818.48$

201. *Loss of Pension entitlements:* As his pension was calculated based upon the formula that pre-dated the new regulations he is entitled to the difference in his monthly pension to which he is entitled under the new regulations in the sum of \$1,599.38, the total sum of which is \$31,987.60 in pension and \$79,968.75 in gratuity.

202. If, however, his pensionable salary was calculated based upon an RPO salary of equivalent rank on his retirement he would be entitled to \$3,208.13 more per month which is the total sum of \$64,162.60 in pensionable salary and \$160,406.25 more in gratuity. Using an estimate of a 60% chance of being entitled to such an increased income he would be entitled to 60% of the difference of his loss in pension between himself and a RPO of equivalent rank as at the date of retirement. This is in the sum of \$19,305.00 (See table annexed). He is also entitled to 60% of the difference between \$160,406.25 and \$79,968.75 in gratuity.

- **Gratuity:** $\$160,406.25 - \$79,968.75 = \$80,437.50 \times 60\% = \$48,262.50$

203. **Total pecuniary loss:** Mr. Corbett's total pecuniary loss is computed as follows:

Loss of salary, meal and housing:	$\$187,818.48$
Loss of pension:	$\$31,987.60 + \$19,305.00 = \$51,292.60$
Loss of gratuity:	$\$79,968.75 + \$48,424.50 = \$128,393.25$
Total Pecuniary loss:	$\$367,342.33$

204. Mr. Corbett complained that the disparity in the benefits between MPOs and RPOs brought him a lot of financial hardship. He complained of his loss of promotional

209. If, however, his pensionable salary was calculated based upon an RPO salary of equivalent rank on his retirement he would be entitled to \$3,743.38 more per month in pensionable salary and \$187,168.75 more in gratuity. Using an estimate of a 60% chance of being entitled to such an increased income he would be entitled to 60% of the difference of his loss in pension between himself and a RPO of equivalent rank as at the date of his retirement. This is in the sum of \$69,187.50. He is also entitled to 60% of the difference between \$187,168.75 and \$71,856.25 in gratuity.

- **Gratuity:** $\$187,168.75 - \$71,856.25 = \$115,312.50 \times 60\% = \$69,187.50$

210. *Total pecuniary loss:* Mr. Harripaul's total pecuniary loss is computed as follows:

Loss of salary, meal and housing:	\$143,056.57
Loss of pension:	$\$71,856.50 + \$69,187.50 = \$141,044.00$
Loss of gratuity:	$\$71,856.25 + \$69,187.50 = \$141,043.75$
Total Pecuniary loss:	\$425,144.32

211. *Loss of promotional opportunities:* Mr. Harripaul complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. He held positions for approximately ten (10) years before he was promoted even though he may have been acting in the position for some time. This was the case when he was promoted to Police Corporal after fifteen (15) years of service, then to Sergeant after ten (10) years then to Inspector in 2001 and eight (8) years after to the rank of Assistant Superintendent. He held the position of Acting Superintendent for two years before his retirement. This delay caused him a loss of higher pensionable salary. However he did not quantify that loss in paragraph 30 of his affidavit.

212. Generally, Mr. Harripaul felt humiliated to do the same amount of work as RPOs yet receive almost half the pay. He also found it difficult to discipline his subordinate without any regulations in place. A general award to compensate Mr. Harripaul for his frustration and distress he would have endured due to his professional life being in regulatory limbo is \$100,000.00.

213. Mr. Harripaul will be awarded a total sum of **\$905,144.32**.

Compensatory award: \$425,144.32 + \$100,000.00 = \$525,144.32

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$905,144.32**

Mr. Trevor Harewood (6th Claimant)

214. Mr. Harewood has been an MPO since 1980. In 2000 he was promoted to the rank of Inspector at the Arima Corporation. He retired 9th February 2011. He calculated the disparity between the salary and meal and housing allowances as:

• **Salary and Meal and Housing:** \$268,620.00 + \$113,388.00= \$382,008.00

• **Tax deduction (25%):** \$382,008.00 x 25% = \$95,502.00

\$382,008.00 - \$95,502.00 = \$286,506.00

• **Total loss:** \$286,506.00 x 60% = \$171,903.60

215. *Loss of Pension entitlements:* As his pension was calculated based upon the formula that pre-dated the new regulations he is entitled to the difference in his monthly pension to which he is entitled under the new regulations in the sum of and \$1,677.71, the total sum of which is \$78,852.37 in pension and \$106,402.88 in gratuity.

216. If, however, his pensionable salary was calculated based upon an RPO salary of equivalent rank on his retirement he would be entitled to \$3,061.85 more per month in pensionable salary and \$173,359.75 more in gratuity. Using an estimate of a 60% chance of being entitled to such an increased income he would be entitled to 60% of the difference of his loss in pension between himself and a RPO of equivalent rank as at the date of his retirement. This is in the sum \$37,763.74 (See table annexed). He is also entitled to 60% of the difference between \$173,359.75 and \$106,402.88 in gratuity.

• **Gratuity:** \$173,359.75-\$106,402.88= \$66,956.87 x 60% = \$40,172.12

217. *Total pecuniary loss:* Mr. Harewood's total pecuniary loss is computed as follows:

Loss of salary, meal and housing:	\$171,903.60
Loss of pension:	\$78,852.37 + \$37,763.74 = \$116,616.11
Loss of gratuity:	\$106,402.88 + \$40,172.12= \$146,575.00
Total Pecuniary loss:	\$435,094.71

218. *Loss of promotional opportunities:* He contends that he suffered from the loss of opportunity to be promoted due to the lack of Service Regulations. He was promoted to the rank of Corporal after eleven (11) years. He was not aware of vacancies being advertised and he did not know the requirements for promotion which he contends were done in an inconsistent manner. He was a Sergeant for six (6) years before he was promoted to Inspector. He contends he suffered a financial loss of \$100,000.00.

219. He contends he was frustrated in dealing with insubordination and breach of the Police Service Regulations. He reported the breaches of regulation and indiscipline to the Chief Executive Officer (CEO) of his Corporation for remedial action but no action was taken. Due to this, he felt demotivated which made it difficult for him to manage his department. He also received no compensation for overtime.

220. A general award to compensate Mr. Harewood for his frustration and distress he would have endured due to his professional life being in regulatory limbo is \$100,000.00.

221. Mr. Harewood will be awarded a total sum of **\$915,094.71**.

Compensatory award: \$435,094.71 + \$100,000.00 = \$535,094.71

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$915,094.71**

Kenneth Scantlebury (7th Claimant)

222. Mr. Scantlebury has been a MPO since July 1971. He was promoted to the rank of Inspector in 2005 and retired from the service on 20th October 2006.

223. In terms of his pecuniary loss he calculated his disparity between his salary and meal and housing allowance between himself and a RPO of equivalent rank. Using the estimate of 60% as his chance of being entitled to such an increased income his loss is in the sum of:

- **Salary and Meal and Housing:** $\$87,474.15 + \$60,489.59 = \$147,963.74$
- **Tax deduction (25%):** $\$147,963.74 \times 25\% = \$36,990.93$
 $\$147,963.74 - \$36,990.93 = \$110,972.81$
- **Total Loss:** $\$110,972.81 \times 60\% = \$66,583.68$

224. *Loss of Pension entitlements:* As his pension was calculated based upon the formula that pre-dated the new regulations he is entitled to the difference in his monthly pension to which he is entitled under the new regulations in the sum of \$1,583.50, the total sum of which is \$156,766.50 in pension and \$35,237.50 in gratuity.

225. If, however, his pensionable salary was calculated based upon an RPO salary of equivalent rank on her retirement he would be entitled to \$4,716.83 more per month in pensionable salary and \$152,737.50 more in gratuity. Using an estimate of a 60% chance of being entitled to such an increased income he would be entitled to 60% of the difference of his loss in pension between himself and a RPO of equivalent rank as at the date of his retirement. This is in the sum of \$186,119.80 (See table annexed). He is also entitled to 60% of the difference between \$152,737.50 and \$35,237.50 in gratuity.

- **Gratuity:** $\$152,737.50 - \$35,237.50 = \$117,500.00 \times 60\% = \$70,500.00$

226. *Total pecuniary loss:* Mr. Scantlebury's total pecuniary loss is computed as follows:

Loss of salary, meal and housing:	$\$66,583.68$
Loss of pension:	$\$156,766.50 + \$186,119.80 = \$342,886.30$
Loss of gratuity:	$\$35,237.50 + \$70,500.00 = \$105,737.50$
Total Pecuniary loss:	$\$515,207.48$

227. *Loss of promotional opportunities:* Mr. Scantlebury complains that without any service regulations governing promotions there was uncertainty in the method of promotions. He

was only promoted to the rank of Corporal after eighteen (18) years of service and promoted to the rank for Sergeant after ten (10) years of service and six (6) years later to Inspector. Had he been entitled to be eligible for promotions every three years he would have risen to the ranks of Inspector at a faster rate by the date of his retirement. He was also bypassed for the post of Sergeant. He claims to have suffered a loss of approximately \$500,000.00 in income. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

228. Generally Mr. Scantlebury felt dejected and not being treated as a “real police officer” affected his self-esteem. He contended that “No one took us seriously and this made me feel less of a person.” A general award to compensate Mr. Scantlebury for his frustration and distress he would have endured due to his professional life being in regulatory limbo is \$100,000.00.

229. Mr. Scantlebury will be awarded a total sum of **\$995,207.48**.

Compensatory award: $\$515,207.48 + \$100,000.00 = \$615,207.48$

Vindictory Damages: $\$300,000.00$

Additional Award: $\$80,000.00$

Total sum awarded: **$\$995,207.48$**

Michael Antoine (9th Claimant)

230. Mr. Antione has been a MPO since 9th October 1972. He was promoted to the rank of Sergeant in 2002 and he retired in May 2007.

231. In terms of his pecuniary loss he calculated his disparity between his salary and meal and housing allowance between himself and a RPO of equivalent rank. Using the estimate of 60% as his chance of being entitled to such an increased income his loss is in the sum of:

• **Salary and Meal and Housing:** $\$81,844.46 + 69,018.36 = \$150,862.82$

• **Tax deduction (25%):** $\$150,862.82 \times 25\% = \$37,715.70$

$$\$150,862.82 - \$37,715.70 = \$113,147.12$$

- **Total Loss:** $\$113,147.12 \times 60\% = \$67,888.27$

232. *Loss of Pension entitlements:* As his pension was calculated based upon the formula that pre-dated the new regulations he is entitled to the difference in his monthly pension to which he is entitled under the new regulations in the sum of \$1,118.25, the total sum of which is \$102,879.00 in pension and \$55,912.50 in gratuity.

233. If, however, his pensionable salary was calculated based upon an RPO salary of equivalent rank on his retirement he would be entitled to \$2,372.00 more per month in pensionable salary and \$118,600.00 more in gratuity. Using an estimate of a 60% chance of being entitled to such an increased income he would be entitled to 60% of the difference of his loss in pension between himself and a RPO of equivalent rank as at the date of his retirement. This is in the sum of \$69,207.00 (See table annexed). He is also entitled to 60% of the difference between \$118,600.00 and \$55,912.50 in gratuity.

- **Gratuity:** $\$118,600.00 - \$55,912.50 = \$62,687.50 \times 60\% = \$37,612.50$

234. *Total pecuniary loss:* Mr. Antoine's total pecuniary loss is computed as follows:

Loss of salary, meal and housing:	\$67,888.27
Loss of pension:	$\$102,879.00 + \$69,207.00 = \$172,086.00$
Loss of gratuity:	$\$55,912.50 + \$37,612.50 = \$93,525.00$
Total Pecuniary loss:	\$333,499.27

235. *Loss of promotional opportunities:* Mr. Antoine complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. Had he been entitled to be eligible for promotions every three years in his thirty five (35) years of service he would have risen to the ranks at a faster rate by the date of his retirement. He claims to have suffered a loss of approximately \$200,000.00 of his salary in income. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years this is not a guaranteed

event. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

236. Generally, Mr. Antoine felt disenchanting and discouraged and humiliated. He felt less of a police officer compared to RPOs. A general award to compensate Mr. Antoine for his frustration and distress he would have endured due to his professional life being in regulatory limbo is \$125,000.00.

237. Mr. Antoine will be awarded a total sum of **\$838,499.27**.

Compensatory award: $\$333,499.27 + \$125,000.00 = \$458,499.27$

Vindictory Damages: $\$300,000.00$

Additional Award: $\$80,000.00$

Total sum awarded: **$\$838,499.27$**

Krishna Bhola (11th Claimant)

238. Mr. Bhola has been a MPO since 1st October 1974. He held the rank of Corporal in 1992 and was promoted to the rank of Sergeant in January 2001. He was transferred to the Public Service Commission under the Ministry of Local Government and on 12th December 2003 he was promoted to the rank of Inspector, a position he held until he retired on 6th June 2011.

239. In terms of his pecuniary loss he calculated his disparity between his salary and meal and housing allowance between himself and a RPO of equivalent rank. Using the estimate of 60% as his chance of being entitled to such an increased income his loss is in the sum of:

• **Salary and Meal and Housing:** $\$224,608.83 + \$95,152.67 = \$319,761.50$

• **Tax deduction (25%):** $\$319,761.50 \times 25\% = \$79,940.37$

$\$319,761.50 - \$79,940.37 = \$239,821.13$

• **Total Loss:** $\$239,821.13 \times 60\% = \$143,892.67$

240. *Loss of Pension entitlements:* As his pension which he receives was calculated based upon the formula that pre-dated the new service regulations he is entitled to the difference in his

monthly pension to which he is entitled under the new regulations in the sum of \$1,484.63, the total sum of which is \$63,839.09 in pension and \$74,231.25 in gratuity.

241. If, however, his pensionable salary was calculated based upon an RPO salary of equivalent rank on his retirement he would be entitled to \$3,602.75 more per month in pensionable salary and \$180,137.50 more in gratuity. Using an estimate of a 60% chance of being entitled to such an increased income he would be entitled to 60% of the difference of his loss in pension between himself and a RPO of equivalent rank as at the date of his retirement. This is in the sum of \$54,647.49 (See table annexed). He is also entitled to 60% of the difference between \$180,137.50 and \$74,231.25 in gratuity.

- **Gratuity:** $\$180,137.50 - \$74,231.25 = \$105,906.25 \times 60\% = \$63,543.75$

242. *Total pecuniary loss:* Mr. Bhola's total pecuniary loss is computed as follows:

Loss of salary, meal and housing:	\$143,892.67
Loss of pension:	$\$63,839.09 + \$54,647.49 = \$118,486.58$
Loss of gratuity:	$\$74,231.25 + \$63,543.75 = \$137,775.00$

243. **Total Pecuniary loss:** \$400,154.25

244. *Loss of promotional opportunities:* Mr. Bhola complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. He recalls that when he was attached to the Port of Spain Corporation as a Corporal an officer from the San Fernando City Corporation filled a vacancy for the post of Sergeant however there were no advertisements nor interviews for the post. There were other promotional opportunities at the Arima Corporation where officers with less years in service were promoted ahead of Mr. Bhola. There was no consistent system of promotions and it was carried on in an irregular fashion. He estimates his loss in salary as a result to be in the sum of \$200,000.00. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not

a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

245. Generally, Mr. Bhola discriminated against and disenfranchised. He felt he was unfairly treated and left aside as RPOs were performing the same duties as MPOs yet the MPOs were not paid the same. He was unable to provide for his family as he wanted. When he tried to negotiate on behalf of the MPOs he was told that there is no association and they not have locus standi to negotiate better terms. A general award to compensate Mr. Bhola for his frustration and distress he would have endured due to his professional life being in regulatory limbo is \$100,000.00.

246. Mr. Bhola will be awarded a total sum of **\$880,154.25**.

Compensatory award:	$\$400,154.25 + \$100,000.00 = \$500,154.25$
Vindictory Damages:	$\$300,000.00$
Additional Award:	$\$80,000.00$
Total sum awarded:	$\\$880,154.25$

Frankie James (12th Claimant)

247. Mr. James has been a MPO since 13th March 1974. He was employed at the San Fernando City Corporation and retired in December 2010 holding the rank of Police Inspector.

248. In terms of his pecuniary loss he calculated his disparity between his salary and meal and housing allowance between himself and a RPO of equivalent rank. Using the estimate of 60% as his chance of being entitled to such an increased income his loss is in the sum of:

- **Salary and Meal and Housing:** $\$246,067.00 + \$166,854.93 = \$412,921.93$
- **Tax deduction (25%):** $\$412,921.93 \times 25\% = \$103,230.48$
 $\$412,921.93 - \$103,230.48 = \$309,691.45$
- **Total Loss:** $\$309,691.45 \times 60\% = \$185,814.87$

249. *Loss of Pension entitlements:* As his pension was calculated based upon the formula that pre-dated the new regulations he is entitled to the difference in his monthly pension to which

he is entitled under the new regulations in the sum of \$1,149.50, the total sum of which is \$56,325.50 and \$56,575.00 in gratuity.

250. If, however, his pensionable salary was calculated based upon an RPO salary of equivalent rank on his retirement he would be entitled to \$3,107.13 more per month in pensionable salary and \$155,356.25 more in gratuity. Using an estimate of a 60% chance of being entitled to such an increased income he would be entitled to 60% of the difference of his loss in pension between himself and a RPO of equivalent rank as at the date of his retirement. This is in the sum of \$57,554.32 (See table annexed). He is also entitled to 60% of the difference between \$155,356.25 and \$56,575.00 in gratuity.

- **Gratuity:** $\$155,356.25 - \$56,575.00 = \$98,781.25 \times 60\% = \$59,268.75$

251. *Total pecuniary loss:* Mr. Frankie James' total pecuniary loss is computed as follows:

Loss of salary, meal and housing:	\$185,814.87
Loss of pension:	$\$56,325.50 + \$57,554.32 = \$113,879.82$
Loss of gratuity:	$\$56,575.00 + \$59,268.75 = \$115,843.75$
Total Pecuniary loss:	\$415,538.44

252. *Loss of promotional opportunities:* Mr. James complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. He was only promoted to the rank of Corporal after seventeen (17) years of service. Had he been entitled to be eligible for promotions every three years, he would have risen to the ranks at a faster rate by the date of his retirement. He claims to have suffered a loss of approximately \$179,400.00 of his salary in income. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

253. Generally, Mr. James felt extremely discriminated against with the absence of these regulations. He was extremely frustrated and depressed in not being able to financially

provide for his family. A general award to compensate Mr. James for his frustration and distress he would have endured due to his professional life being in regulatory limbo is \$100,000.00.

254. Mr. James will be awarded a total sum of **\$895,538.44**.

Compensatory award: $\$415,538.44 + \$100,000.00 = \$515,538.44$

Vindictory Damages: $\$300,000.00$

Additional Award: $\$80,000.00$

Total sum awarded: **$\$895,538.44$**

Kelvin King (13th Claimant)

255. Mr. King has been a MPO since October 1974. He held the rank of Police Sergeant but he was promoted by the Public Service Commission to the rank of Police Inspector with effect from 12th December 2003. By virtue of that promotion he was transferred to the Penal/Debe Regional Corporation. He retired from the service on 11th December 2013.

256. In terms of his pecuniary loss he calculated his disparity between his salary and meal and housing allowance between himself and a RPO of equivalent rank. Using the estimate of 60% as his chance of being entitled to such an increased income his loss is in the sum of:

• **Salary and Meal and Housing:** $\$343,273.43 + \$149,891.80 = \$493,165.23$

• **Tax deduction (25%):** $\$493,165.23 \times 25\% = \$123,291.30$

$\$493,165.23 - \$123,291.30 = \$369,873.93$

• **Total Loss:** $\$369,873.93 \times 60\% = \$221,924.35$

257. *Loss of Pension entitlements:* As his pension which he receives was calculated based upon the formula that pre-dated the new service regulations he is entitled to the difference in his monthly pension to which he is entitled under the new regulations in the sum of \$1,492.13, the total sum of which is \$19,397.69 in pension.

258. If, however, his pensionable salary was calculated based upon an RPO salary of equivalent rank on his retirement he would be entitled to \$2,802.13 more per month in pensionable

salary and \$30,473.44 more in gratuity. Using an estimate of a 60% chance of being entitled to such an increased income he would be entitled to 60% of the difference of his loss in pension between himself and a RPO of equivalent rank as at the date of his retirement. This is in the sum of \$10,218.00 (See table annexed). He is also entitled to 60% of \$30,473.44 in gratuity in the sum of:

- **Gratuity:** $\$30,473.44 \times 60\% = \$18,284.06$

259. *Total pecuniary loss:* Mr. King's total pecuniary loss is computed as follows:

Loss of salary, meal and housing:	\$221,924.35
Loss of pension:	\$19,397.69 + \$10,218.00 = \$29,615.69
Loss of gratuity:	\$18,284.06
Total Pecuniary loss:	\$269,824.10

260. *Loss of promotional opportunities:* Mr. King complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. He was only promoted to the rank of Corporal after twenty three (23) years of service. There was no consistent system of promotions and it was carried on in an irregular fashion. He estimates his loss in salary as a result to be in sum of 30% of his salary. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

261. Generally, Mr King feels hopeless and helpless as there was no one to whom he could voice his concerns. A general award to compensate Mr. King for his frustration and distress he would have endured due to his professional life being in regulatory limbo is \$100,000.00.

262. Mr. King will be awarded a total sum of **\$749,824.10**.

Compensatory award:	$\$269,824.10 + \$100,000.00 = \$369,824.10$
Vindictory Damages:	\$300,000.00

Additional Award: \$80,000.00
Total sum awarded: \$749,824.10

Selwyn Joseph (14th Claimant)

263. Mr. Joseph has been a MPO since 17th May 1977. He has been promoted to the rank of Police Inspector in the Ministry of Local Government Couva/Tabaquite/Talparo Corporation from December 2003. He retired on 27th March 2015 in this rank.

264. In terms of his pecuniary loss he calculated his disparity between his salary and meal and housing allowance between himself and a RPO of equivalent rank. Using the estimate of 60% as his chance of being entitled to such an increased income his loss is in the sum of:

- **Salary and Meal and Housing:** \$371,852.01 + \$160,561.00 = \$532,413.01
- **Tax deduction (25%):** \$532,413.01 x 25% = \$133,103.25
\$532,413.01 - \$133,103.25 = \$399,309.76
- **Total Loss:** \$399,309.76 x 60% = \$239,585.85

265. *Loss of Pension entitlements:* Having retired after January 2015, he has not made any claim for loss of pension received under the new regulations. However, compared to RPOs he receives \$1,310.00 less in monthly pension and \$65,500.00 less in gratuity and I have taken that into account in the overall award of non-pecuniary loss.

266. *Loss of promotional opportunities:* Mr. Joseph complains that without any service regulations governing promotions he was not promoted in a timely manner. Promotions and vacant positions were not advertised and he was unaware of vacancies in order to submit his application. He claims to have suffered a loss of approximately 20% of his salary in income. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

267. Generally, Mr Joseph felt the discharge of his duties was difficult without the enactment of regulations. It was also challenging to discipline his subordinates due to the lack of structure or guidelines to follow. A general award to compensate Mr. Joseph for his frustration and distress he would have endured due to his professional life being in regulatory limbo is \$150,000.00.

268. Mr. Joseph will be awarded a total sum of **\$769, 585.85**.

Compensatory award: \$239,585.85 + \$150,000.00 = \$389,585.85

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$769, 585.85**

Marciano Wynn (16th Claimant)

269. Mr. Wynn has been a MPO since 12th January 1984. He held the rank of Sergeant at the Arima Corporation until he retired in January 2016.

270. In terms of his pecuniary loss he calculated his disparity between his salary and meal and housing allowance between himself and a RPO of equivalent rank. Using the estimate of 60% as his chance of being entitled to such an increased income his loss is in the sum of:

• **Salary and Meal and Housing:** \$246,984.00 + \$129,211.00 = \$376,195.00

• **Tax deductions (25%):** \$376,195.00 x 25% = \$94,048.75

\$376,195.00- \$94,048.75= \$282,146.25

• **Total Loss:** \$282,146.25 x 60% = \$169,287.75

271. *Loss of Pension entitlements:* Having retired after January 2015, he has not made any claim for loss of pension received under the new regulations. However, compared to RPOs he receives \$805.63 less in monthly pension and \$30,210.94 less in gratuity and I have taken that into account in the overall award of non-pecuniary loss.

272. *Loss of promotional opportunities:* Mr. Wynn complains that without any service regulations governing promotions there was uncertainty in the method of promotions and

that he was not promoted in a timely manner. He claims to have suffered a loss of approximately \$100,009.00 of his salary in income. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

273. Generally, Mr. Wynn felt demotivated and frustrated. A general award to compensate Mr. Wynn for his frustration and distress he would have endured due to his professional life being in regulatory limbo is \$150,000.00.

274. Mr. Wynn will be awarded a total sum of **\$699,287.75**.

Compensatory award: \$169,287.75 + \$150,000.00 = \$319,287.75

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$699,287.75**

Kenny Ramnaris Chandarjeet (18th Claimant)

275. Mr. Chandarjeet has been a MPO since 13th March 1974. He was promoted to the rank of Police Corporal in 2001. Thereafter, he was promoted to the rank of Sergeant in 2004 and transferred from the SASC to the Public Service Commission under the Minister of Local Government. He was later promoted to the rank of Inspector in 2005 and retired in that rank in 2011.

276. In terms of his pecuniary loss he calculated his disparity between his salary and meal and housing allowance between himself and a RPO of equivalent rank. Using the estimate of 60% as his chance of being entitled to such an increased income his loss is in the sum of:

• **Salary and Meal and Housing:** \$231,622.93 + \$117,405.83 = \$349,028.76

• **Tax deduction (25%):** \$349,028.76 x 25% = \$87,257.19

\$349,028.76 - \$87,257.19 = \$261,771.57

• **Total Loss:** \$261,771.57 x 60% = \$157,062.94

277. *Loss of Pension entitlements:* As his pension was calculated based upon the formula that pre-dated the new regulations he is entitled to the difference in his monthly pension to which he is entitled under the new regulations in the sum of \$2,880.83, the total sum of which is \$123,875.69 in pension and \$30,981.25 in gratuity.

278. If, however, his pensionable salary was calculated based upon an RPO salary of equivalent rank on his retirement he would be entitled to \$3,650.00 more per month in pensionable salary and \$59,856.25 more in gratuity. Using an estimate of a 60% chance of being entitled to such an increased income he would be entitled to 60% of the difference of his loss in pension between himself and a RPO of equivalent rank as at the date of his retirement. This is in the sum of \$19,844.58 (See table annexed). He is also entitled to 60% of the difference between \$59,856.25 and \$30,981.25 in gratuity.

Gratuity: $\$59,856.25 - \$30,981.25 = \$28,875.00 \times 60\% = \$17,325.00$

279. *Total pecuniary loss:* Mr. Chandarjeet's total pecuniary loss is computed as follows:

Loss of salary, meal and housing:	\$157,062.94
Loss of pension:	$\$123,875.69 + \$19,844.58 = \$143,720.27$
Loss of gratuity:	$\$30,981.25 + \$17,325.00 = \$48,306.25$
Total Pecuniary loss:	\$349,089.46

280. *Loss of promotional opportunities:* Mr. Chanderjeet complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. He was only promoted to the rank of Corporal approximately twenty nine (29) years of service. Prior to being promoted to Corporal, five officers who were junior to him were promoted to the rank of Police Corporal ahead of him. He claims to have suffered a loss of approximately \$100,000.00 of his salary in income. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

281. Generally Mr. Chandarjeet felt discriminated against since he performed the same duties as RPOs. He felt he was not given the dues which he was entitled to which made him feel like a sub-standard police. A general award to compensate Mr. Chandarjeet for his frustration and distress he would have endured due to his professional life being in regulatory limbo is \$100,000.00.

282. Mr. Chandarjeet will be awarded a total sum of **\$829,089.46**.

Compensatory award: \$349,089.46+ \$100,000.00 = \$449,089.46

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$829,089.46**

Reslie Gabriel (19th Claimant)

283. Ms. Gabriel has been a MPO since 13th March 1974. She held the rank of Police Corporal at the San Fernando City Corporation until she retired in 14th July 2007.

284. In terms of her pecuniary loss she calculated her disparity between her salary and meal and housing allowance between herself and a RPO of equivalent rank. Using the estimate of 60% as her chance of being entitled to such an increased income her loss is in the sum of:

• **Salary and Meal and Housing:** \$62,316.90 + \$83,692.61 = \$146,009.51

• **Tax deduction (25%):** \$146,009.51 x 25% = \$36,502.37

\$146,009.51-\$36,502.37= \$109,507.14

• **Total Loss:** \$109,507.14 x 60% = \$65,704.28

285. *Loss of Pension entitlements:* As her pension was calculated based upon the formula that pre-dated the new Service Regulations she is entitled to the difference in her monthly pension to which she is entitled under the new regulations in the sum of \$893.88, the total sum of which is \$80,499.20 in pension and \$44,693.75 in gratuity.

286. If, however, her pensionable salary was calculated based upon a RPO salary of equivalent rank on her retirement she would be entitled to \$1,549.50 more per month in pensionable

salary and \$77,475.00 more in gratuity. Using an estimate of a 60% chance of being entitled to such an increased income she would be entitled to 60% of the difference of her loss in pension between herself and a RPO of equivalent rank as at the date of her retirement. This is in the sum of \$35,403.48 (See table annexed). She is also entitled to 60% of the difference between \$77,475.00 and \$44,693.75 in gratuity.

- **Gratuity:** $\$77,475.00 - \$44,693.75 = \$32,781.25 \times 60\% = \$19,668.75$

287. *Total pecuniary loss:* Ms. Gabriel's total pecuniary loss is computed as follows:

Loss of salary, meal and housing:	\$65,704.28
Loss of pension:	$\$80,499.20 + \$35,403.48 = \$115,902.68$
Loss of gratuity:	$\$44,693.75 + \$19,668.75 = \$64,362.50$
Total Pecuniary loss:	\$245,969.46

288. *Loss of promotional opportunities:* Ms. Gabriel complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that she was not promoted in a timely manner. When she had enlisted promotions were done on a seniority basis. It took the Statutory Authorities Service Commission (SASC) some twenty two (22) years before inviting her to be interviewed for the rank of Police Corporal. Her account for her treatment in accessing promotional opportunities classically makes the point of the injustice she suffered in the absence of guides or regulations to govern such promotions for MPOs. She was given two days' notice for her interview in 1996 but was never promoted nor informed of her performance at the interview. She stated in February 1997 junior MPOS were interviewed for the post of Corporal. Finally, in March 1997, she was informed by the SASC that she was successful in her interview in February 1997. That date was an error as she was in fact interviewed in 1996. Nevertheless she was not promoted and saw another officer who attended the interview in 1997 being promoted. She voiced her frustration by several correspondence to the SASC and only in 2000 did she receive a response stating that she was placed at No. 6 on a merit list. Of course there were no regulations in place to determine this process. Again in 2002 she saw other officers being promoted without

interviews. In July 2003 a notice was placed again informing of interviews for promotion. After several letters again seeking clarification she received a response in August 2003 stating that she was promoted with immediate effect. This after twenty six (26) years of service and some seven (7) years after a successful interview for the post.

289. Had she been entitled to be eligible for promotions every three years she would have risen to the ranks at a faster rate by the date of her retirement and held the rank of Assistant Superintendent. She claims to have suffered a loss of approximately 50% of her salary in income. However there is no evidence to demonstrate the chance of success of being promoted to other posts save for her length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter. Nevertheless the record of her arbitrary treatment with respect to her promotion to the post of corporal is evidence of the injustice to her as a result of the delay in implementing any clear guidelines and regulations governing her.

290. Generally, Ms. Gabriel felt humiliated and ridiculed. Some officers in the station decided to make a fake badge for her as a police corporal and attached it to her uniform. She retired from the service from her increased depression in seeing junior offices being promoted ahead of her. She also with her limited income was unable to meet several financial goals which placed a burden on her she almost lost her house as she would not maintain the instalment. A general award to compensate Ms. Gabriel for her frustration and distress she would have endured due to her professional life being in regulatory limbo is \$150,000.00.

291. Ms. Gabriel will be awarded a total sum of **\$775,969.46**.

Compensatory award: \$245,969.46 + \$150,000.00 = \$395,969.46

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$775,969.46**

Desmond Doolan (20th Claimant)

292. Mr. Doolan has been a MPO since 1st October 1974. He held the rank of Corporal at the Port of Spain City Corporation. He was promoted to the rank of Police Sergeant on May 2006 and later promoted to the rank of Police Inspector in May 2007. He was appointed to act as Assistant Superintendent from March 2007 to May 2008 and thereafter acted as Superintendent until his retirement in September 2009.

293. In terms of his pecuniary loss he calculated his disparity between his salary and meal and housing allowance between himself and a RPO of equivalent rank. Using the estimate of 60% as his chance of being entitled to such an increased income his loss is in the sum of:

- **Salary and Meal and Housing:** $\$127,882.00 + \$88,177.98 = \$216,059.98$
- **Tax deduction (25%):** $\$216,059.00 \times 25\% = \$54,014.99$
 $\$216,059.00 - \$54,014.75 = \$162,044.99$
- **Total Loss:** $\$162,044.25 \times 60\% = \$97,226.99$

294. *Loss of Pension entitlements:*. As his pension which he receives was calculated based upon the formula that pre dated the new service regulations he is entitled to the difference in his monthly pension to which he is entitled under the new regulations in the sum of \$1,978.17, the total sum of which is \$126,602.88 in pension and \$10,231.25 in gratuity.

295. If, however, his pensionable salary was calculated based upon an RPO salary of equivalent rank on his retirement he would be entitled to \$4,764.83 more per month in pensionable salary and \$114,731.25 more in gratuity. Using an estimate of a 60% chance of being entitled to such an increased income he would be entitled to 60% of the difference of his loss in pension between himself and a RPO of equivalent rank as at the date of his retirement. This is in the sum of \$107,007.74 (See table annexed). He is also entitled to 60% of the difference between \$114,731.25 and \$10,231.25 in gratuity.

- **Gratuity:** $\$114,731.25 - \$10,231.25 = \$104,500.00 \times 60\% = \$62,700.00$

296. *Total pecuniary loss:* Mr. Doolan's total pecuniary loss is computed as follows:

Loss of salary, meal and housing:	\$97,226.99
Loss of pension:	\$126,602.88 + \$107,007.74 = \$233,610.62
Loss of gratuity:	\$10,231.25 + \$62,700.00 = \$72,931.25
Total Pecuniary loss:	\$403,768.86

297. *Loss of promotional opportunities:* Mr. Doolan complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. He was only promoted to the rank of Corporal after twenty one (21) years of service. There were no consistent system of promotions and it was carried on in an irregular fashion. He estimates his loss in salary as a result to be in the sum of \$400,000.00. However there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

298. Generally, Mr. Doolan felt disappointed, dejected and demotivated in not receiving the same salaries as RPOs. He was unable to provide for his family and this placed a strain on his family life. As the years progressed without any response by the State he felt increasingly ignored unappreciated and helpless. A general award to compensate Mr. Doolan for his frustration and distress he would have endured due to his professional life being in regulatory limbo is \$100,000.00.

299. Mr. Doolan will be awarded a total sum of **\$883,768.86**.

Compensatory award:	\$403,768.86 + \$100,000.00 = \$503,768.86
Vindictory Damages:	\$300,000.00
Additional Award:	\$80,000.00
Total sum awarded:	\$883,768.86

Eustace Worrell (21st Claimant)

300. Mr. Worrell has been a MPO since October 1974. On 28th December 1995 he was

promoted to the rank of Police Corporal and then Police Sergeant effective August 2005. He held that rank until he retired in September 2008.

301. In terms of his pecuniary loss he calculated his disparity between his salary and meal and housing allowance between himself and a RPO of equivalent rank. Using the estimate of 60% as his chance of being entitled to such an increased income his loss is in the sum of:

- **Salary and Meal and Housing:** $\$64,360.00 + \$91,711.33 = \$156,071.33$
- **Tax deduction (25%):** $\$156,071.33 \times 25\% = \$39,017.83$
 $\$156,071.33 - \$39,017.83 = \$117,053.50$
- **Total Loss:** $\$117,053.50 \times 60\% = \$70,232.10$

302. *Loss of Pension entitlements:* As his pension was calculated based upon the formula that pre-dated the new regulations he is entitled to the difference in his monthly pension to which he is entitled under the new regulations in the sum of \$624.00, the total sum of which is \$47,424.00 and \$53,637.50 in gratuity.

303. If, however, his pensionable salary was calculated based upon an RPO salary of equivalent rank on his retirement he would be entitled to \$1,072.75 more per month in pensionable salary and \$31,200.00 more in gratuity. Using an estimate of a 60% chance of being entitled to such an increased income he would be entitled to 60% of the difference of his loss in pension between himself and a RPO of equivalent rank as at the date of his retirement. This is in the sum of \$20,463.00 (See table annexed). He is also entitled to 60% of the difference between \$53,637.50 and \$31,200.00 in gratuity.

- **Gratuity:** $\$53,637.50 - \$31,200.00 = \$22,437.50 \times 60\% = \$13,462.50$

304. *Total pecuniary loss:* Mr. Worrell's total pecuniary loss is computed as follows:

- Loss of salary, meal and housing:** $\$70,232.10$
- Loss of pension:** $\$47,424.00 + \$20,463.00 = \$67,887.00$
- Loss of gratuity:** $\$53,637.50 + \$13,462.50 = \$67,100.00$
- Total Pecuniary loss:** $\$205,219.10$

305. *Loss of promotional opportunities:* Mr. Worrell complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. He was only promoted to the rank of Corporal after twenty (20) years of service and another ten (10) years before another promotion to Sergeant. Had he been entitled to be eligible for promotions every three years, he would have risen to the ranks at a faster rate by the date of his retirement. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

306. Generally Mr. Worrell felt depressed and felt robbed of the monetary gains of RPOs. A general award to compensate Mr. Worrell for his frustration and distress he would have endured due to his professional life being in regulatory limbo is \$125,000.00.

307. Mr. Worrell will be awarded a total sum of **\$710,219.10**.

Compensatory award: \$205,219.10 + \$125,000.00 = \$330,219.10

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$710,219.10**

Ramsoomir Ramadhar (22nd Claimant)

308. Mr. Ramadhar has been a MPO since 1st October 1974. He held the rank of Police Corporal employed at the Port of Spain City Corporation. He held that until May 2004 he was promoted to Police Sergeant. He was transferred to the Mayaro/Rio Claro Regional Corporation. In December 2010 he was promoted by the SASC to Police Inspector. He held this post to his retirement in May 2013.

309. In terms of his pecuniary loss he calculated his disparity between his salary and meal and housing allowance between himself and a RPO of equivalent rank. Using the estimate of 60% as his chance of being entitled to such an increased income his loss is in the sum of:

• **Salary and Meal and Housing:** \$264,046.31 + \$116,801.00 = \$380,847.31

- **Tax deduction (25%);** \$380,847.31 x 25% = \$95,211.82
\$380,847.31 - \$95,211.82 = \$285,635.49
- **Total Loss:** \$285,635.49 x 60% = \$171,381.29

310. *Loss of Pension entitlements:* As his pension was calculated based upon the formula that pre-dated the new regulations he is entitled to the difference in his monthly pension to which he is entitled under the new regulations in the sum of \$1,473.12, the total sum of which is \$64,817.28 and \$28,229.65 in gratuity.

311. If, however, his pensionable salary was calculated based upon an RPO salary of equivalent rank on his retirement he would be entitled to \$3,284.37 more per month in pensionable salary and \$96,151.52 more in gratuity. Using an estimate of a 60% chance of being entitled to such an increased income she would be entitled to 60% of the difference of his loss in pension between himself and a RPO of equivalent rank as at the date of his retirement. This is in the sum of \$47,817.00 (See table annexed). He is also entitled to 60% of the difference between \$96,151.52 and \$28,229.65 in gratuity.

- **Gratuity:** \$96,151.52-\$28,229.65 = \$67,921.87 x 60% = \$40,753.12

312. *Total pecuniary loss:* Mr. Ramadhar's total pecuniary loss is computed as follows:

Loss of salary, meal and housing:	\$171,381.29
Loss of pension:	\$64,817.28 + \$47,817.00 = \$112,634.28
Loss of gratuity:	\$28,229.65 + \$40,753.12 = \$68,982.77
Total Pecuniary loss:	\$352,998.34

313. *Loss of promotional opportunities:* He complains that without any service regulations governing promotions there was uncertainty in the method of promotions. He was only promoted to the rank of Corporal after twenty nine (29) years of service. He claims that when he joined as an MPO promotions were based on the alphabetical order of your surname then on a seniority basis which in reality was done based favouritism. Had he been entitled to be eligible for promotions every three years, he would have risen to the ranks of Superintendent

by the date of his retirement. He suffered a loss of approximately 50% of his salary. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

314. Generally, he has experienced tremendous financial hardships. His bank levied on him and he lost his vehicle as his only means of transport because of the levy. He lost allowances and was subjected of unlawful tribunals that found him guilty. There was no appeal process. He felt hopeless. He has great difficulty in keeping his family together. He was denied medical and dental coverage. He worked six (6) days per week and his day pass was taken away if he took a day sick leave. He was subjected to the worst discrimination up to his retirement. A general award to compensate Mr. Ramadhar for his frustration and distress he would have endured due to his professional life being in regulatory limbo is \$125,000.00.

315. Mr. Ramadhar will be awarded a total sum of **\$857,998.34**.

Compensatory award: \$352,998.34 + \$125,000.00 = \$477,998.34

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$857,998.34**

Carlton Pedro (23rd Claimant)

316. Mr. Pedro has been a MPO since 1st October 1974. He held the rank of Police Corporal employed at the Port of Spain City Corporation. In February 2007 he was promoted to the rank of Police Sergeant and July 2011 promoted to rank of Police Inspector. In December 2011 he was promoted to the rank of Assistant Superintendent and in December 2012 to Police Superintendent. He held than rank until he retired from the service in May 2015.

317. In terms of his pecuniary loss he calculated his disparity between his salary and meal and housing allowance between himself and a RPO of equivalent rank. Using the estimate of 60% as his chance of being entitled to such an increased income his loss is in the sum of:

- **Salary and Meal and Housing:** $\$338,415.00 + \$147,726.96 = \$486,141.96$
- **Tax deduction (25%):** $\$486,141.96 \times 25\% = \$121,535.49$
 $\$486,141.96 - \$121,535.49 = \$364,606.47$
- **Total Loss:** $\$364,606.47 \times 60\% = \$218,763.88$

318. *Loss of Pension entitlements:* As he retired in after January 2015, compared to RPOs he receives, \$4,802.50 less per month in pensionable salary and \$89,937.50 less in gratuity and I have taken that into account in the overall award of non-pecuniary loss.

319. *Loss of promotional opportunities:* Mr. Pedro complains that without any service regulations governing promotions there was uncertainty in the method of promotions. He was only promoted to the rank of Corporal after twenty eight (28) years of service. Had he been entitled to be eligible for promotions every three years, he would have risen to the ranks at a faster rate and suffered a loss of approximately \$300,000.00 in income. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

320. Generally, Mr. Pedro felt depressed and frustrated by the failure of the State to enact regulations to govern their terms and conditions of service. He could not properly provide for his family's housing and his children's educational needs. A general award to compensate Mr. Pedro for his frustration and distress he would have endured due to his professional life being in regulatory limbo is \$150,000.00.

321. Mr. Pedro will be awarded a total sum of **\$748,763.88**.

- Compensatory award:** $\$218,763.88 + \$150,000.00 = \$368,763.88$
- Vindictory Damages:** $\$300,000.00$
- Additional Award:** $\$80,000.00$
- Total sum awarded:** **\$748,763.88**

Lloyd Moritison Hector (24th Claimant)

322. Mr. Hector was a MPO since 1st October 1974 and held rank of Corporal at Port of Spain City Corporation until he retired in December 2006.

323. In terms of his pecuniary loss he calculated his disparity between his salary and meal and housing allowance between himself and a RPO of equivalent rank. Using the estimate of 60% as his chance of being entitled to such an increased income his loss is in the sum of:

- **Salary and Meal and Housing:** $\$36,006.62 + \$52,737.58 = \$88,744.20$
- **Tax deduction (25%):** $\$88,744.20 \times 25\% = \$22,186.05$
 $\$88,744.20 - \$22,186.05 = \$66,558.15$
- **Total Loss:** $\$66,558.15 \times 60\% = \$39,934.89$

324. *Loss of Pension entitlements:* As his pension was calculated based upon the formula that pre-dated the new regulations he is entitled to the difference in his monthly pension to which he is entitled under the new regulations in the sum of \$1,992.19 in monthly pension, the total sum of which is \$193,242.43 in pension and \$35,755.63 in gratuity.

325. If, however, his pensionable salary was calculated based upon an RPO salary of equivalent rank on his retirement he would be entitled to \$3,244.69 more per month in pensionable salary and \$82,724.38 more in gratuity. Using an estimate of a 60% chance of being entitled to such an increased income he would be entitled to 60% of the difference of his loss in pension between himself and a RPO of equivalent rank as at the date of his retirement. This is in the sum of \$72,895.50 (See table annexed). He is also entitled to 60% of the difference between \$82,724.38 and \$35,755.63 in gratuity.

- **Gratuity:** $\$82,724.38 - \$35,755.63 = \$46,968.75 \times 60\% = \$28,181.25$

326. *Total pecuniary loss:* Mr. Hector's total pecuniary loss is computed as follows:

- Loss of salary, meal and housing:** $\$39,934.89$
- Loss of pension:** $\$193,242.43 + \$72,895.50 = \$266,137.93$
- Loss of gratuity:** $\$35,755.63 + \$28,181.25 = \$63,936.88$

Total Pecuniary loss: \$370,009.70

327. *Loss of promotional opportunities:* Mr. Hector complains that without any service regulations governing promotions there was uncertainty in the method of promotions. He was only promoted to the rank of Corporal after twenty eight (28) years of service and was not promoted to another rank before he retired in 2006. Had he been entitled to be eligible for promotions every three years, he would have been promoted at a faster rate and risen to the rank of Assistant Superintendent by the date of his retirement. He suffered a loss of approximately \$400,000.00. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

328. Generally, Mr. Hector felt intense frustration, demotivation and disenchantment. He was unable to provide properly for his family. A general award to compensate Mr. Hector for his frustration and distress he would have endured due to his professional life being in regulatory limbo is \$100,000.00.

329. Mr. Hector will be awarded a total sum of **\$850,009.70**.

Compensatory award: \$370,009.70 + \$100,000.00 = \$470,009.70

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$850,009.70**

Pascal Stanislaus (25th Claimant)

330. Mr. Stanislaus was a MPO since 1st October 1974. He held the rank of Police Corporal at Port of Spain City Corporation and he promoted by SASC to the rank of Police Sergeant from 13th February which he held until his retirement on 19th May 2010.

331. In terms of his pecuniary loss he calculated his disparity between his salary and meal and housing allowance between himself and a RPO of equivalent rank. Using the estimate of 60% as his chance of being entitled to such an increased income his loss is in the sum of:

- **Salary and Meal and Housing:** $\$146,460.75 + \$114,181.03 = \$260,641.78$
- **Tax deduction (25%):** $\$260,641.78 \times 25\% = \$65,160.44$
 $\$260,641.78 - \$65,160.44 = \$195,481.34$
- **Total Loss:** $\$195,481.34 \times 60\% = \$117,288.80$

332. *Loss of Pension entitlements:* As his pension was calculated based upon the formula that pre-dated the new regulations he is entitled to the difference in his monthly pension to which he is entitled under the new regulations in the sum of \$2,478.17 in monthly pension, the total sum of which is \$138,777.52 and \$34,512.50 in gratuity.

333. If, however, his pensionable salary was calculated based upon an RPO salary of equivalent rank on his retirement he would be entitled to \$2,907.33 more per month in pensionable salary and \$50,606.25 more in gratuity. Using an estimate of a 60% chance of being entitled to such an increased income he would be entitled to 60% of the difference of his loss in pension between himself and a RPO of equivalent rank as at the date of his retirement. This is in the sum of \$14,419.77 (See table annexed). He is also entitled to 60% of the difference between \$50,606.25 and \$34,512.50 in gratuity.

- **Gratuity:** $\$50,606.25 - \$34,512.50 = \$16,093.75 \times 60\% = \$9,656.25$

334. *Total pecuniary loss:* Mr. Stanislaus' total pecuniary loss is computed as follows:

Loss of salary, meal and housing:	$\$117,288.80$
Loss of pension:	$\$138,777.52 + \$14,419.77 = \$153,197.29$
Loss of gratuity:	$\$34,512.50 + \$9,656.25 = \$44,168.75$
Total Pecuniary loss:	$\$314,654.84$

335. *Loss of promotional opportunities:* Mr. Stanislaus complains that without any service regulations governing promotions they were not done in a timely manner. He was only promoted to the rank of Police Corporal twenty eight (28) years after he became an MPO and was promoted to Police Sergeant in 2007 after another five (5) years. He believed that if promotions were done in a timely manner he would have held the rank of Inspector upon his

retirement. He lost the opportunity to earn at least 30% of his salary. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

336. He stated that he felt frustrated and demotivated knowing that even though he put on the same uniform as TTPS and carried out the same functions and duties he received less salary than RPOs and even the SRPs they trained at the Corporations. He was the subject of disciplinary charges which were dismissed but it was a frustrating process for him to endure without any type of process. A general award to compensate Mr. Stanislaus for his frustration and distress he would have endured due to his professional life being in regulatory limbo is \$125,000.00.

337. Mr. Stanislaus will be awarded a total sum of **\$819,654.84**.

Compensatory award: \$314,654.84 + \$125,000.00= \$439,654.84

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$819,654.84**

Steve Arjoon (26th Claimant)

338. Mr. Arjoon has been a MPO since 15th November 1976. He held the rank of Corporal at the San Fernando City Corporation until he was promoted to the rank of Sergeant in May 2004. In September 2011 he was promoted to the rank of Police Inspector. In 2013 he held the rank of Acting Assistant Superintendent for approximately six months until he retired in December 2013.

339. In terms of his pecuniary loss he calculated his disparity between his salary and meal and housing allowance between himself and a RPO of equivalent rank as shown in the table annexed. Using the estimate of 60% as his chance of being entitled to such an increased income his loss is in the sum of:

• **Salary and Meal and Housing:** \$375,929.61 + \$129,008.00 = \$504,937.61

• **Tax deduction (25%):** \$504,937.61x 25% = \$126,234.40

$$\$504,937.61 - \$126,234.40 = \$378,703.21$$

- **Total Loss:** $\$378,703.21 \times 60\% = \$227,221.92$

340. *Loss of Pension entitlements:* As his pension was calculated based upon the formula that pre dated the new regulations he is entitled to the difference in his monthly pension to which he is entitled under the new regulations in the sum of \$1,430.50, the total sum of which is \$18,596.50 and \$71,525.00 in gratuity.

341. If, however, his pensionable salary was calculated based upon an RPO salary of equivalent rank on his retirement he would be entitled to \$3,289.25 more per month in pensionable salary and \$164,462.50 more in gratuity. Using an estimate of a 60% chance of being entitled to such an increased income he would be entitled to 60% of the difference of his loss in pension between himself and a RPO of equivalent rank as at the date of his retirement. This is in the sum of \$14,498.25 (See table annexed). He is also entitled to 60% of the difference between \$164,462.50 and \$71,525.00 in gratuity.

- **Gratuity:** $\$164,462.50 - \$71,525.00 = \$92,937.50 \times 60\% = \$55,762.50$

342. *Total pecuniary loss:* Mr. Arjoon's total pecuniary loss is computed as follows:

Loss of salary, meal and housing:	\$227,221.92
Loss of pension:	$\$18,596.50 + \$14,498.25 = \$33,094.75$
Loss of gratuity:	$\$71,525.00 + \$55,762.50 = \$127,287.50$
Total Pecuniary loss:	\$387,604.17

343. *Loss of promotional opportunities:* Mr. Arjoon complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. He was only promoted to the rank of Corporal after twenty three (23) years of service, Sergeant five (5) years later and Inspector seven (7) years later. Had he been entitled to be eligible for promotions every three years, he would have risen to the ranks at a faster rate by the date of his retirement. He claims to have suffered a loss of approximately 20% of his salary. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the

service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

344. Generally Mr. Arjoon felt extremely frustrated with the absence of these regulations. He was unable to achieve personal financial goals for his family, he became more depressed as a result of the salary he was receiving. His family life as a result broke up and his depression spiralled into alcoholism. He felt inferior to the other members of the protective services and when he visited the TTPS stations he would be the subject of sarcastic remarks and comments from other RPOs which affected him further. A general award to compensate Mr. Arjoon for his frustration and distress he would have endured due to his professional life being in regulatory limbo is \$125,000.00.

345. Mr. Arjoon will be awarded a total sum of **\$892,604.17**.

Compensatory award: \$387,604.17+ \$125,000.00 = \$512,604.17

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$892,604.17**

Leon Lively (28th Applicant)

346. Mr. Lively has been a MPO since 5th December 1980. He was promoted by the SASC to the rank of Sergeant in the San Fernando City Corporation with effect from 13th July 2004 and to Inspector in December 2013 and Assistant Superintendent from March 2014. He retired from the service on 20th May 2015.

347. In terms of his pecuniary loss he calculated his disparity between his salary and meal and housing allowance between himself and a RPO of equivalent rank. Using the estimate of 60% as his chance of being entitled to such an increased income his loss is in the sum of:

• **Salary and Meal and Housing:** \$313,352.11 + \$173,289.32 = \$486,641.43

• **Tax deduction (25%) :** \$486,641.43 x 25% = \$121,660.35

$$\$486,641.43 - \$121,660.35 = \$364,981.08$$

- **Total Loss:** $\$364,981.08 \times 60\% = \$218,988.64$

348. *Loss of Pension entitlements:* Having retired after January 2015, compared to an RPO salary of equivalent rank on his retirement he would be entitled to \$3,201.25 more per month in pensionable salary and \$160,062.50 more in gratuity and I have taken that into account in the overall award of non-pecuniary loss.

349. *Loss of promotional opportunities:* Mr. Lively complains that he was unable to be promoted to a higher rank as Assistant Superintendent is the highest rank in San Fernando City Corporation unlike the Port of Spain City Corporation. On average he estimate his loss at 20% of his salary. However there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

350. Generally, Mr. Lively felt stressed and demotivated as it was disheartening to see persons who trained with him as RPOs being entitled to superior terms. He felt demotivated. There was uncertainty with the absence of regulation as the police regulations and statutory regulations were being used and “one day you are disciplined as a civilian and the other day disciplined as a police officer”. A general award to compensate Mr. Lively for his frustration and distress he would have endured due to his professional life being in regulatory limbo is \$150,000.00.

351. Mr. Lively will be awarded a total sum of **\$748,988.64**.

Compensatory award: $\$218,988.64 + \$150,000.00 = \$368,988.64$

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$748,988.64**

Paul John (35th Applicant)

352. Mr. John has been a MPO since 1st October 1974. He held the rank of Inspector on his retirement in 17th December 2012. He rose through the ranks at the Port of Spain City

Corporation.

353. In terms of his pecuniary loss he calculated his disparity between his salary and meal and housing allowance between himself and a RPO of equivalent rank. Using the estimate of 60% as his chance of being entitled to such an increased income his loss is in the sum of:

- **Salary and Meal and Housing:** $\$145,949.52 + \$126,801.06 = \$272,750.58$
- **Tax deduction (25%):** $\$272,750.58 \times 25\% = \$68,187.64$
 $\$272,750.58 - \$68,187.64 = \$204,562.94$
- **Total Loss:** $\$204,562.94 \times 60\% = \$122,737.76$

354. *Loss of Pension entitlements:* As his pension was calculated based upon the formula that pre-dated the new regulations he is entitled to the difference in his monthly pension to which he is entitled under the new regulations in the sum of \$967.13, the total sum of which is \$24,178.25 and \$62,429.27 in gratuity.

355. If, however, his pensionable salary was calculated based upon an RPO salary of equivalent rank on his retirement he would be entitled to \$3,247.95 more per month in pensionable salary and \$176,470.52 more in gratuity. Using an estimate of a 60% chance of being entitled to such an increased income he would be entitled to 60% of the difference of his loss in pension between himself and a RPO of equivalent rank as at the date of his retirement. This is in the sum of \$34,212.30 (See table annexed). He is also entitled to 60% of the difference between \$176,470.52 and \$62,429.27 in gratuity.

- **Gratuity:** $\$176,470.52 - \$62,429.27 = \$114,041.25 \times 60\% = \$68,424.75$

356. *Total pecuniary loss:* Mr. John's total pecuniary loss is computed as follows:

Loss of salary, meal and housing:	$\$122,737.76$
Loss of pension:	$\$24,178.25 + \$34,212.30 = \$58,390.55$
Loss of gratuity:	$\$62,429.27 + \$68,424.75 = \$130,854.02$
Total Pecuniary loss:	$\$311,982.33$

357. *Loss of promotional opportunities:* Mr. John complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. He was not aware when there were vacancies because they were not advertised. He was only promoted to the rank of Police Corporal after twenty nine (29) years of service. He contends that if he had given the promotional opportunities like that of an RPO he would have risen to the ranks at a faster rate by the date of his retirement. He claims to have suffered a loss of approximately \$200,000.00 of his salary in income. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

358. Generally, Mr. John felt frustrated with the absence of these regulations. He was disappointed that he was paid less than RPOs and felt embarrassed. He had low self-esteem and felt he was being treated unfairly. A general award to compensate Mr. John for his frustration and distress he would have endured due to his professional life being in regulatory limbo is \$100,000.00.

359. Mr. John will be awarded a total sum of **\$791,982.33**.

Compensatory award: \$311,982.33 + \$100,000.00 = \$411,982.33

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$791,982.33**

Solomon Paltoo (37th Claimant)

360. Mr. Paltoo has been a MPO since 1st March 1977. He held the rank of Police Constable at the Port of Spain City Corporation. In December 2003 he was promoted to the rank of Corporal. In April 2008, he was promoted to the rank of Police Sergeant 201. In December 2012 he was promoted to the rank of Assistant Superintendent which he held until his retirement on 8th July, 2014.

361. In terms of his pecuniary loss he calculated his disparity between his salary and meal and housing allowance between himself and a RPO of equivalent rank. Using the estimate of 60% as his chance of being entitled to such an increased income his loss is in the sum of:

- **Salary and Meal and Housing:** $\$239,225.72 + \$115,733.97 = \$354,959.69$
- **Tax deduction (25%):** $\$354,959.69 \times 25\% = \$88,739.92$
 $\$354,959.69 - \$88,739.92 = \$266,219.77$
- **Total Loss:** $\$266,219.77 \times 60\% = \$159,731.86$

362. *Loss of Pension entitlements:* As his pension was calculated based upon the formula that pre-dated the new regulations he is entitled to the difference in his monthly pension to which he is entitled under the new regulations in the sum of \$3,509.33 in monthly pension, the total sum of which is \$21,055.98 in pension and \$47,956.25 in gratuity.

363. If, however, his pensionable salary was calculated based upon an RPO salary of equivalent rank on his retirement he would be entitled to \$5,836.83 more per month in pensionable salary and \$135,237.50 more in gratuity. Using an estimate of a 60% chance of being entitled to such an increased income he would be entitled to 60% of the difference of his loss in pension between himself and a RPO of equivalent rank as at the date of his retirement. This is in the sum of \$8,379.00 (See table annexed). He is also entitled to 60% of the difference between \$135,237.50 and \$47,956.25 in gratuity.

- **Gratuity:** $\$135,237.50 - \$47,956.25 = \$87,281.25 \times 60\% = \$52,368.75$

364. *Total pecuniary loss:* Mr. Paltoo's total pecuniary loss is computed as follows:

- Loss of salary, meal and housing:** $\$159,731.86$
- Loss of pension:** $\$21,055.98 + \$8,379.00 = \$29,434.98$
- Loss of gratuity:** $\$47,956.25 + \$52,368.75 = \$100,325.00$
- Total Pecuniary loss:** $\$289,491.84$

365. *Loss of promotional opportunities:* He claims loss of promotional opportunities as he was promoted to Corporal after twenty six (26) years of service. He averages a loss of \$350,000.00

if he was promoted at a faster rate. There is no foundation to demonstrate entitlement to promotion and he was promoted at regular intervals in any event at the latter stage of his career. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

366. He felt disappointed and de-motivated because of the state of affairs and experienced extreme frustration due to the lack of promotions. He also felt hurt and dismayed that RPOs of equivalent rank were obtaining higher salaries and benefits than him. A general award to compensate Mr. Paltoo for his frustration and distress he would have endured due to his professional life being in regulatory limbo is \$100,000.00.

367. Mr. Paltoo will be awarded a total sum of **\$769,491.84**.

Compensatory award: \$289,491.84 + \$100,000.00 = \$389,491.84

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$769,491.84**

Alston Lawrence Sylvester (42nd Claimant)

368. Mr. Sylvester has been a MPO since 1st March 1977. He held the rank of Police Constable at the Port of Spain City Corporation until he was promoted to the rank of Police Corporal in September 2005 by the SASC. In May 2010 he was promoted to Police Sergeant and then in December 2013 he was promoted to the rank of Police Inspector. He retired in 26th October 2014.

369. In terms of his pecuniary loss he calculated his disparity between his salary and meal and housing allowance between himself and a RPO of equivalent rank. Using the estimate of 60% as his chance of being entitled to such an increased income his loss is in the sum of:

• **Salary and Meal and Housing:** \$213,935.39 + \$111,543.08 = \$325,478.47

• **Tax deduction (25%):** \$325,478.47 x 25% = \$81,369.61

\$325,478.47 - \$81,369.61 = \$244,108.86

- **Total Loss:** $\$244,108.86 \times 60\% = \$146,465.31$

370. *Loss of Pension entitlements:* As his pension was calculated based upon the formula that pre-dated the new regulations he is entitled to the difference in his monthly pension to which he is entitled under the new regulations in the sum of \$3,280.50, the total sum of which is \$9,841.50 in pension and \$49,556.25 in gratuity.

371. If, however, his pensionable salary was calculated based upon an RPO salary of equivalent rank on his retirement he would be entitled to \$5,046.33 more per month in pensionable salary and \$115,775.00 more in gratuity. Using an estimate of a 60% chance of being entitled to such an increased income he would be entitled to 60% of the difference of his loss in pension between himself and a RPO of equivalent rank as at the date of his retirement. This is in the sum of \$3,178.49 (See table annexed). He is also entitled to 60% of the difference between \$115,775.00 and \$49,556.25 in gratuity.

- **Gratuity:** $\$115,775.00 - \$49,556.25 = \$66,218.75 \times 60\% = \$39,731.25$

372. *Total pecuniary loss:* Mr. Sylvester's total pecuniary loss is computed as follows:

Loss of salary, meal and housing:	$\$146,465.31$
Loss of pension:	$\$9,841.50 + \$3,178.49 = \$13,019.99$
Loss of gratuity:	$\$49,556.25 + \$39,731.25 = \$89,287.50$
Total Pecuniary loss:	$\$248,772.80$

373. *Loss of promotional opportunities:* Mr. Sylvester complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. In fact, he was only promoted to the rank of Police Corporal after twenty eight (28) years of service and his latter promotions occurred only close to his retirement. Had he been entitled to be eligible for promotions every three years, he would have risen to the ranks at a faster rate by the date of his retirement. He claims to have suffered a loss of approximately 40% of his salary. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the

service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

374. Generally, Mr. Sylvester felt extremely humiliated and felt like less than an officer. Financially he was only able to provide basic necessities for his family and this frustrated him in not being able to fulfil his financial goals for his family. A general award to compensate Mr. Sylvester for his frustration and distress he would have endured due to his professional life being in regulatory limbo is \$100,000.00.

375. Mr. Sylvester will be awarded a total sum of **\$728,772.80**.

Compensatory award: \$248,772.80 + \$100,000.00 = \$348,772.80

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$728,772.80**

Michael Tissoo (44th Claimant)

376. Mr. Tissoo has been a MPO since May 1978. He held the rank of Municipal Constable at San Fernando City Corporation and retired from the service on 31st August 2005 as a result of being medically boarded.

377. In terms of his pecuniary loss he calculated his disparity between his salary and meal and housing allowance between himself and a RPO of equivalent rank. Using the estimate of 60% as his chance of being entitled to such an increased income his loss is in the sum of:

• **Salary and Meal and Housing:** \$29,552.34 + \$49,735.50 = \$79,287.84

• **Tax deduction (25%):** \$79,287.84 x 25% = \$19,821.96

 \$79,287.84 - \$19,821.96 = \$59,465.88

• **Total Loss:** \$59,465.88 x 60% = \$35,679.52

378. *Loss of Pension entitlements:* As his pension was calculated based upon the formula that pre-dated the new regulations he is entitled to the difference in his monthly pension to which

he is entitled under the new regulations in the sum of \$625.13, the total sum of which is \$70,639.69 and \$54,073.31 in gratuity.

379. If, however, his pensionable salary was calculated based upon an RPO salary of equivalent rank on his retirement he would be entitled to \$650.63 more per month in pensionable salary and \$105,323.31 more in gratuity. Using an estimate of a 60% chance of being entitled to such an increased income he would be entitled to 60% of the difference of his loss in pension between himself and a RPO of equivalent rank as at the date of his retirement. This is in the sum of \$1,728.90 (See table annexed). He is also entitled to 60% of the difference between \$105,323.31 and \$54,073.31 in gratuity.

- **Gratuity:** $\$105,323.31 - \$54,073.31 = \$51,250.00 \times 60\% = \$30,750.00$

380. *Total pecuniary loss:* Mr. Tisoo's total pecuniary loss is computed as follows:

Loss of salary, meal and housing:	\$35,679.52
Loss of pension:	$\$70,639.69 + \$1,728.90 = \$72,368.59$
Loss of gratuity:	$\$54,073.31 + \$30,750.00 = \$84,823.31$
Total Pecuniary loss:	\$192,871.42

381. *Loss of promotional opportunities:* Mr. Tisoo complains that without any service regulations governing promotions there was uncertainty in the method of promotions. Had he been entitled to be eligible for promotions every three years, he would have risen to the ranks of Corporal by the date of his retirement. He was also bypassed for the post of Sergeant. He claims to have suffered a loss of approximately \$138,600.00 in income. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

382. Generally, he felt that he was treated unfairly as in the absence of regulations. He felt like he had to voice and no one in authority to listen to his complaints especially of the disparity in the terms and conditions between MPOs and RPOs. As a result he felt frustration, stress

and considerable financial hardship. He contends that he was placed under an additional financial hardship and stress to provide for his family. A general award to compensate Mr. Tissoo for his frustration and distress he would have endured due to his professional life being in regulatory limbo is \$125,000.00.

383. Mr. Tissoo will be awarded a total sum of **\$697,871.42**.

Compensatory award: \$192,871.42 + \$125,000.00 = \$317,871.42

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$697,871.42**

Sylvester Sandy (45th Claimant)

384. Mr. Sandy has been a MPO since 5th December 1980. He held the rank of Police Constable San Fernando City Corporation until his retirement in December 2010.

385. In terms of his pecuniary loss he calculated his disparity between his salary and meal and housing allowance between himself and a RPO of equivalent rank. Using the estimate of 60% as his chance of being entitled to such an increased income his loss is in the sum of:

• **Salary and Meal and Housing:** \$115,001.13 + \$111,282.29 = \$226,283.42

• **Tax deduction (25%):** \$226,283.42 x 25% = \$56,570.85

\$226,283.42 - \$56,570.85 = \$169,712.57

• **Total Loss:** \$169,712.57 x 60% = \$101,827.54

386. *Loss of Pension entitlements:* As his pension which he receives was calculated based upon the formula that pre-dated the new service regulations he is entitled to the difference in his monthly pension to which he is entitled under the new regulations in the sum of \$813.16, the total sum of which is \$39,844.84 and \$40,657.75 in gratuity.

387. If, however, his pensionable salary was calculated based upon an RPO salary of equivalent rank on his retirement he would be entitled to \$1,586.98 more per month in pensionable salary and \$79,349.00 more in gratuity Using an estimate of a 60% chance of being entitled

to such an increased income he would be entitled to 60% of the difference of his loss in pension between himself and a RPO of equivalent rank as at the date of his retirement. This is in the sum of \$22,750.30 (See table annexed). He is also entitled to 60% of the difference between \$79,349.00 and \$40,657.75 in gratuity.

- **Gratuity:** $\$79,349.00 - \$40,657.75 = \$38,691.25 \times 60\% = \$23,214.75$

388. *Total pecuniary loss:* Mr. Sandy's total pecuniary loss is computed as follows:

Loss of salary, meal and housing:	\$101, 827.54
Loss of pension:	$\$39,844.84 + \$22,750.30 = \$62,595.14$
Loss of gratuity:	$\$40,657.75 + \$23,214.75 = \$63,872.50$
Total Pecuniary loss:	\$228,295.18

389. *Loss of promotional opportunities:* Mr. Sandy complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. He has spent almost thirty three (33) years in the same rank of Police Constable. Even though he was interviewed in 2003 for higher rank he was never promoted. Vacant ranks were not advertised. If he was eligible for promotion every three years, he contends that he would have retired at the rank of Police Sergeant. He estimates his loss in salary as a result to be in the sum of \$300,000.00. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

390. Generally, Mr. Sandy felt frustrated and sometimes demotivated. He was unable to financially provide for his family. A general award to compensate Mr. Sandy for his frustration and distress he would have endured due to his professional life being in regulatory limbo is \$125,000.00.

391. Mr. Sandy will be awarded a total sum of **\$733,295.18**.

- **Compensatory award:** $\$228,295.18 + \$125,000.00 = \$353,295.18$

Vindictory Damages:	\$300,000.00
Additional Award:	\$80,000.00
Total sum awarded:	\$733,295.18

Errol Antoine (47th Claimant)

392. Mr. Antoine has been a MPO since 18th March 1981. He was promoted to the rank of Police Corporal April 2007 and to Police Sergeant in December 2013. He retired in January 2015.

393. In terms of his pecuniary loss he calculated his disparity between his salary and meal and housing allowance between himself and a RPO of equivalent rank. Using the estimate of 60% as his chance of being entitled to such an increased income his loss is in the sum of:

- **Salary and Meal and Housing:** $\$319,623.46 + \$147,163.79 = \$466,787.25$
- **Tax deduction (25%):** $\$466,787.25 \times 25\% = \$116,696.81$
 $\$466,787.25 - \$116,696.81 = \$350,090.44$
- **Total Loss:** $\$350,090.44 \times 60\% = \$210,054.26$

394. *Loss of Pension entitlements:* As his pension was calculated based upon the formula that pre-dated the new regulations he is entitled to the difference in his monthly pension to which he is entitled under the new regulations in the sum of \$930.54 in monthly pension, the total sum of which is \$930.54 in pension and \$46,526.75 in gratuity.

395. If, however, his pensionable salary was calculated based upon an RPO salary of equivalent rank on his retirement he would be entitled to \$2,473.66 more per month in pensionable salary and \$123,683.00 more in gratuity. Using an estimate of a 60% chance of being entitled to such an increased income he would be entitled to 60% of the difference of his loss in pension between himself and a RPO of equivalent rank as at the date of his retirement. This is in the sum of \$925.87 (See table annexed). He is also entitled to 60% of the difference between \$123,683.00 and \$46,526.75 in gratuity.

- **Gratuity:** $\$123,683.00 - \$46,526.75 = \$77,156.25 \times 60\% = \$46,293.75$

396. *Total pecuniary loss:* Mr. Antoine's total pecuniary loss is computed as follows:

Loss of salary, meal and housing:	\$210,054.26
Loss of pension:	\$930.54 + \$925.87 = \$1,856.41
Loss of gratuity:	\$46,526.75 + \$46,293.75 = \$92,820.50
Total Pecuniary loss:	\$304,731.17

397. *Loss of promotional opportunities:* Mr. Antoine complains that without any service regulations governing promotions he suffered from the loss of opportunity to be promoted. He spent twenty six (26) years as a Police Constable until he was given the opportunity to be promoted to the rank of Police Corporal. The vacancies were not advertised. He was not informed that he was entitled to be considered for promotion prior to 2007. He was promoted to the rank of Sergeant after six (6) years of being a Police Corporal. He suffered a loss of approximately \$680,000.00. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

398. He contends that the state of affairs left him frustrated and affected him mentally. It also affected his self-esteem. A general award to compensate Mr. Antoine for his frustration and distress he would have endured due to his professional life being in regulatory limbo is \$125,000.00.

399. Mr. Antoine will be awarded a total sum of **\$809,731.17**.

Compensatory award:	\$304,731.17 + \$125,000.00 = \$429,731.17
Vindictory Damages:	\$300,000.00
Additional Award:	\$80,000.00
Total sum awarded:	\$809,731.17

Arthur Elliot Cashe (49th Claimant)

400. Mr. Cashe has been a MPO since 26th July 1982. He was a Constable at the Point Fortin

Borough Corporation and in November 2007 was promoted to rank of Police Corporal. He retired on 14th March 2014.

401. In terms of his pecuniary loss he calculated his disparity between his salary and meal and housing allowance between himself and a RPO of equivalent rank. Using the estimate of 60% as his chance of being entitled to such an increased income his loss is in the sum of:

- **Salary and Meal and Housing:** $\$121,379.26 + \$139,062.63 = \$260,441.89$
- **Tax deduction (25%):** $\$260,441.89 \times 25\% = \$65,110.47$
 $\$260,441.89 - \$65,110.47 = \$195,301.42$
- **Total Loss:** $\$195,301.42 \times 60\% = \$117,180.85$

402. *Loss of Pension entitlements:* As his pension was calculated based upon the formula that pre-dated the new regulations he is entitled to the difference in his monthly pension to which he is entitled under the new regulations in the sum of \$3,576.77, the total sum of which is \$35,767.70 in pension and \$75,224.18 in gratuity.

403. If, however, his pensionable salary was calculated based upon an RPO salary of equivalent rank on his retirement he would be entitled to \$4067.60 more per month in pensionable salary and \$93,630.43 more in gratuity. Using an estimate of a 60% chance of being entitled to such an increased income he would be entitled to 60% of the difference of his loss in pension between himself and a RPO of equivalent rank as at the date of his retirement. This is in the sum of \$2,944.98 (See table annexed). He is also entitled to 60% of the difference between \$93,630.43 and \$75,224.18 in gratuity.

- **Gratuity:** $\$93,630.43 - \$75,224.18 = \$18,406.25 \times 60\% = \$11,043.75$

404. *Total pecuniary loss:* Mr. Cashe's total pecuniary loss is computed as follows:

Loss of salary, meal and housing:	\$117,180.85
Loss of pension:	$\$35,767.70 + \$2,944.98 = \$38,712.68$
Loss of gratuity:	$\$75,224.18 + \$11,043.75 = \$86,267.93$
Total Pecuniary loss:	\$242,161.46

405. *Loss of promotional opportunities:* He complains that he suffered the loss of opportunity to be promoted due to the lack of service regulations. He was only promoted to the rank of Corporal after twenty five (25) years of service. He contends that with an entitlement to promotion every three years he would have held the rank of Inspector by 1997. He claims to have lost approximately \$250,000.00 in salary. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

406. He was the subject of three separate disciplinary actions but due to the lack of disciplinary regulations, the SASC would appoint a person within the Corporal to carry out the investigations but these persons did not have the investigative experience.

407. He felt disenchanting with the state of affairs because there was no avenue for redress. A general award to compensate Mr. Cashe for his frustration and distress he would have endured due to his professional life being in regulatory limbo is \$125,000.00.

408. Mr. Cashe will be awarded a total sum of **\$747,161.46**.

Compensatory award: \$242,161.46 + \$125,000.00 = \$367,161.46

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$747,161.46**

Luciana Pierre (50th Claimant)

409. Ms. Pierre has been a MPO since 3rd January, 1983. She was promoted to Police Corporal in April 2007 then promoted to the rank of Sergeant on 22nd May 2014. She retired on 6th January 2016.

410. In terms of her pecuniary loss she calculated her disparity between her salary and meal and housing allowance between herself and a RPO of equivalent rank. Using the estimate of 60% as her chance of being entitled to such an increased income her loss is in the sum of:

• **Salary and Meal and Housing:** \$162,783.00 + \$122,938.98 = \$285,721.98

- **Tax deduction (25%):** $\$285,721.98 \times 25\% = \$71,430.49$
 $\$285,721.98 - \$71,430.49 = \$214,291.49$
- **Total Loss:** $\$214,291.49 \times 60\% = \$128,574.89$

411. Even though she retired in January 2016, she did not receive any pension or gratuity up to the date of filing her affidavit (28th March 2017). She obtained an unaudited computation of her pension and gratuity which, based on the figures, she would not be paid at the new rates and would receive \$683.71 less in monthly pension and \$34,185.94 less in gratuity.

412. If, however, her pensionable salary was calculated based upon an RPO salary of equivalent rank on his retirement she would be entitled to \$1,170.67 more per month in pensionable salary and \$58,533.75 more in gratuity. I have taken that into account in the overall award of non-pecuniary loss.

413. *Loss of promotional opportunities:* Ms. Pierre complains that without any service regulations governing promotions she suffered from the loss of opportunity to be promoted. She was promoted to the rank of Police Corporal after twenty four (24) years of service. She was never interviewed or assessed from promotion. Vacancies were not advertised and she was afforded the opportunity to be promoted if vacancies did arise. She was promoted to the rank of Sergeant after seven (7) years of being a Police Corporal. A Judy Thompson who was in the same training batch with her retired from the rank of Inspector. With the lack of regulations she was uncertain as to the criteria for promotion. She contends that if she was assessed and considered for promotion like her RPO counterparts she would have retired in the rank of Inspector or higher. She suffered a financial loss of \$150,000.00. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

414. She was injured on the job in 2005 but was not compensated due to the lack of service regulations. As a result of the injury, she has partial permanent disability and continues to require physical therapy. She contends that she is depressed with the constant pain she was experiencing and for being treated unfairly to a RPO. A general award to compensate Ms.

Pierre for her frustration and distress she would have endured due to her professional life being in regulatory limbo is \$125,000.00.

415. Ms. Pierre will be awarded a total sum of **\$633,574.89**.

Compensatory award: \$128,574.89 + \$125,000.00 = \$253,574.89

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$633,574.89**

Judy Thompson (51st Claimant)

416. Ms. Thompson has been a MPO since 3rd January, 1983. On 1st June, 2004 she was promoted to rank of Police Corporal and was transferred from the Port of Spain Corporation to Ministry of Local Government. She was promoted to the rank of Sergeant effective 4th June 2004 then promoted to the rank of Inspector effective 26th March 2010. She retired in 28th October 2015 in rank of Inspector.

417. In terms of her pecuniary loss she calculated her disparity between her salary and meal and housing allowance between herself and a RPO of equivalent rank. Using the estimate of 60% as her chance of being entitled to such an increased income her loss is in the sum of:

• **Salary and Meal and Housing:** \$305,637.00 + \$87,458.00 = \$393,095.00

• **Tax deduction (25%):** \$393,095.00 x 25% = \$98,273.75

\$393,095.00 - \$98,273.75 = \$294,821.25

• **Total Loss:** \$294,821.25 x 60% = \$176,892.75

418. *Loss of Pension entitlements:* Even though the new service regulations were enacted at the time of her retirement, she was paid pension and gratuity at the rate of 66 2/3% of her last monthly salary and not 85% as stipulated in the regulated. As her pension was calculated based upon the formula that pre-dated the new regulations she claims is entitled to the difference in her monthly pension to which she is entitled under the new regulations in the sum of \$877.51 in monthly pension and \$111,753.25 in gratuity. If, however, her pensionable

salary was calculated based upon an RPO salary of equivalent rank on her retirement she claims she would be entitled to \$3,389.38 more per month in pensionable salary and \$56,828.63 more in gratuity. I have taken that into account in the overall award of non-pecuniary loss.

419. *Loss of promotional opportunities:* She complained that due to the lack of service regulations she was denied the opportunity to be promoted. She was denied the opportunity to be interviewed, assessed or promoted to the next rank of Assistant Superintendent of Police (ASP) even though she satisfied the requirements to be promoted to this rank if she was a RPO. There is no rank of ASP in the Ministry of Local Government to which she is assigned. But MPOs under the Statutory Services Commission are given the opportunity to be promoted to the rank of ASP and Superintendent. There are no regulations in place which outlined the criteria for promotion to higher ranks. There were no advertisement of vacancies. She assumed she would have been ASP on retirement. She speculates she would have lost 60% of her salary. However, there is no foundation to support this claim. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

420. She contends that she felt dejected and lost some of her motivation knowing that she performed similar duties as an RPO yet she was paid less. A general award to compensate Ms. Thompson for her frustration and distress she would have endured due to her professional life being in regulatory limbo is \$100,000.00.

421. Ms. Thompson will be awarded a total sum of **\$656,892.75**.

Compensatory award:	$\$176,892.75 + \$100,000.00 = \$276,892.75$
Vindictory Damages:	\$300,000.00
Additional Award:	\$80,000.00
Total sum awarded:	\$656,892.75

Kurt Roger Strachan (52nd Claimant)

422. Mr. Strachan has been a MPO since 3rd January 1983. He held the rank of Police Constable

employed at the Port of Spain City Corporation. He held that rank until he was promoted to the rank of Corporal in April 2008. In May 2014 he was promoted to the rank of Sergeant and held that rank until his retirement in 4th February 2014.

423. In terms of his pecuniary loss he calculated his disparity between his salary and meal and housing allowance between himself and a RPO of equivalent rank. Using the estimate of 60% as his chance of being entitled to such an increased income his loss is in the sum of:

- **Salary and Meal and housing:** $\$163,540.59 + \$147,960.24 = \$311,500.83$
- **Tax deduction (25%):** $\$311,500.83 \times 25\% = \$77,875.20$
 $\$311,500.83 - \$77,875.20 = \$233,625.63$
- **Total loss:** $\$233,625.63 \times 60\% = \$140,175.37$

424. *Loss of Pension entitlements:* Having retired after January 2015 he claims is entitled to the difference in his monthly pension to which he is entitled under the new regulations in the sum of \$3,347.41 and \$61,252.00 in gratuity. If, however, his pensionable salary was calculated based upon an RPO salary of equivalent rank on his retirement he claims he would be entitled to \$5,141.76 more per month in pensionable salary and \$138,412.00 more in gratuity. I have taken that into account in the overall award of non-pecuniary loss.

425. *Loss of promotional opportunities:* Mr. Strachan complains that without any service regulations governing promotions there was uncertainty in the method of promotions. He was only promoted to the rank of Corporal after twenty five (25) years of service. Had he been entitled to be eligible for promotions every three years, he would have risen to the ranks of Assistant Superintendent by 2003 and thereafter Superintendent. He suffered a loss of approximately \$400,000.00 in income. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

426. Generally, Mr. Strachan felt disenchanting and frustrated by the failure of the State to enact regulations to govern their terms and conditions of service. His financial ability to

provide for his family and maintaining a proper standard of living was greatly affected. He felt unappreciated by the State by their continued refusal to develop regulations for MPOs. A general award to compensate Mr. Strachan for his frustration and distress he would have endured due to his professional life being in regulatory limbo is \$125,000.00.

427. Mr. Strachan will be awarded a total sum of **\$645,175.37**.

Compensatory award: \$140,175.37 + \$125,000.00 = \$265,175.37

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$645,175.37**

Shakir Mohammed Sarafat (53rd Claimant)

428. Mr. Sarafat has been a MPO since 3rd January 1983. He held the rank of Police Corporal effective April 2007. He retired on 7th April 2000.

429. In terms of his pecuniary loss he calculated his disparity between his salary and meal and housing allowance between himself and a RPO of equivalent rank. Using the estimate of 60% as his chance of being entitled to such an increased income his loss is in the sum of:

- **Salary and Meal and Housing:** \$79,434.39 + \$87,638.31 = \$167,072.70
- **Tax deduction (25%):** \$167,072.70 x 25% = \$41,768.17
 \$167,072.70 - \$41,768.17 = \$125,304.53
- **Total Loss:** \$125,304.53 x 60% = \$75,182.71

430. *Loss of Pension entitlements:* As his pension which he receives was calculated based upon the formula that pre dated the new service regulations he is entitled to the difference in his monthly pension to which he is entitled under the new regulations in the sum of \$1,548.85, the total sum of which is \$106,870.65 and \$22,964.44 in gratuity.

431. If, however, his pensionable salary was calculated based upon an RPO salary of equivalent rank on his retirement he would be entitled to \$1,584.06 more per month in pensionable salary and \$50,179.34 more in gratuity. Using an estimate of a 60% chance of being entitled

to such an increased income he would be entitled to 60% of the difference of his loss in pension between himself and a RPO of equivalent rank as at the date of his retirement. This is in the sum of \$1,457.69 (See table annexed). He is also entitled to 60% of the difference between \$50,179.34 and \$22,964.44 in gratuity.

- **Gratuity:** $\$50,179.34 - \$22,964.44 = \$27,214.90 \times 60\% = \$16,328.94$

432. *Total pecuniary loss:* Mr. Sarafat's total pecuniary loss is computed as follows:

Loss of salary, meal and housing:	\$75,182.71
Loss of pension:	$\$106,870.65 + \$1,457.69 = \$108,328.34$
Loss of gratuity:	$\$22,964.44 + \$16,328.94 = \$39,293.38$
Total Pecuniary loss:	\$222,804.43

433. *Loss of promotional opportunities:* Mr. Sarafat complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. He was only promoted to the rank of Corporal after twenty four (24) years of service. Vacancies were not advertised so he was not aware of vacancies. He states that once Officer Pierre who was in the same batch as him was promoted to the rank of Corporal in 2006 prior to him. He was not informed at the time that interviews were being conducted for such a promotion and was denied the opportunity to be assessed for promotion at this time. He contends that if he was promoted in a similar way to Officer Pierre he would retired at the rank of Sergeant. He estimates his loss in salary as a result to be in the sum of \$100,000.00. However there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

434. Generally, Mr. Sarafat felt deceived, betrayed, discriminated, oppressed, deprived and abused because even though he was performing the same duties as RPOs he was being paid less. A general award to compensate Mr. Sarafat for his frustration and distress he would have endured due to his professional life being in regulatory limbo is \$125,000.00.

435. Mr. Sarafat will be awarded a total sum of **\$727,804.43**.

Compensatory award: \$222,804.43 + \$125,000.00 = \$347,804.43

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$727,804.43**

Deborah Agnes Phillip (54th Claimant)

436. Ms. Phillip has been a MPO since 3rd January 1983 held rank of Police Constable at the Port of Spain City Corporation. She was promoted to the rank of Corporal in April 2008 and held this rank until she retired in 26th July 2013.

437. In terms of her pecuniary loss she calculated his disparity between his salary and meal and housing allowance between herself and a RPO of equivalent rank. Using the estimate of 60% as her chance of being entitled to such an increased income her loss is in the sum of:

- **Salary and Meal and Housing:** \$104,034.76 + \$100,278.63 = \$204,313.39
- **Tax deductions (25%):** \$204,313.39 x 25% = \$51,078.35
 \$204,313.39 - \$51,078.35 = \$153,235.04
- **Total Loss:** \$153,235.04 x 60% = \$91,941.02

438. *Loss of Pension entitlements:* As her pension was calculated based upon the formula that pre-dated the new regulations she is entitled to the difference in her monthly pension to which she is entitled under the new regulations in the sum of \$2,903.47 in monthly pension, the total sum of which is \$52,262.46 in pension and \$58,423.87 in gratuity.

439. If, however, her pensionable salary was calculated based upon an RPO salary of equivalent rank on his retirement he would be entitled to \$4,313.17 more per month in pensionable salary and \$111,267.62 more in gratuity. Using an estimate of a 60% chance of being entitled to such an increased income she would be entitled to 60% of the difference of her loss in pension between herself and a RPO of equivalent rank as at the date of her

retirement. This is in the sum of \$15,224.00 (See table annexed). She is also entitled to 60% of the between \$111,267.62 and \$58,423.87 in gratuity.

- **Gratuity:** $\$111,267.62 - \$58,423.87 = \$52,843.75 \times 60\% = \$31,706.25$

440. *Total pecuniary loss:* Ms. Phillip's total pecuniary loss is computed as follows:

Loss of salary, meal and housing:	\$91,941.02
Loss of pension:	$\$52,262.46 + \$15,224.00 = \$67,486.46$
Loss of gratuity:	$\$58,423.87 + \$31,706.25 = \$90,130.12$
Total Pecuniary loss:	\$249,557.60

441. *Loss of promotional opportunities:* Ms. Phillip complains that without any service regulations governing promotions she suffered from the loss of opportunity to be promoted. She was promoted to the rank of Corporal after twenty five (25) years of service. Since 2008, she was not given the opportunity to be promoted to the Sergeant by the time of her retirement in 2013. She contends that promotions were carried out on the basis of seniority. She would have retired as Assistant Superintendent if she was eligible for promotion every three years. She lost approximately \$800,000.00. However, there is no evidence to demonstrate the chance of success of being promoted save for her length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

442. Generally, Ms. Phillip felt that she was cheated out of a chance to have a better quality of life for herself and her family. She suffered low self-esteem at work and her frustrations at work increased over the years. A general award to compensate Ms. Phillip for her frustration and distress she would have endured due to her professional life being in regulatory limbo is \$125,000.00.

443. Ms. Phillip will be awarded a total sum of **\$754,557.60**.

Compensatory award:	$\$249,557.60 + \$125,000.00 = \$374,557.60$
Vindictory Damages:	\$300,000.00

Additional Award: \$80,000.00
Total sum awarded: \$754,557.60

Rajkumar Ramoutar (59th Claimant)

444. Mr. Ramoutar has been a MPO since 2nd May, 1985. He held the rank of Police Constable at the San Fernando City Corporation until retired he from the service on 16th November, 2005 as a result of being injured on the job.

445. In terms of his pecuniary loss he calculated his disparity between his salary and meal and housing allowance between himself and a RPO of equivalent rank. Using the estimate of 60% as his chance of being entitled to such an increased income his loss is in the sum of:

- **Salary and Meal and Housing:** \$31,302.00 + \$40,170.00 = \$71,472.00
- **Tax deduction (25%):** \$71,472.00 x 25% = \$17,868.00
\$71,472.00 - \$17,868.00 = \$53,604.00
- **Total Loss:** \$53,604.00 x 60% = \$32,162.40

446. *Loss of Pension entitlements:* As his pension was calculated based upon the formula that pre dated the new regulations he is entitled to the difference in his monthly pension to which he is entitled under the new regulations in the sum of \$420.59, the total sum of which is \$46,264.90 in pension and \$21,029.78 in gratuity.

447. If, however, his pensionable salary was calculated based upon an RPO salary of equivalent rank on his retirement he would be entitled to \$797.92 more per month in pensionable salary and \$39,895.87 more in gratuity. Using an estimate of a 60% chance of being entitled to such an increased income he would be entitled to 60% of the difference of his loss in pension between himself and a RPO of equivalent rank as at the date of his retirement. This is in the sum of \$24,903.78 (See table annexed). He is also entitled to 60% of difference between \$39,895.87 and \$21,029.78 in gratuity.

- **Gratuity:** \$39,895.87-\$21,029.78 = \$18,866.09 x 60% = \$11,319.65

448. *Total pecuniary loss:* Mr. Ramoutar's total pecuniary loss is computed as follows:

Loss of salary, meal and housing:	\$32,162.40
Loss of pension:	\$46,264.90 + \$24,903.78 = \$71,168.68
Loss of gratuity:	\$21,029.78 + \$11,319.65= \$32,349.43
Total Pecuniary loss:	\$135,680.51

449. *Loss of promotional opportunities:* Mr. Ramoutar complains that without any service regulations governing promotions there was uncertainty in the method of promotions. Had he been entitled to be eligible for promotions every three years, he would have risen to the ranks of Sergeant at a faster rate by the date of her retirement. He claims to have suffered a loss of approximately \$75,000 in income. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

450. Generally, Mr. Ramoutar felt frustrated and discouraged and encountered financial hardship in not being able to provide for his family. A general award to compensate Mr. Ramoutar for his frustration and distress he would have endured due to his professional life being in regulatory limbo is \$100,000.00.

451. Mr. Ramoutar will be awarded a total sum of **\$615,680.51**.

Compensatory award:	\$135,680.51 + \$100,000.00 = \$235,680.51
Vindictory Damages:	\$300,000.00
Additional Award:	\$80,000.00
Total sum awarded:	\$615,680.51

Gloria John-Mata (61st Claimant)

452. Ms. John- Mata has been a MPO since June 1985. She retired from the service on 17th November 2009 as a Police Constable.

453. In terms of her pecuniary loss she calculated her disparity between her salary and meal and housing allowance between herself and a RPO of equivalent rank. Using the estimate of 60% as her chance of being entitled to such an increased income her loss is in the sum of:

- **Salary and Meal and Housing:** $\$104,688.60 + \$102,033.33 = \$206,721.93$
- **Tax deduction (25%):** $\$206,721.93 \times 25\% = \$51,680.48$
 $\$206,721.93 - \$51,680.48 = \$155,041.45$
- **Total Loss:** $\$155,041.45 \times 60\% = \$93,024.87$

454. *Loss of Pension entitlements:* As her pension was calculated based upon the formula that pre dated the new regulations she is entitled to the difference in her monthly pension to which she is entitled under the new regulations in the sum of \$1,602.44 and \$31,739.13 in gratuity. Her pension was increased in 2012 to \$3,500.00. However, this sum is still less than the pension to which she was entitled to under the regulations by \$370.63. She is entitled to 100% of her gratuity and she is entitled to the difference in her pension of \$1602.44 up to 2012 and thereafter of \$370.63. In pension this amounts to \$22,940.00.

455. If, however, her pensionable salary was calculated based upon an RPO salary of equivalent rank on her retirement he would be entitled to \$2,626.19 more per month in pensionable salary and \$1,394.38 based on her increased pension in 2012. She would have been also entitled to \$70,129.75 more in gratuity. Using an estimate of a 60% chance of being entitled to such an increased income she would be entitled to 60% of her loss in pension between herself and a RPO of equivalent rank as at the date of her retirement. This is in the sum of \$38,106.93 (See table annexed). She is also entitled to 60% of the difference between \$70,129.75 and \$31,739.13 in gratuity.

- **Gratuity:** $\$70,129.75 - \$31,739.13 = \$38,390.62 \times 60\% = \$23,034.37$

456. *Total pecuniary loss:* Ms. John-Mata's total pecuniary loss is computed as follows:

- Loss of salary, meal and housing:** $\$93,024.87$
- Loss of pension:** $\$22,940.00 + \$38,106.93 = \$61,046.93$

Loss of gratuity:	\$31,739.13 + \$23,034.37= \$54,773.50
Total Pecuniary loss:	\$208,845.30

457. *Loss of promotional opportunities:* Ms John-Mata complains that without any service regulations governing promotions there was uncertainty in the method of promotions. After six (6) years of service she was transferred from Arima Borough Corporation to San Fernando City Corporation where MPO Carol Alexander (now deceased) was promoted to the rank of Police Corporal ahead of her even though she was more senior. There was no regulation or criteria for such promotions. She was never promoted in her twenty four (24) years of service. Had she been entitled to be eligible for promotions every three years, she would have risen to the rank of Inspector at a faster rate by the date of her retirement. She claims to have suffered a loss of approximately \$500,000.00 in income. However, there is no evidence to demonstrate the chance of success of being promoted save for her length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

458. Generally, Ms. John-Mata felt frustrated and stressed in being treated less than an RPO and was unable to access the Industrial Court to deal with the issue of her promotions. This made her feel very angry. A general award to compensate Ms. John-Mata for her frustration and distress she would have endured due to her professional life being in regulatory limbo is \$125,000.00.

459. Ms. John-Mata will be awarded a total sum of **\$713,845.30**.

Compensatory award:	\$208,845.30 + \$125,000.00 = \$333,845.30
Vindictory Damages:	\$300,000.00
Additional Award:	\$80,000.00
Total sum awarded:	\$713,845.30

Angela Gloria Carty (62nd Claimant)

460. Ms. Carty has been a MPO since 1st June 1985. She held the rank of Police Constable employed at the Point Fortin Borough Corporation. She held that rank until she was promoted

to the rank of Corporal. She retired from the service on 3rd August 2012.

461. In terms of her pecuniary loss she calculated her disparity between her salary and meal and housing allowance between herself and a RPO of equivalent rank. Using the estimate of 60% as her chance of being entitled to such an increased income her loss is in the sum of:

- **Salary and Meal and Housing::** $\$132,642.24 + \$120,784.46 = \$253,426.70$
- **Tax deduction (25%):** $\$253,426.70 \times 25\% = \$63,356.67$
 $\$253,426.70 - \$63,356.67 = \$190,070.03$
- **Total Loss:** $\$190,070.03 \times 60\% = \$114,042.01$

462. *Loss of pension entitlements:* As her pension was calculated based upon the formula that pre-dated the new regulations she is entitled to the difference in her monthly pension to which she is entitled under the new regulations in the sum of \$892.22, the total sum of which is \$25,874.38 in pension and \$44,611.06 in gratuity.

463. If, however, her pensionable salary was calculated based upon an RPO salary of equivalent rank on her retirement she would be entitled to \$1,483.49 more per month in pensionable salary and \$74,174.50 more in gratuity. Using an estimate of a 60% chance of being entitled to such an increased income she would be entitled to 60% of the difference of her loss in pension between herself and a RPO of equivalent rank as at the date of her retirement. This is in the sum of \$10,288.09 (See table annexed). He is also entitled to 60% of between \$74,174.50 and \$44,611.06 in gratuity.

- **Gratuity:** $\$74,174.50 - \$44,611.06 = \$29,563.44 \times 60\% = \$17,738.06$

464. *Total pecuniary loss:* Ms. Carty's total pecuniary loss is computed as follows:

Loss of salary, meal and housing:	$\$114,042.01$
Loss of pension:	$\$25,874.38 + \$10,288.09 = \$36,162.47$
Loss of gratuity:	$\$44,611.06 + \$17,738.06 = \$62,349.12$
Total Pecuniary loss:	$\$212,553.60$

465. *Loss of promotional opportunities:* Ms. Carty complains that without any service regulations governing promotions there was uncertainty in the method of promotions. She was only promoted to the rank of Corporal after twenty two (22) years of service. Had she been entitled to be eligible for promotions every three years, she would have risen to the ranks of Police Inspector by the date of her retirement. She suffered a loss of approximately \$200,000.00 in income. However, there is no evidence to demonstrate the chance of success of being promoted save for her length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

466. Generally, Ms. Carty felt de-motivated and frustrated by the failure of the State to enact regulations to govern their terms and conditions of service. She was a single parent and encountered difficulties in providing for the proper education of her child. She felt disenchanted in the lack of promotional opportunities. A general award to compensate Ms. for her frustration and distress she would have endured due to her professional life being in regulatory limbo is \$125,000.00.

467. Ms. Carty will be awarded a total sum of **\$717,553.60**.

Compensatory award: \$212,553.60 + \$125,000.00 = \$337,553.60

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$717,553.60**

Neal Rochford (63rd Claimant)

468. Mr. Rochford has been a MPO since December 1985. He was promoted to the rank of Police Corporal in April 2003. In June 2004 he was transferred from the Statutory Authorities Service Commission, Arima Corporation to the Ministry of Local Government under the Public Service Commission. He was then promoted to the rank of Police Sergeant on 21st January 2008 until he retired in December 2011 as medically unfit.

469. In terms of his pecuniary loss he calculated his disparity between his salary and meal and housing allowance between himself and a RPO of equivalent rank as shown in the table annexed. Using the estimate of 60% as his chance of being entitled to such an increased income his loss is in the sum of:

- **Salary and Meal and Housing:** $\$173,553.00 + \$109,128.00 = \$282,681.00$
- **Tax deduction (25%):** $\$282,681.00 \times 25\% = \$70,670.25$
 $\$282,681.00 - \$70,670.25 = \$212,010.75$
- **Total Loss:** $\$212,010.75 \times 60\% = \$127,206.45$

470. *Loss of Pension entitlements:* As his pension was calculated based upon the formula that pre dated the new regulations he is entitled to the difference in his monthly pension to which he is entitled under the new regulations in the sum of \$1,840.79, the total sum of which is \$68,109.23 and \$18,857.81 in gratuity.

471. If however his pensionable salary was calculated based upon an RPO salary of equivalent rank on his retirement he would be entitled to \$3,310.79 more per month in pensionable salary and \$73,982.81 more in gratuity. Using an estimate of a 60% chance of being entitled to such an increased income he would be entitled to 60% of the difference of his loss in pension between himself and a RPO of equivalent rank as at the date of his retirement. This is in the sum of \$32,634.00 (See table annexed). He is also entitled to 60% of the difference between \$73,982.81 and \$18,857.81 in gratuity.

- **Gratuity:** $\$73,982.81 - \$18,857.81 = \$55,125.00 \times 60\% = \$33,075.00$

472. *Total pecuniary loss:* Mr. Rochford total pecuniary loss is computed as follows:

- Loss of salary, meal and housing:** $\$121,806.45$
- Loss of pension:** $\$68,109.23 + \$32,634.00 = \$100,743.23$
- Loss of gratuity:** $\$18,857.81 + \$33,075.00 = \$51,932.81$
- Total Pecuniary loss:** $\$279,882.49$

473. *Loss of promotional opportunities:* Mr. Rochford complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. He was only promoted to the rank of Police Corporal after eighteen (18) years of service. Had he been entitled to be eligible for promotions every three years, he would have risen to the ranks at a faster rate by the date of his retirement. He claims to have suffered a loss of approximately \$475,000.00 of his salary in income. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

474. Generally, Mr Rochford felt demotivated and stressed. He was called “fig police” and “market police”. He attributes his illness to the stress on the job. A general award to compensate Mr. Rochford for his frustration and distress he would have endured due to his professional life being in regulatory limbo is \$125,000.00.

475. Mr. Rochford will be awarded a total sum of **\$784,882.49**.

Compensatory award: \$279,882.49 + \$125,000.00 = \$404,882.49

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$784,882.49**

Patricia Dianne Springer-Carter (84th Claimant)

476. Ms. Springer-Carter has been a MPO since 21st August 1989. She was promoted by the Public Service Commission to Police Corporal, Municipal Police Service, Ministry of Local Government in the Couva/Tabaquite/Talparo Corporation with effect from 8th April 2003. She was promoted again by the Public Service Commission to Police Sergeant on 19th June 2011. She held this rank until her retirement on 24th October, 2016.

477. In terms of her pecuniary loss she calculated her disparity between her salary and meal and housing allowance between himself and a RPO of equivalent rank. Using the estimate of 60% as her chance of being entitled to such an increased income her loss is in the sum of:

- **Salary and Meal and Housing:** $\$181,132.81 + \$120,944.00 = \$302,076.81$
- **Tax deduction (25%):** $\$302,076.81 \times 25\% = \$75,519.20$
 $\$302,076.81 - \$75,519.20 = \$226,557.61$
- **Total Loss:** $\$226,557.61 \times 60\% = \$135,934.56$

478. Having retired in January 2015, she claims that she would still receive \$821.25 less in monthly pension and \$30,671.88 less in gratuity than a RPO of equivalent rank and I have taken that into account in the overall award of non-pecuniary loss.

479. *Loss of promotional opportunities:* She also complained of the loss of promotional opportunities. There was a considerable delay in the being promoted to the rank of Police Corporal in 2003 and Police Sergeant in 2011. She claims a 10% loss of salary for the five years. There is no evidence of her performance or of vacancies to justify a claim of a loss of promotional prospects. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

480. Generally, Ms. Springer-Carter felt frustrated and de-motivated due to the lack of service regulations. She was injured while on active duty in 2014 and has not received any compensation for her injuries. She contends that if the service regulations were enacted at the time of her injury she would have been able to use the association to voice her concerns and receive some form of compensation. A general award to compensate Ms. Springer Carter for her frustration and distress she would have endured due to her professional life being in regulatory limbo is \$125,000.00.

481. She will be awarded a total sum of **\$640,934.56**.

Compensatory award: $\$135,934.56 + \$125,000.00 = \$260,934.56$

Vindictory Damages: $\$300,000.00$

Additional Award: \$80,000.00

482. **Total sum awarded:** \$640,934.56

Gertrude Stowe (89th Claimant)

483. Ms. Stowe has been a MPO since 1st June 1992. In February 2006 she was promoted to the rank of Police Corporal. In 17th December 2012 she was further promoted to the rank of Sergeant and retired on 16th Nov 2016.

484. In terms of her pecuniary loss she calculated her disparity between her salary and meal and housing allowance between herself and a RPO of equivalent rank. Using the estimate of 60% as her chance of being entitled to such an increased income her loss is in the sum of:

- **Salary and Meal and Housing:** \$214,866.00 + \$96,828.00 = \$311,694.00
- **Tax deduction (25%):** \$311,694.00 x 25% = \$77,923.50
\$311,694.00 - \$77,923.50 = \$233,770.50
- **Total Loss:** \$233,770.50 x 60% = \$140,262.30

485. *Loss of Pension entitlements:* She has not received any pension nor gratuity since her retirement in 2016. What is therefore due to her is the pension and gratuity based on the service regulations of 85% of her last salary \$6,366.88 per month and \$238,757.81 in gratuity. If, however, her pensionable salary was calculated based upon an RPO salary of equivalent rank on her retirement she would be entitled to \$1,210.62 more per month in pensionable salary and \$45,398.44 more in gratuity. I have taken that into account in the overall award of non-pecuniary loss.

486. *Loss of promotional opportunities:* Ms. Stowe complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. She was only promoted to the rank of Police Corporal after fourteen (14) years of service. Had she been entitled to be eligible for promotions every three years, she would have risen to the ranks at a faster rate by the date of her retirement. She states that if she was an RPO she would have been entitled to be promoted to the rank of Police Corporal after approximately three years of service and

thereafter promoted to the rank of Police Sergeant after five years. She claims to have suffered a loss of approximately \$150,000.00 of his salary in income. However, there is no evidence to demonstrate the chance of success of being promoted save for her length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

487. Generally, Ms Stowe felt frustrated and demotivated. She felt dehumanized as an individual and angry that the state refused to make the necessary regulations. A general award to compensate Ms. Stowe for her frustration and distress she would have endured due to her professional life being in regulatory limbo is \$125,000.00.

488. Ms. Stowe will be awarded a total sum of **\$645,262.30**.

Compensatory award: \$140,262.30 + \$125,000.00 = \$265,262.30

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$645,262.30**

Anirudh Maharaj (99th Claimant)

489. Mr. Maharaj has been a MPO since 1st June 1992. He was a Constable at the San Fernando City Corporation until he retired from the service on 5th October 2011.

490. In terms of his pecuniary loss he calculated his disparity between his salary and meal and housing allowance between himself and a RPO of equivalent rank. Using the estimate of 60% as her chance of being entitled to such an increased income his loss is in the sum of:

• **Salary and Meal and Housing:** \$110,866.46 + \$127,128.77 = \$237,995.23

• **Tax deduction (25%):** \$237,995.23 x 25% = \$59,498.80

\$237,995.23 - \$59,498.80 = \$178,496.43

• **Total Loss:** \$178,496.43 x 60% = \$107,097.85

491. *Loss of Pension entitlements:* As his pension was calculated based upon the formula that pre dated the new regulations he is entitled to the difference in his monthly pension to which he is entitled under the new regulations in the sum of \$756.02, the total sum of which is \$29,484.78 in pension and \$37,800.47 in gratuity.

492. Mr. Maharaj however in paragraph 29 of his affidavit and annexure “AM4” was unable to calculate his loss in pension benefits and gratuity if his pensionable salary was calculated based upon an RPO salary of equivalent rank. He did acknowledge, however, that between 2014 to 2015 his monthly pension was increased to \$3,500.00. This monthly pension however superseded and is superior to his monthly pension based upon the 85% formula set in the regulations. There is no explanation why such an increase was made only to his claimant save for what he deposes to be a “political policy”. As a result of this increase his loss in not benefiting from the pension under the new regulations can only extend to 2014.

493. *Total pecuniary loss:* Mr. Maharaj’s total pecuniary loss is computed as follows:

Loss of salary, meal and housing:	\$107,097.85
Loss of pension:	\$29,484.78
Loss of gratuity:	\$37,800.47
Total Pecuniary loss:	\$174,383.10

494. *Loss of promotional opportunities:* Mr. Maharaj complains that without any service regulations governing promotions there was uncertainty in the method of promotions. Had he been entitled to be eligible for promotions every three years he would have risen to the rank of Inspector by the date of his retirement He claims to have suffered a loss of approximately \$200,000.00 in income. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years this is not a guaranteed event.

495. Generally Mr. Maharaj felt disenchanted and suffered financially in not being able to achieve certain financial goals such as own property obtain investment or establish a business. This put a strain on his family. He felt discriminated against in performing the same

jobs as RPOS but being treated as inferior to them. A general award to compensate Mr. Maharaj for his frustration and distress he would have endured due to his professional life being in regulatory limbo is \$125,000.00.

496. Mr. Maharaj will be awarded a total sum of **\$679,383.10**.

Compensatory award:	$\$174,383.10 + \$125,000.00 = \$299,383.10$
Vindictory Damages:	$\$300,000.00$
Additional Award:	$\$80,000.00$
Total sum awarded:	$\\$679,383.10$

Ashton Rivas (104th Claimant)

497. Mr. Rivas has been a MPO since 1st June 1992. He held the rank of Police Constable at the Port of Spain City Corporation until he retired in October 2015. He was granted permission to go on no pay leave for three years which ended on 30th September 2015.

498. In terms of his pecuniary loss he calculated his disparity between his salary and meal and housing allowance between himself and a RPO of equivalent rank. Using the estimate of 60% as his chance of being entitled to such an increased income his loss is in the sum of:

- **Salary and Meal and Housing:** $\$128,325.00 + \$68,853.67 = \$197,178.67$
- **Tax deduction (25%):** $\$197,178.67 \times 25\% = \$49,294.66$
 $\$197,178.67 - \$49,294.66 = \$147,884.01$
- **Total Loss:** $\$147,884.01 \times 60\% = \$88,730.40$

499. *Loss of Pension entitlements:* At the date of swearing his affidavit in September 2017 Mr. Rivas is yet to receive his pension. That pension should be calculated according to the new service regulations. If, however, his pensionable salary was calculated based upon an RPO salary of equivalent rank on his retirement he would be entitled to \$800.00 more per month in pensionable salary and \$30,000.00 more in gratuity and I have taken that into account in the overall award of non-pecuniary loss.

500. *Loss of promotional opportunities:* Mr. Rivas complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. He has never been interviewed for a promotion to a higher rank. He has remained in the same rank for twenty three (23) years until his retirement. Had he been entitled to be eligible for promotions every three years, he would have risen to the ranks at a faster rate by the date of his retirement to the rank of Police Corporal. He claims to have suffered a loss of approximately 60% of his salary in income. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

501. Generally, the lack of service regulations made life difficult for Mr. Rivas. The differential in pay meant a smaller income for him and his family. He encountered difficulties in educating his three children in secondary and tertiary education. The lack of an association meant for him an inability to voice concerns with respect to upgrades equipment uniform and other accessories. A general award to compensate Mr. Rivas for his frustration and distress he would have endured due to his professional life being in regulatory limbo is \$125,000.00.

502. Mr. Rivas will be awarded a total sum of **\$593,730.40**.

Compensatory award: \$88,730.40 + \$125,000.00 = \$213,730.40

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$593,730.40**

Hafeez Khan (108th Claimant)

503. Mr. Khan has been a MPO since 1st January 1995 at the San Fernando City Corporation. He was promoted to the rank of Police Corporal in November 2005 and held that rank until retirement in 22nd May 2016.

504. In terms of his pecuniary loss he calculated his disparity between his salary and meal and housing allowance between himself and a RPO of equivalent rank. Using the estimate of 60% as his chance of being entitled to such an increased income his loss is in the sum of:

- **Salary and Meal and Housing:** $\$155,705.00 + \$156,072.50 = \$311,777.50$
- **Tax deduction (25%):** $\$311,777.50 \times 25\% = \$77,944.37$
 $\$311,777.50 - \$77,944.37 = \$233,833.13$
- **Total Loss:** $\$233,833.13 \times 60\% = \$140,299.878$

505. *Loss of Pension entitlements:* He has not yet received his pension and gratuity but even so if his pensionable salary was calculated based upon an RPO salary of equivalent rank on his retirement he would be entitled to \$706.66 more per month in pensionable salary and \$26,500.00 more in gratuity and I have taken that into account in the overall award of non-pecuniary loss

506. *Loss of promotional opportunities:* Mr. Khan complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. He was only promoted to the rank of Police Corporal after ten (10) years of service. Had he been entitled to be eligible for promotions every three years, he would have risen to the ranks at a faster rate by the date of his retirement. He claims to have suffered a loss of approximately \$204,000.00 of his salary in income. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

507. Generally, Mr. Khan felt frustrated and humiliated at being referred to as “market police”. He was placed on suspension and the lack of regulations led to him enduring challenging and difficult effects of suspension. He was unable to make his financial commitment with his inferior salary packages. A general award to compensate Mr. Khan for his frustration and

distress he would have endured due to his professional life being in regulatory limbo is \$125,000.00.

508. Mr. Khan will be awarded a total sum of **\$645,299.87**.

Compensatory award:	$\$140,299.87 + \$125,000.00 = \$265,299.87$
Vindictory Damages:	$\$300,000.00$
Additional Award:	$\$80,000.00$
Total sum awarded:	$\\$645,299.87$

Greta Andrews (109th Claimant)

509. Ms. Andrews has been a MPO since 19th July 1985. She held the rank of constable employed at the San Fernando City Corporation until she retired from the service on 26th September 2015.

510. In terms of her pecuniary loss she calculated her disparity between her salary and meal and housing allowance between herself and a RPO of equivalent rank. Using the estimate of 60% as her chance of being entitled to such an increased income her loss is in the sum of:

- **Salary and Meal and Housing:** $\$181,200.52 + \$137,267.00 = \$318,467.52$
- **Tax deduction (25%):** $\$318,467.52 \times 25\% = \$79,616.88$
 $\$318,467.52 - \$79,617.38 = \$238,850.64$
- **Total Loss:** $\$238,850.64 \times 60\% = \$143,310.38$

511. *Loss of Pension entitlements:* As she retired after January 2015 she claims that if her pensionable salary was calculated based upon an RPO salary of equivalent rank on her retirement she would be entitled to \$1541.00 more per month in pensionable salary and \$78,826.07 more in gratuity and I have taken that into account in the overall award of non-pecuniary loss.

512. *Loss of promotional opportunities:* She complains that without any service regulations governing promotions there was uncertainty in the method of promotions. She was not promoted during her twenty three (23) years of service. Had she been entitled to be eligible

for promotions every three years she would have risen to the ranks of Sergeant by the date of her retirement. She claims she suffered a loss of approximately \$250,000.00 in income. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

513. Generally, Ms. Andrews felt frustrated by the failure of the State to enact regulations to govern their terms and conditions of service. She was a single parent and encountered difficulties in providing for the proper care and education of her five children. She had to take other jobs to supplement her income which placed a great strain on her. A general award to compensate Ms. Andrews for her frustration and distress she would have endured due to her professional life being in regulatory limbo is \$125,000.00.

514. Ms. Andrews will be awarded a total sum of **\$648,310.38**

Compensatory award: \$143,310.38 + \$125,000.00 = \$268,310.38

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$648,310.38**

Deonarine Ramlogan (115th Claimant)

515. Mr. Ramlogan has been a MPO since 22nd December 1996. He was never promoted and retired from the service in 2014 as a Police Constable.

516. In terms of his pecuniary loss he calculated his disparity between his salary and meal and housing allowance between himself and a RPO of equivalent rank. Using the estimate of 60% as his chance of being entitled to such an increased income his loss is in the sum of:

• **Salary and Meal and Housing:** \$170,501.13 + 154,615.36 = \$325,116.49

• **Tax deduction (25%):** \$325,116.49 x 25% = \$81,279.12

\$325,116.49 - \$81,279.12 = \$243,837.37

- **Total Loss:** $\$243,837.37 \times 60\% = \$146,302.42$

517. *Loss of Pension entitlements:* As his pension was calculated based upon the formula that pre dated the new regulations he is entitled to the difference in his monthly pension to which he is entitled under the new regulations in the sum of \$2,050.63, the total sum of which is \$12,303.78 in pension and \$55,633.48 in gratuity.

518. Sometime in 2012 his pension was increased as a result of a political policy and he now receives \$3,500.00 in monthly pension which is still less than what he should have received under the regulation in monthly pension of \$5,053.63. He is entitled to the difference up to 2012.

519. If, however, his pensionable salary was calculated based upon an RPO salary of equivalent rank on his retirement he would be entitled to \$2,384.38 more per month in pensionable salary and \$86,899.10 more in gratuity. Using an estimate of a 60% chance of being entitled to such an increased income he would be entitled to 60% of the difference of his loss in pension between himself and a RPO of equivalent rank as at the date of his retirement. This is in the sum of \$1,201.50 (See table annexed). He is also entitled to 60% of the between \$86,899.10 and \$55,633.48 in gratuity.

- **Gratuity:** $\$86,899.10 - \$55,633.48 = \$31,265.62 \times 60\% = \$18,759.37$

520. *Total pecuniary loss:* Mr. Ramlogan's total pecuniary loss is computed as follows:

Loss of salary, meal and housing:	\$146,302.42
Loss of pension:	$\$12,303.78 + \$1,201.50 = \$13,505.28$
Loss of gratuity:	$\$55,633.48 + \$18,759.37 = \$74,392.85$
Total Pecuniary loss:	\$234,200.55

521. *Loss of promotional opportunities:* Mr. Ramlogan complains that without any service regulations governing promotions there was uncertainty in the method of promotions. There were four other MPOS with less years of service who were promoted ahead of him to the ranks of Police Corporals and Inspector. Had he been entitled to be eligible for promotions every three years, he would have risen to the ranks of Sergeant or Inspector. He claims to have

suffered a loss of approximately \$12,000.00 per month for about five (5) to six (6) years. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

522. Generally, Mr. Ramlogan felt disappointed that his benefits were not the same as MPOs. His self-esteem dropped to know for an officer who trained in his batch became an RPO and is currently acting in the rank of Sergeant. He felt let down by the State when it refused to make law to allow MPOs to form organizations which would have entitled them to approach the industrial Court. A general award to compensate Mr. Ramlogan for his frustration and distress he would have endured due to his professional life being in regulatory limbo is \$100,000.00

523. Mr. Ramlogan will be awarded a total sum of **\$714,200.55**.

Compensatory award: \$234,200.55 + \$100,000.00 = \$334,200.55

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$714,200.55**

Seemungal Persad (118th Claimant)

524. Mr. Persad has been a MPO since 16th May 1998. He too was never promoted and has remained in the Rank of Police Constable. Although he has not stated in his affidavit that he has retired from active duty in paragraph 29 he disposes to the fact that he has retired and is in receipt of a pensionable salary. The continuation of his pensionable salary by the auditor general in exhibit "SP3" demonstrates that he retired in 2nd February 2005 with fourteen (14) years and one (1) day of active service.

525. In terms of his pecuniary loss he calculated his disparity between his salary and meal and housing allowance between himself and a RPO of equivalent rank. Using the estimate of 60% as his chance of being entitled to such an increased income his loss is in the sum of:

• **Salary and Meal and Housing:** $\$20,518.75 + \$18,903.42 = \$39,422.17$

• **Tax deduction (25%):** $\$39,422.17 \times 25\% = \$9,855.54$

$\$39,422.17 - \$9,855.54 = \$29,566.63$

Total Loss: $\$29,566.63 \times 60\% = \$17,739.97$

526. *Loss of Pension entitlements:* As his pension was calculated based upon the formula that pre dated the new regulations he is entitled to the difference in his monthly pension to which he is entitled under the new regulations in the sum of \$2,092.02, the total sum of which is \$248,950.38 in pension and \$65,217.94 in gratuity.

527. If, however, his pensionable salary was calculated based upon an RPO salary of equivalent rank on his retirement he would be entitled to \$256.25 more per month in pensionable salary and \$87,928.88 more in gratuity. Using an estimate of a 60% chance of being entitled to such an increased income he would be entitled to 60% of the difference of his loss in pension between himself and a RPO of equivalent rank as at the date of his retirement. This is in the sum of \$43,241.26 (See table annexed). He is also entitled to 60% of the difference between \$87,928.88 and \$65,217.94 in gratuity.

• **Gratuity:** $\$87,928.88 - \$65,217.94 = \$22,710.94 \times 60\% = \$13,626.56$

528. *Total pecuniary loss:* Mr. Persad's total pecuniary loss is computed as follows:

Loss of salary, meal and housing: $\$17,739.97$

Loss of pension: $\$248,950.38 + \$43,241.26 = \$292,191.64$

Loss of gratuity: $\$65,217.94 + \$13,626.56 = \$78,844.50$

Total Pecuniary loss: $\$388,776.11$

529. *Loss of promotional opportunities:* Mr. Persad complains that without any service regulations governing promotions there was uncertainty in the method of promotions. Had he been entitled to be eligible for promotions every three years, he would have risen to the rank of Police Corporal at by the date of his retirement. He claims to have suffered a loss of approximately \$100,000.00 in income. However, there is no evidence to demonstrate the

chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

530. Generally, Mr. Persad felt hurt and frustrated by the state of affairs. Prior to becoming an MPO he was a Special Reserve Police Officer (SRP) attached to the Southern Division where he was paid in accordance with the duties he performed. When the discrepancy in his salary began in 2000 he felt that he would have been better off staying as a SRP. He felt demotivated that the State did not make the necessary regulations for the administration and organization of the MPOs. A general award to compensate Mr. Persad for his frustration and distress he would have endured due to his professional life being in regulatory limbo is \$125,000.00.

531. Mr. Persad will be awarded a total sum of **\$893,776.11**.

Compensatory award: \$388,776.11 + \$125,000.00 = \$513,776.11

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$893,776.11**

George Maharaj (123rd Claimant)

532. Mr. Maharaj has been a MPO since 9th October 2009. He held the rank of Constable employed at the Port of Spain City Corporation. He held that rank until he was declared medically unfit and left the service in 19th May 2016. The SASC retired him from service on the grounds of ill health. There is no specific complaint about this decision. However he complains generally that the absence of regulations deprived him of access to certain medical records and medical benefits that he would otherwise have been entitled to.

533. In terms of his pecuniary loss he calculated his disparity between his salary and meal and housing allowance between himself and a RPO of equivalent rank. Using the estimate of 60% as his chance of being entitled to such an increased income his loss is in the sum of:

• **Salary and Meal and Housing:** \$146,955.99 + \$112,700.40 = \$259, 656.39

• **Tax deduction (25%):** \$259, 656.39 x 25% = \$64, 914.09

\$259, 656.39- \$64, 914.09= \$194,742.30

- **Total Loss:** \$194,742.30 x 60% = \$116,845.38

534. *Loss of Pension entitlements:* He claims that he is in receipt of \$1,266.87 less in monthly pension and \$47,507.62 less in gratuity on the premise that he would have been entitled to a pensionable salary equivalent to that of an RPO and I have taken that into account in the overall award of non-pecuniary loss.

535. *Loss of promotional opportunities:* Mr. Maharaj claims that had the service regulations been enacted he would have been entitled to be eligible for promotions every three years. He therefore surmises that he would have retired in the rank of Sergeant by 2015. He claims he suffered a loss of approximately \$200,000.00 in income. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

536. Generally, Mr. Maharaj felt dissatisfied and demotivated by the failure of the State to enact regulations to govern their terms and conditions of service and complains of his lower standard of living than RPOs of equivalent rank. A general award to compensate Mr. Maharaj for his frustration and distress he would have endured due to his professional life being in regulatory limbo is \$100,000.00

537. Mr. Maharaj will be awarded a total sum of **\$596,845.38.**

Compensatory award: \$116, 845.38 + \$100,000.00 = \$216,845.38

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$596,845.38**

Leon Cudjoe (152nd Claimant)

538. Mr. Cudjoe has been a MPO since April 1982. He was a Police Constable promoted to the rank of Police Corporal at the Arima Borough Corporation until he retired from the service on 28th March 2016.

539. In terms of his pecuniary loss he calculated his disparity between his salary and meal and housing allowance between himself and a RPO of equivalent rank. Using the estimate of 60% as his chance of being entitled to such an increased income his loss is in the sum of:

- **Salary and Meal and Housing:** $\$154,779.00 + \$135,823.00 = \$290,602.00$
- **Tax deduction (25%):** $\$290,602.00 \times 25\% = \$72,650.50$
 $\$290,602.00 - \$72,650.50 = \$217,951.50$

540. **Total Loss:** $\$217,951.50 \times 60\% = \$130,770.90$

541. *Loss of Pension entitlements:* As he retired after January 2015 if however his pensionable salary was calculated based upon an RPO salary of equivalent rank on his retirement he would be entitled to \$3,576.50 more per month in pensionable salary and \$69,075.00 more in gratuity and I have taken that into account in the overall award of non-pecuniary loss.

542. *Loss of promotional opportunities:* Mr. Cudjoe complains that without any service regulations governing promotions there was uncertainty in the method of promotions. He was only promoted to the rank of Corporal after twenty eight (28) years of service. Other persons with less years' service and less experience such as Corporal Samuel, Sergeant Marciano Wynn, Inspector Erica Queto, Acting Inspector Andres King and Corporal Mohammed were promoted ahead of him. Had he been entitled to be eligible for promotions every three years, he would have risen to the ranks of Inspector at a faster rate by the date of his retirement. He claims to have suffered a loss of approximately \$700,000.00 in income. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

543. Generally, Mr. Cudjoe described an experience of being before a disciplinary tribunal but without any proper regulations he felt the tribunal was biased against him and charges which were levelled against him was dismissed after more than one year later. He felt distraught and extremely humiliated because other persons junior to him were being promoted and he was called "market police". He experienced numerous financial difficulties and was unable to

pay his bills on time provide a higher education and provide for his children. His stress and anxiety was over whelming and he has thoughts of suicide. He has been fighting for over twenty (20) years for equal pay. A general award to compensate Mr. Cudjoe for his frustration and distress he would have endured due to his professional life being in regulatory limbo is \$125,000.00.

544. Mr. Cudjoe will be awarded a total sum of **\$635,770.90**.

Compensatory award: \$130,770.90 + \$125,000.00 = \$255,770.90

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$635,770.90**

CURRENT MPOs

545. An illustration of the evidence of current MPOs can be taken from the evidence of Mr. Octive Lewis.

546. Mr. Lewis was appointed a Municipal Police Constable in 1982. He was promoted to the rank of Inspector on 12th December, 2003. In 2003 he was also sent by the Public Service Commission to the Chaguanas Borough Corporation.

547. The evidence of loss from the affidavit of Octive Lewis filed 28th March, 2018 is as follows:

“29. I have calculated the disparity between the salary and meal and housing allowances which I received from that of an RPO of equivalent rank from January 2000 (when the divergence in salary began) to January, 2015 (when the Regulations were enacted). This amounts to the total sum of \$376,593.29 for salary and \$158,821.00 for meal and housing allowances. There is now produced and shown to me marked “O.L.2” a document which I have prepared showing how I calculated this total sum.

30. According to the new Service Regulation which have been enacted, we MPOs are now entitled to have our pension and gratuity calculated using the same formula as RPOs. However we still receive less in pension and gratuity that RPOs as our salaries are still lower than RPOs. Assuming that I retire in 2021 and the formulas stipulated in the new service Regulations are applied to me. Using my current salary of \$11,937.00 I will still receive \$2,067.50 less in pension per month and \$77,531.25 less in gratuity than an RPO of equivalent rank. I have prepared a document which shows how these calculations have done which is now produced and shown to marked as “O.L.3”.

548. His loss of opportunity to be promoted:

31. In addition to the loss of income which I have suffered, I have also suffered from loss of opportunity to be promoted due to lack of Service Regulations. It was only after 15 years of service from my enlistment date that I received my first promotion to the rank of Police Corporal in 1997. This was the result of the Statutory Authorities’ Service Commission using the system of seniority to govern promotions. Upon enlistment, every MPO is given

a service number and this would be the basis for the officer's placement in the list of seniority. Promotions were not done based on an officer's performance in an interview or examination. Ranks only became vacant when a senior officer died, retired or resigned. When I was under the Statutory Authorities Service Commission I was bypassed for promotion without any form of explanation. I have to observe a junior officer (in service number) be given the post and thereby being my senior. In 2001 I was promoted to the rank of Police Sergeant. I was then placed on secondment to the Chaguanas Borough Corporation which was under the Public Service Commission. Promotions are done quite differently under the Public Service Commission compared to the Statutory Authorities Service Commission. I underwent interviews for my promotions to the rank of Sergeant and then Inspector. Although I never saw the list that was produced after the interview I was informed that there was one. Under the new service regulations which have been enacted I would have been eligible for promotion after 3 years. I believe that if there was service regulations in place to govern promotions across all municipalities and regions, my promotions would have been done in a timely manner and I would have held the rank of Superintendent. My reasons for this is that I am one of the most senior Inspectors that is still active and I also hold a number of qualifications such as diplomas, bachelors and masters. I have never been subject to disciplinary action or suspension. On average I believe that due to my promotions have not been done in a timely manner. I have lost the opportunity to earn at least 40% of my salary. The lack of the service regulations also meant that as senior MPO I have no clear and consistent policy or procedure when it came to the disciplining of my subordinates. I had to rely on the Public Service Regulations although this regulation was quite inadequate as it did not deal how the registry should be kept, MPO duties, Court attendance amongst other things. I and many other senior officers had to use these regulations as bench marks and adapt them to suit our circumstances.

549. His feelings of frustration are evident:

32. The lack of proper guidelines on how to manage my subordinates or just on what to expect as a MPO resulted in me experiencing feels of de-motivation. I was expected to

perform the same functions and duties of a RPO of equivalent rank but the regulations that was supposed to govern me treated me as a civilian. The uncertainty that resulted from being told constantly that one minute we were under the Police Service Regulations and the next minute we were under our own regulations resulted in their being a lot of confusion as to which regulation we should turn to for guidance. This could be seen in promotions. Under the Public Service Regulations promotions take place under the different ranges. However notwithstanding that I am operating under range 47E people under my ranger were promoted to Chief Executive Officer but I was told that I would not be able to experience such a promotion because I was “police officer” and therefore did not qualify for that post. Had there been a MPO regulation that was implemented and enforced and I would not have suffered any loss of opportunity to be promoted. Receiving a smaller salary meant that I experienced a lot of financial hardships. As a result I had to resort to the taking of financial loans from different institutions in order to meet my different financial commitments such as the payment of mortgages or school fees. As the main provider for my family, I was limited in my ability to ensure that I provided them with all their basic necessities and in order to achieve I had to borrow from credit unions and in some cases my friends and family.”

550. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

- **Salary and Meal and housing:** $\$376,593.29 + \$158,821.00 = \$535,414.29$
- **Tax deduction (25%):** $\$535,414.29 \times 25\% = \$133,853.57$
 $\$535,414.29 - \$133,853.57 = \$401,560.72$
- **Total loss:** $\$401,560.72 \times 60\% = \$240,936.43$

551. Assuming he retires in 2021 he contends he will receive the following less in pension and gratuity if the new Service Regulations were applied to his current salary of \$11,937.00.

- **Pension:** $\$2,067.50$
- **Gratuity:** $\$77,531.25$

552. I have considered that Mr. Lewis' alleged loss upon his retirement in 2021 is too speculative and incapable of assessment. For all other Claimants, I would consider any impending retirement in 2019 and other than that in a general award. It means that Claimants whose retirements are due for 2020 and beyond do not attract any additional compensation in computing their pecuniary loss.

553. He contends that he suffered the opportunity to be promoted due to the lack of Service Regulations. The Statutory Authorities' Service Commission, he contends, used a system of seniority to govern promotions and as such he received his first promotion to the rank of Corporal fifteen (15) years after his enlistment date. He states that he was bypassed for promotion when he was under the Statutory Authorities Service Commission without any explanation. Due to promotions not being done in a timely manner he lost the opportunity to earn 40% of his salary.

554. The lack of proper guidelines on how to manage his subordinates makes him feel demotivated.

555. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$100,000.00 for a general award to compensate for his non-pecuniary loss.

556. Mr. Lewis will be awarded a total sum of **\$720,936.43**.

Compensatory award: \$240,936.43 + \$100,000.00 = \$340,936.43

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$720,936.43**

Samraj Nanan (5th Claimant)

557. Mr. Nanan presently holds the rank of Police Inspector of Diego Martin Regional Corporation. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

• **Salary and Meal and housing:** \$342,255.35 + \$156,467.00 = \$498,722.35

• **Tax deduction (25%):** \$498,722.35 x 25% = \$124,680.58

$$\$498,722.35 - \$124,680.58 = \$374,041.77$$

- **Total:** $\$374,041.77 \times 60\% = \$224,425.06$

558. He is due to retire in 2017. His affidavit was filed in 23rd March 2017. He contends he will receive the following less in pension and gratuity if the new Service Regulations were applied to his current salary of \$11,937.00.

- **Pension:** \$2,136.67
- **Gratuity:** \$80,125.00

559. He contends that due to the lack of Service Regulations there was no fixed procedure for appointments, promotions or discipline which resulted in matters being conducted on an ad hoc basis. Promotions were rarely advertised and people only became aware of vacancies by word of mouth. There were no fixed requirements for the qualification requirements for appointments and promotions. MPO's were initially automatically promoted based on seniority but the system changed in which promotions were done on the basis of interviews which were not advertised.

560. Due the lack of service regulations he was only promoted to the rank of Corporal after twelve (12) years of service, then to Police Sergeant after two (2) years and to Police Inspector after seven (7) years. He contended that there was no system for his promotion to Corporal and under the new Service Commission Regulation he would have been eligible for promotion after three years. Therefore, he would have been promoted to Corporal in 1983 and then Police Sergeant in 1998. As a result he suffered financial loss of approximately \$117,600.00 due to the difference in salary between Constable and Corporal (\$550.00 a month) and Sergeant and Inspector (\$1,200.00).

561. He also contended that he suffered uncertainty with respect to allegations of misconduct due to the lack of service regulations. In May 2014 he received a letter from the Public Service Commission concerning allegations of misconduct and was charged for said allegations in May 2015 under the Civil Service Act and Regulations. On 3rd August 2015 he attended a

disciplinary tribunal. He contends that he was not charged under the proper regulations and if the regulations were in place there would have been a more certain disciplinary process.

562. The lack of proper disciplinary regulations caused him to feel uncertainty and anxiety about his future.

563. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$100,000.00 for a general award to compensate for his non-pecuniary loss.

564. Mr. Nanan will be awarded a total sum of **\$704,425.06**.

Compensatory award: \$224,425.06 + \$100,000.00 = \$324,425.06

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$704,425.06**

Cheryl- Ann Euphemia Andrews-King (32nd Claimant)

565. Ms. Andrews-King is an MPO since 1985. She held the substantive rank of Police Corporal in Arima Borough Corporation. In 1999 she acted as Police Sergeant as the Arima Borough Corporation. She was promoted to rank of Police Sergeant on 28th July, 2009. Between 2013 and 2014 she acted as Police Inspector at Point Fortin Borough Corporation. In 2015 acted a Police Inspector at Arima Borough Corporation for three (3) months.

566. Her disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of her being entitled to this increased income:

• **Salary and Meal and housing:** \$245,517.00 + \$141, 115.00 = \$386,632.00

• **Tax deduction (25%):** \$386,632.00 x 25% = \$96,658.00

\$386,632.00 - \$96,658.00 = \$289,974.00

• **Total loss:** \$289,974.00 x 60% = \$173,984.40

567. She would retire in 2019 and she subjects that at her current salary of \$10,835.00 she would receive \$1,517.50 less in pension per month and \$56,906.25 less in gratuity. It is very

likely that she would receive this decrease in pension entitlement based on her inferior salary upon her retirement next year. It is not as speculative as other Claimants whose dates of retirement is still some years away.

568. She claims an entitlement to \$300,000.00 in loss of salary due to loss of promotional prospect. She claims to have only been promoted to rank of Sergeant ten (10) years after her promotion to the rank of Corporal in 2000. She claims that there is no consistent system for promotion and that she would have been promoted at a faster rate of three year intervals. However, again, there is no evidence of vacancies, none of her record to support the view that she would be entitled to be successfully considered for promotion at such a faster rate. I have taken her lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for her non-pecuniary loss.

569. Ms. Andrews King will be awarded a total sum of **\$678,984.40**.

Compensatory award: \$173,984.40 + \$125,000.00 = \$298,984.40

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$678,984.40**

Rahamudeen Mohammed (34th Claimant)

570. Mr. Mohammed has been a MPO since 10th November 1986. In March 2004 he was promote to the post of Acting Police Sergeant at the Arima Borough Corporation.

571. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

• **Salary and Meal and housing:** \$135,229.00 + \$153,823.00 = \$289,052.00

• **Tax deduction (25%):** \$289,052.00 x 25% = \$72,263.00

\$289,052.00 - \$72,263.00 = \$216,789.00

• **Total loss:** \$216,789.00 x 60% = \$130,073.40

572. *Loss of Pension entitlements:* Mr. Mohammed assumes he will retire in 2021. It is too speculative at this stage to determine if there is any loss to him of pension entitlements.

573. *Loss of promotional opportunities:* Mr. Mohammed complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. He was only promoted to the rank of Corporal after fifteen (15) years of service. He was further promoted to the Acting Sergeant in 2004 but twelve (12) years have since elapsed and he has not been promoted to Sergeant. If he was promoted every three years, he would have been promoted to the rank of Sergeant by 2008 and the rank of Police Inspector by 2012. He estimates his loss in salary as a result to be of 20% of his salary. However there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

574. Generally Mr. Mohammed felt left out, discriminated against and demotivated. He felt like a second class citizen. He felt he was not given the level of respect his post deserved. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$100,000.00 for a general award to compensate for his non-pecuniary loss.

575. Mr. Mohammed will be awarded a total sum of **\$610,073.40**.

Compensatory award: \$130,073.40 + \$100,000.00 = \$230,073.40

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$610,073.40**

Videsh Harrilal (43rd Claimant)

576. Mr. Harrilal is a MPO since 1st May 1978. He was promoted to the rank of Police Corporal effective 3rd April 2007. He was promoted to the rank of Police Sergeant on 12th December 2013.

577. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

- **Salary and Meal and housing:** $\$214,579.00 + \$156,253.11 = \$370,832.11$
- **Tax deduction (25%):** $\$370,832.11 \times 25\% = \$92,708.02$
 $\$370,832.11 - \$92,708.02 = \$278,124.09$
- **Total loss:** $\$278,124.09 \times 60\% = \$166,874.45$

578. He would retire in 2018. At his current salary he will receive \$2,057.00 less in pension per month and \$77,156.25 less in gratuity than an RPO of equivalent rank.

579. *Loss of promotions opportunities:* In 2009 interviews were conducted for post of Sergeant and he was denied the opportunity to be interviewed or assessed. He had by then thirty one (31) years of service and two (2) years of being in the post of Corporal. He is aware that one Glen Charles was interviewed and placed first in the order of merit list instead of himself and he had less years of service. Glen Charles was promoted to the rank of Sergeant in 2010. He was promoted to Sergeant in 2015. In the absence of regulations he is not aware of what is the criteria to be satisfied to be entitled to promotions. He states that based on his number of years' service he would have been in the rank of Senior Superintendent of Police or even higher. He lost approximately \$311,000.00. Again such his claim is speculative and there is no foundation to support the view that he would be entitled to be promoted. However, he has definitely lost the chance of promotion in the absence of clear guidelines.

580. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

581. Mr. Harrilal will be awarded a total sum of **\$671,874.45**.

Compensatory award: $\$166,874.45 + \$125,000.00 = \$291,874.45$

Vindictory Damages: $\$300,000.00$

Additional Award: $\$80,000.00$

582. **Total sum awarded:** **\$671,874.45**

Rawle Balgobin (46th Claimant)

583. Mr. Balgobin has been a MPO since 18th March 1981. He held the rank of Police Corporal in 2007 and was promoted to the rank of Sergeant which he remains in to date.

584. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

- **Salary and Meal and housing:** $\$213,927.00 + \$155,043.49 = \$368,970.49$
- **Tax deduction (25%):** $\$368,970.49 \times 25\% = \$92,242.62$
 $\$368,970.49 - \$92,242.62 = \$276,727.87$
- **Total loss:** $\$276,727.87 \times 60\% = \$166,036.72$

585. **Loss of Pension entitlements:** He expects to retire in 2020. If however his pensionable salary was calculated based upon an RPO salary of equivalent rank on his retirement he would be entitled to \$1911.67 more per month in pensionable salary and \$71,687.50 more in gratuity.

586. *Loss of promotional opportunities:* Mr. Balgobin complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. He was only promoted to the rank of Police Corporal after twenty six (26) years of service. Had he been entitled to be eligible for promotions every three years, he would have risen to the ranks at a faster rate by the date of his retirement. He claims to have suffered a loss of approximately \$100,000.00 of his salary in income. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

587. Generally Mr. Balgobin felt frustrated and stressed. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

588. Mr. Balgobin will be awarded a total sum of **\$671,036.72**.

Compensatory award:	$\$166,036.72 + \$125,000.00 = \$291,036.72$
Vindictory Damages:	$\$300,000.00$
Additional Award:	$\$80,000.00$
Total sum awarded:	$\\$671,036.72$

Ronald Mulchan (48th Claimant)

589. Mr. Mulchan has been a MPO since 12th March 1981. In May 2014 he was promoted to the rank of Police Sergeant.

590. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

- **Salary and Meal and housing:** $\$185,359.00 + \$166,511.51 = \$351,870.51$
- **Tax deduction (25%):** $\$351,870.51 \times 25\% = \$87,967.62$
 $\$351,870.51 - \$87,967.62 = \$263,902.89$
- **Total loss:** $\$263,902.89 \times 60\% = \$158,341.73$

591. *Loss of Pension entitlements:* Mr. Mulchan assumes he will retire in 2020. It is too speculative at this stage to determine if there is any loss to him of pension entitlements.

592. *Loss of promotional opportunities:* Mr Mulchan complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. In 2010 there was a vacant post of Sergeant to be filled which was not advertised. He has three years of serve as a Corporal at that time but was not allowed the opportunity to be assessed or interviewed for the post of Sergeant. He was promoted to the rank of Corporal after twenty six (26) years of service as a Police Constable. He estimates his loss in salary as a result to be in the sum of \$700,000.00. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

593. Generally Mr. Mulchan felt dehumanized and demotivated having to perform the same duties as RPOs but treated in a inferior manner. He was shot in the 1990 coup and with the lack of regulations he received no medical benefits while RPOs received full medical and insurance benefits. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

594. Mr. Mulchan will be awarded a total sum of **\$663,341.73**.

Compensatory award: \$158,341.73 + \$125,000.00 = \$283,341.73

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$663,341.73**

Thomas De Leon (58th Claimant)

595. Mr. De Leon has been a MPO since 26th January 1984. He still holds the rank of Police Constable after thirty three (33) years of service.

596. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

• **Salary and Meal and housing:** \$151,613.00 + \$153,823.00 = \$305,436.00

• **Tax deduction (25%):** \$305,436.00 x 25% = \$76,359.00

\$305,436.00 - \$76,359.00 = \$229,077.00

• **Total loss:** \$229,077.00 x 60% = \$137,446.20

597. *Loss of Pension entitlements:* As Mr. De Leon is not due to retire until 2022 his claim for loss of pension entitlements is too speculative at this stage to be the subject of this assessment.

598. *Loss of promotional opportunities:* Mr. De Leon complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. He complains that he was bypassed for

promotions on several occasions. He has been in the substantive rank of police constable for thirty three (33) years and has never been informed as to why he was not promoted after being interviewed and assessed for promotions. He estimates his loss in salary as a result to be in the sum of \$300,000.00. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

599. Generally, Mr. De Leon felt disheartened and hurt to see RPOS performing the same duties yet the MPOS are paid differently. He did not have access to the Industrial Court as a result of the State not making the necessary regulations for MPOs to form itself into associations. After thirty three (33) years in not being promoted he feels frustrated and depressed.

600. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

601. Mr. De Leon will be awarded a total sum of **\$642,446.20**.

Compensatory award: \$137,446.20 + \$125,000.00 = \$262,446.20

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$642,446.20**

Lydia Rivers (60th Claimant)

602. Ms. Rivers has been a MPO since 20th May 1985. She held the rank of Woman Police Corporal at the Arima Borough Corporation. She was promoted by the Public Service Commission to the rank of Woman Police Sergeant in 2011 and transferred to the Diego Martin Regional Corporation.

603. Her disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of her being entitled to this increased income:

- **Salary and Meal and housing:** \$209,486.00 + \$130,623.00 = \$340,109.00

- **Tax deduction (25%):** \$340,109.00 x 25% = \$85,027.25
\$340,109.00 - \$85,027.25 = \$255,081.75

- **Total loss:** \$255,081.75 x 60% = \$153,049.05

604. *Loss of pension entitlements:* As she is expected to retire in 2021, her loss of pension benefits are too speculative for this assessment.

605. *Loss of promotional benefits:* Ms. Rivers complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. It was only after eighteen (18) years of service she was invited to be interviewed to the rank of Police Corporal. Her promotion to the rank of Sergeant was based on her performance in her interview for Police Corporal in 2003 and her position on the Merit List that was produced in that interview. She believes if promotions were done in a timely manner she would currently hold the rank of Police Inspector. She estimates she lost 55% of her salary. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

606. Generally, she felt frustrated about the state of affairs and she experienced financial hardships. The goals and achievements which she had for herself and her family were gravely restricted.

607. I have taken her lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for her non-pecuniary loss.

608. Ms. Rivers will be awarded a total sum of **\$658,049.05**.

- Compensatory award:** \$153,049.05 + \$125,000.00 = \$278,049.05
- Vindictory Damages:** \$300,000.00
- Additional Award:** \$80,000.00
- Total sum awarded:** **\$658,049.05**

Andra Harripersad (64th Claimant)

609. Ms. Harripersad has been a MPO since 31st December 1985. She was promoted to the rank of Corporal in 2007 and is currently acting in the rank of Sergeant.

610. Her disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of her being entitled to this increased income:

- **Salary and Meal and housing:** $\$182,127.45 + \$157,795.00 = \$339,922.45$
- **Tax deduction (25%):** $\$339,922.45 \times 25\% = \$84,980.61$
 $\$339,922.45 - \$84,980.61 = \$254,941.84$
- **Total loss:** $\$254,941.84 \times 60\% = \$152,965.10$

611. *Loss of pension entitlements:* As she is expected to retire in 2027, her loss of pension benefits are too speculative for this assessment.

612. *Loss of promotional opportunities:* She was denied the opportunity to be interviewed and assessed for promotion to rank of Sergeant at the time when she would have been entitled to be promoted. She was promoted to the rank of Corporal after twenty two (22) years of service. If she was a RPO she would be entitled to promotion after three years of service. She lost approximately \$250,000.00 in salary. However, there is no evidence to demonstrate the chance of success of being promoted save for her length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

613. Generally she felt de-motivated by the state of affairs. She felt stressed and like an abandoned person as a result of the refusal of the State to make the necessary regulation for the administration and organization of the MPOs and for them to have access to the Industrial Court.

614. I have taken her lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for her non-pecuniary loss.

615. Ms. Harripersad will be awarded a total sum of **\$657,965.10**.

Compensatory award:	$\$152,965.10 + \$125,000.00 = \$277,965.10$
Vindictory Damages:	$\$300,000.00$
Additional Award:	$\$80,000.00$
Total sum awarded:	$\\$657,965.10$

Cheryl-Ann Felix-Neverson (67th Claimant)

616. Ms. Felix-Neverson has been a MPO since 23rd June, 1988. She was promoted to the rank of Corporal in 2006 and then to Sergeant effective 16th December 2011.

617. Her disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of her being entitled to this increased income:

- **Salary and Meal and housing:** $\$167,519.60 + \$152,935.00 = \$320,454.60$
- **Tax deductions (25%):** $\$320,454.60 \times 25\% = \$80,113.65$
 $\$320,454.60 - \$80,113.65 = \$240,340.95$
- **Total loss:** $\$240,340.95 \times 60\% = \$144,204.57$

618. She would retire in 2024. At her current salary she will receive \$1,437.17 less in pension per month and \$53,906.25 less in gratuity than an RPO of equivalent rank.

619. She contends that she felt discriminated because of the state of affairs and she felt inferior to RPOs because as a MPO she would have had to wait almost two (2) years to benefit from any increase in meal and housing allowances every time a RPO would have received an increase in these allowances. This lowered her self-esteem and she felt stressed that her services as a MPO were considered of a less value than RPOs.

620. I have taken her lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for her non-pecuniary loss.

621. Ms. Felix-Neverson will be awarded a total sum of **\$649,204.57**.

Compensatory award:	$\$144,204.57 + \$125,000.00 = \$269,204.57$
Vindictory Damages:	$\$300,000.00$

Additional Award: \$80,000.00

Total sum awarded: \$649,204.57

Ballyram Lalla (68th Claimant)

622. Mr. Lalla has been a MPO since 10th October 1988. He held the rank of Police Corporal in April 2003. In or about 2000 he was transferred from the Statutory Authorities Service Commission to the Public Service Commission. He held that rank until he was promoted to the rank of Police Sergeant in 7th January 2008 and promoted to rank of Inspector one 31st October 2016.

623. In terms of his pecuniary loss he calculated his disparity between his salary and meal and housing allowance between himself and a RPO of equivalent rank. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

- **Salary and Meal and Housing:** \$220,013.00 + \$166,085.01 = \$386,098.01
- **Tax deduction (25%):** \$386,098.01 x 25% = \$96,524.50
\$386,098.01 - \$96,524.50 = \$289,573.51
- **Total Loss:** \$289,573.51 x 60% = \$173,744.10

624. *Loss of Pension entitlements:* He is due to retire in 2024. At his current salary of \$11,444.00 he will receive \$1,010.00 less in pension per month and \$37,875.00 less in gratuity. His claim for loss of pension benefits is too speculative and subject to too many variables to be the subject of this assessment.

625. *Loss of promotional opportunities:* There is no complaint of lack of promotional opportunities by Mr. Lalla. Instead, he complains of the stress in finding money for medical treatment as unlike RPOs there was no medical plans for MPOs. There was no form of redress when charges against him were dismissed on appeal and he had to stand his own legal fees.

626. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$100,000.00 for a general award to compensate for his non-pecuniary loss.

627. Mr. Lalla will be awarded a total sum of **\$653,744.10**.

Compensatory award: \$173,744.10 + \$100,000.00 = \$273,744.10

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$653,744.10**

Andre Stephenson Arneaud (69th Claimant)

628. Mr. Arneaud is a MPO since 10th October 1998. He currently holds the rank of Police Constable employed at the Port of Spain City Corporation.

629. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

- **Salary and Meal and housing:** \$170,546.00 + \$115,064.01 = \$285,610.01

- **Tax deduction (25%):** \$285,610.01 x 25% = \$71,402.50

 \$285,610.01 - \$71,402.50 = \$214,207.51

- **Total loss:** \$214,207.51 x 60% = \$128,524.50

630. *Loss of pension entitlements:* He will retire in 2022. At his current salary of \$8,081.00 he contends that he will still receive \$1,066.67 less in pension per month and \$40,000.00 less in gratuity than a RPO at equivalent rank. However, his claim for loss of pension benefits is too speculative.

631. *Loss of promotional opportunities:* He was not promoted even after twenty seven (27) years of service. He predicts that had he been promoted after three (3) years he would have been promoted at a faster rate and he would have held rank of Assistant Superintendent by now. He claims to have lost approximately \$150,000.00 as a result of not being promoted in a timely manner. His claim for loss of promotional opportunities is too speculative and there is no foundation laid to demonstrate the chance of being promoted save for the fact that the regulations provide for an eligibility every three years. Although one would expect some

mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

632. He felt discriminated and neglected due to the state of affairs. He also felt financially deprived because he was paid less than a RPO which caused financial difficulties in maintaining his home and in providing a higher education for his children and himself.

633. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

634. Mr. Arneaud will be awarded a total sum of **\$633,524.50**.

Compensatory award: \$128,524.50 + \$125,000.00 = \$253,524.50

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$633,524.50**

Edmund Dolabaille (70th Claimant)

635. Mr. Dolabaille has been a MPO since 10th October 1988. He holds the rank of Police Constable to date.

636. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

• **Salary and Meal and housing:** \$169,715.00 + \$113,785.00 = \$283,500.00

• **Tax deduction (25%):** \$283,500.00 x 25% = \$70,875.00

\$283,500.00 - \$70,875.00 = \$212,625.00

• **Total loss:** \$212,625.00 x 60% = \$127,575.00

637. *Loss of Pension entitlements:* Mr. Dolabaille assumes that he will retire in 2021. It is too speculative at this stage to determine if there is any loss to him of pension entitlements.

638. *Loss of promotional opportunities:* Mr. Dolabaille complains that without any service regulations governing promotions there was uncertainty in the method of promotions and

that he was not promoted in a timely manner. He was interviewed in August 2009 to be promoted to the rank of Corporal but even though he was the second most senior officer in terms of years in service, an officer who was junior to him was promoted to the rank of Corporal. He was charged for an offence in 1994 and 2007 but was unable to challenge the charges because of lack of regulations. He estimates his loss in salary as a result to be in the sum of \$60,000.00. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

639. Generally, Mr. Dolabaille felt cheated and bitter in not being treated similar to RPOs. He has several stress relate issues as a result which also affected his family leading to a divorce. He still performed to the best of his ability despite his traumatic experience.

640. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

641. Mr. Dolabaille will be awarded a total sum of **\$632,575.00**.

Compensatory award: \$127,575.00 + \$125,000.00 = \$252,575.00

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$632,575.00**

Everest Simeon Joseph (71st Claimant)

642. Mr. Joseph has been a MPO since 10th October 1988 and holds the rank of Police Constable at the Port of Spain Corporation.

643. In terms of his pecuniary loss he calculated his disparity between his salary and meal and housing allowance between himself and a RPO of equivalent rank. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

- **Salary and Meal and Housing:** \$169,681.61+ \$113,785.00 = \$283,466.61

- **Tax deduction (25%):** $\$283,466.61 \times 25\% = \$70,866.65$
 $\$283,466.61 - \$70,866.65 = \$212,599.96$
- **Total Loss:** $\$212,599.96 \times 60\% = \$127,559.97$

644. *Loss of Pension entitlements:* Mr. Joseph assumed he will retire in 2023. At his current salary of \$8,081.00 he claims he will receive \$800.00 less in pension per month and \$29,999.99 less in gratuity than an RPO of equivalent rank. His claim for loss of pension and gratuity is too remote and speculative and subject to too many uncertainties to be the subject of this assessment.

645. *Loss of promotional opportunities:* Mr. Joseph complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. He was never promoted despite being interviewed for the rank of Police Corporal after twenty one (21) years. After the interview a merit list was created. The merit list was based on their performance in the interview which mean some junior officers were place higher on the list than senior officers. This, he contends, was as a result of there being no clear and consistent system in place for promotions and advancement. Had he been entitled to be eligible for promotions every three years, he would have risen to the ranks at a faster rate to Assistant Superintendent by now. He estimates his loss at \$700,000.00. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

646. Generally Mr. Joseph felt frustrated and the financial burden were challenging. He suffered mental stress.

647. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

648. Mr. Joseph will be awarded a total sum of **\$632,559.97**.

Compensatory award: $\$127,559.97 + \$125,000.00 = \$252,559.97$

Vindictory Damages:	\$300,000.00
Additional Award:	\$80,000.00
Total sum awarded:	\$632,559.97

Jason Alexander Hinkson (72nd Claimant)

649. Mr. Hinkson is a MPO since 10th October 1988. He was a Police Constable and was promoted by Statutory Authorities Service Commission by a memorandum dated 12th August 2014 to the rank of Police Corporal from 8th May 2014 at the Port-of-Spain City Corporation.

650. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

- **Salary and Meal and housing:** $\$165,953.37 + \$95,249.84 = \$261,203.21$
- **Tax deduction (25%):** $\$261,203.21 \times 25\% = \$65,300.80$
 $\$261,203.21 - \$65,300.80 = \$195,902.41$
- **Total loss:** $\$195,902.41 \times 60\% = \$117,541.44$

651. *Loss of pension entitlements:* Mr. Hinkson assumes that he will retire in 2030. Using his current salary of \$10,407.00 he will still receive \$1,295.00 less in pension per month and \$48,462.50 less in gratuity than an RPO of equivalent rank.

652. Mr. Hinkson retiring in 2030 is too speculative. His claim for loss of pension and gratuity is too remote and subject to too many uncertainties to be the subject of this assessment.

653. *Loss of promotional opportunities:* Mr. Hinkson contends that due to the lack of Service Regulations he has lost the opportunity to be promoted. Since his enlistment in 1988, he was only interviewed for the rank of Police Corporal in 2008. There was no clear process. He was interviewed together with junior officers and a list drawn up based on their success in the interviews but there was no criteria for assessment at interviews. The promotion was based on seniority and their complaints against that system went unheeded. He submits he would have been either an Inspector or an Assistant Superintendent if he was eligible for promotion every three years. He claims that he lost 94% of his salary. There is no evidence to

demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

654. Generally, Mr. Hickson felt de-motivated and demoralized upon seeing junior officers who enlisted with him becoming his senior officers because of the lack of proper systems for MPOs.

655. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

656. Mr. Hinkson will be awarded a total sum of **\$622,541.44**.

Compensatory award: \$117,541.44 + \$125,000.00 = \$242,541.44

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$622,541.44**

Carmilton Collins (73rd Claimant)

657. Mr. Collins has been a MPO since 10th October 1988 at the Port of Spain City Corporation. He was promoted to Sargent in December 2010 and transferred to the San Juan/Laventille Regional Corporation. Since April 2014 he has been remanded at the Maximum Security Prison, Golden Grove till present.

658. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

• **Salary and Meal and housing:** \$196,747.00 + \$99,041.00 = \$295,788.00

• **Tax deduction (25%):** \$295,788.00 x 25% = \$73,947.00

\$295,788.00 - \$73,947.00 = \$221,841.00

• **Total loss:** \$221,841.00 x 60% = \$133,104.60

659. *Loss of Pension entitlements:* He assumes he will retire in 2022. Using his current salary, he claims that he will still receive less \$1,517.50 less in pension per month and \$56,906.25 less in gratuity than a RPO of equivalent rank. His claim is too speculative and subject to too many uncertainties to the subject of his assessment.

660. *Loss of promotional opportunities:* Mr. Collins complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. He was only promoted to the rank of Police Corporal after sixteen (16) years of service. Had he been entitled to be eligible for promotions every three years, he would have risen to the ranks at a faster rate by the date of his retirement. He claims to have suffered a loss of approximately 85% of his salary in income. However there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

661. Generally Mr. Collins felt frustrated and disheartened by the lack of service regulations. He contends that the difference in treatment between MPO's and RPOs fostered a culture of low morale among MPO members.

662. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$100,000.00 for a general award to compensate for his non-pecuniary loss.

663. Mr. Collins will be awarded a total sum of **\$613,104.60**.

Compensatory award: \$133,104.60 + \$100,000.00 = \$233,104.60

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$613,104.60**

John Villana (74th Claimant)

664. Mr. Villana has been a MPO since 10th October 1988. He was promoted to the rank of Police Corporal in May 2014.

665. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

- **Salary and Meal and housing:** $\$169,999.00 + \$150,407.51 = \$320,406.51$
- **Tax deduction (25%):** $\$320,406.51 \times 25\% = \$80,101.62$
 $\$320,406.51 - \$80,101.62 = \$240,304.89$
- **Total loss:** $\$240,304.89 \times 60\% = \$144,182.93$

666. *Loss of Pension entitlements:* Mr. Villana assumes he will retire in 2020. It is too speculative at this stage to determine if there is any loss to him of pension entitlements.

667. *Loss of promotional opportunities:* Mr. Villana complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. He was only promoted to the rank of Police Corporal after twenty six (26) years of service. Had he been entitled to be eligible for promotions every three years, he would have risen to the ranks at a faster rate. He estimates his loss in salary as a result to be in the sum of \$700,000.00. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

668. Generally, Mr. Villana felt disheartened and cheated knowing that his counterparts as RPOs were better compensated. Some RPOs who he trained alongside has even rose to the ranks of Inspector and Acting Assistant Superintendent.

669. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

670. Mr. Villana will be awarded a total sum of **\$649,182.93**.

- Compensatory award:** $\$144,182.93 + \$125,000.00 = \$269,182.93$
- Vindictory Damages:** $\$300,000.00$
- Additional Award:** $\$80,000.00$
- Total sum awarded:** **\$649,182.93**

Richard Roger Isaac (75th Claimant)

671. Mr. Isaac has been a MPO since 10th October 1988. He now holds the rank of Corporal with effect from May 2014.

672. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income

- **Salary and Meal and Housing:** $\$167,723.26 + \$87,803.40 = \$255,526.66$
- **Tax deduction (25%):** $\$255,526.66 \times 25\% = \$63,881.66$
 $\$255,526.66 - \$63,881.66 = \$191,645.00$
- **Total Loss:** $\$191,645.00 \times 60\% = \$114,987.00$

673. *Loss of Pension entitlements:* He is expected to retire in 2021. If so he would receive \$1,085.83 less in pensionable salary per month and \$40,715.77 less in gratuity compared to an RPO of equivalent rank. This is too speculative for assessment.

674. *Loss of promotional opportunities:* Mr. Isaac complains that without any service regulations governing promotions there was uncertainty in the method of promotions. Had he been entitled to be eligible for promotions every three years he would have risen to the ranks of Superintendent. He suffered a loss of approximately \$650,000.00 in income. However there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

675. Generally Mr. Isaac felt disappointed and extremely frustrated by the failure of the State to enact regulations to govern their terms and conditions of service. He was under financial hardship to provide for the proper education of his children and maintaining a high standard of living. With an irregular disciplining system it put a severe strain on his family life. With the state failing to engage the necessary regulations he felt disenchanted with the service.

676. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

677. Mr. Isaac will be awarded a total sum of **\$619,987.00**.

Compensatory award: \$114,987.00 + \$125,000.00 = \$239,987.00

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$619,987.00**

Hollister Walkins (77th Claimant)

678. Mr. Walkins has been a MPO since 10th October 1988. He was promoted to the rank of Police Corporal in September 2010.

679. In terms of his pecuniary loss he calculated his disparity between his salary and meal and housing allowance between himself and a RPO of equivalent rank. Using the estimate of 60% as his chance of being entitled to such an increased income his loss is in the sum of:

- **Salary and Meal and Housing:** \$159,306.00 + \$113,785.00 = \$273,091.00

- **Tax deduction (25%):** \$273,091.00 x 25% = \$68,272.75

\$273,091.00 - \$68,272.75 = \$204,818.25

- **Total Loss:** \$204,818.25 x 60% = \$122,890.95

680. *Loss of Pension entitlements:* Mr. Walkins assumes he will retire in 2026. It is too speculative at this stage to determine if there is any loss to him of pension entitlements.

681. *Loss of promotional opportunities:* Mr. Walkins complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. He was only promoted to the rank of Police Corporal after twenty two (22) years of service. Had he been entitled to be eligible for promotions every three years, he would have risen to the ranks at a faster rate to the rank of Inspector. He estimates his loss in salary as a result to be in the sum of \$60,000.00. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and

this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter

682. Mr. Walkins felt he was working in a vacuum where his rights were infringed daily. He felt less than a person where work is concerned. His sense of belonging to an organisation was ruined. He is seen by his own family as less than a RPO and it has affected his self-esteem.

683. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

684. Mr. Walkins will be awarded a total sum of **\$627,890.95**.

Compensatory award: \$122,890.95 + \$125,000.00 = \$247,890.95

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$627,890.95**

Michael Dean Fraser (78th Claimant)

685. Mr. Fraser has been a MPO since 10th October 1998. He held rank of Constable employed at Port of Spain City Corporation. In September 2010 he was promoted to the rank of Corporal by the SASC.

686. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

• **Salary and Meal and housing:** \$172,317.00 + \$133,199.31 = \$305,516.31

• **Tax deduction (25%):** \$305,516.31 x 25% = \$76,379.07

\$305,516.31 - \$76,379.07 = \$229,137.24

• **Total loss:** \$229,137.24 x 60% = \$137,482.344

687. *Loss of pension entitlements:* Mr. Fraser assumes that he will retire in 2021. Using his current salary of \$9,283.00 he will still receive \$2,231.67 less in pension per month and

\$83,687.50 less in gratuity than an RPO of equivalent rank. However, his loss of pension and gratuity is too speculative at this stage.

688. *Loss of promotional opportunities:* He was promoted to rank of Corporal after twenty two (22) years of service. He was promoted after interviews. However, other promotions have taken place without interviews. A junior officer was promoted ahead of him and now gets preference in acting appointment over Mr. Fraser as Sergeant. Under the new service regulations he would have been eligible for promotion every three years. Therefore, he believes that after twenty two (22) years of service he would have attained the rank of Superintendent. He claims to have lost approximately \$700,000.00 in salary. There are, however, no supporting documents and no foundation to support an entitlement to be promoted. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter

689. Generally, Mr. Fraser felt that he was treated unfairly. The lack of service regulations made him feel as though he did not have a voice or an opportunity to put forward his case for better terms and conditions.

690. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

691. Mr. Fraser will be awarded a total sum of **\$624,482.34**.

Compensatory award: \$137,482.344 + \$125,000.00 = \$262,482.34

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$624,482.34**

Brian Joseph De Leon (79th Claimant)

692. Mr. De Leon has been a MPO since 10th October 1988. He held the rank of Constable and on 7th September 2010 he was promoted to the rank of Corporal at the Port of Spain City Corporation.

693. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

- **Salary and Meal and housing:** $\$170,203.20 + \$112,770.04 = \$282,903.24$
- **Tax deduction (25%):** $\$282,903.24 \times 25\% = \$70,725.81$
 $\$282,903.24 - \$70,725.81 = \$212,177.43$
- **Total loss:** $\$212,177.43 \times 60\% = \$127,306.45$

694. *Loss of Pension entitlements:* He assumes that he will retire in 2021. At his current salary he claims that he will still receive \$1,044.17 less in pension and \$39,156.5 less in gratuity than a RPO of equivalent rank.

695. *Loss of promotional opportunities:* He was promoted to the rank of Corporal after twenty two (22) years of service. Initially, promotions were carried out on the basis of seniority but in 2010 he was required to be interviewed. The system changed again after he was promoted and promotions were carried out on seniority again. He contends that had he been promoted after three years of service, he would have risen to the rank of Assistant Superintendent. He claims to have lost approximately \$600,000.00 in income. However there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

696. Generally Mr. De Joseph felt demoralized, hurt and disenchanted.

697. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

698. Mr. De Leon will be awarded a total sum of **\$632,306.45**.

- Compensatory award:** $\$127,306.45 + \$125,000.00 = \$252,306.45$
- Vindictory Damages:** $\$300,000.00$
- Additional Award:** $\$80,000.00$
- Total sum awarded:** **\$632,306.45**

Alric Isidore La Croix (82nd Claimant)

699. Mr. La Croix has been a MPO since 10th October 1988. He held the rank of Constable attached to the Port of Spain City Corporation. On 23rd September 2010 he was promoted to the rank of Corporal. He is presently acting as Sergeant at the Corporation.

700. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

- **Salary and Meal and housing:** $\$170,203.20 + \$113,815.00 = \$284,018.20$
- **Tax deduction (25%):** $\$284,018.20 \times 25\% = \$71,004.55$
 $\$284,018.20 - \$71,004.55 = \$213,013.65$
- **Total loss:** $\$213,013.65 \times 60\% = \$127,808.19$

701. *Loss of Pension entitlements:* Mr. La Croix assumes he will retire in 2021. Using his current salary, he claims he will still receive \$1,044.17 less in pension per month and \$39,156.25 less in gratuity than a RPO of equivalent rank. It is too speculative at this stage to determine if there is any loss to him of pension entitlements.

702. *Loss of promotional opportunities:* Mr. La Croix complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. He was only promoted to the rank of Corporal after twenty two (22) years of service. He has acted as Sergeant for seven (7) without being promoted to the substantive position. Had he been entitled to be eligible for promotions every three years, he would have risen to the ranks at a faster rate. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

703. Generally, Mr. La Croix felt disenchanting, discouraged and demoralised to be treated less than a RPO. This placed a financial strain on him and his family. He also was frustrated by the lack of promotional opportunities.

704. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

705. Mr. La Croix will be awarded a total sum of **\$632,808.19**.

Compensatory award: \$127,808.19 + \$125,000.00 = \$252,808.19

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$632,808.19**

Prasram Maharaj (83rd Claimant)

706. Mr. Maharaj has been a MPO since 10th October 1988. He holds the rank of Police Constable to date.

707. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

• **Salary and Meal and housing:** \$169,663.00 + \$113,785.00 = \$283,448.00

• **Tax deduction (25%):** \$283,448.00 x 25% = \$70,862.00

\$283,448.00 - \$70,862.00 = \$212,586.00

• **Total loss:** \$212,586.00 x 60% = \$127,551.60

708. *Loss of Pension entitlements:* Mr. Maharaj assumes he will retire in 2026. It is too speculative at this stage to determine if there is any loss to him of pension entitlements.

709. *Loss of promotional opportunities:* Mr. Maharaj complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. Had he been entitled to be eligible for promotions every three years he would have risen to the ranks at a faster rate. He estimates his loss in salary as a result to be in the sum of \$700,000.00. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

710. Generally Mr. Maharaj felt frustrated and demotivated with the state of affairs.

711. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

712. Mr. Maharaj will be awarded a total sum of **\$632,551.60**.

Compensatory award: \$127,551.60 + \$125,000.00 = \$252,551.60

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$632,551.60**

Anthony Conrad Dorset (86th Claimant)

713. Mr. Dorset has been a MPO since 1st June 1990. He held the rank of Police Constable at San Fernando City Corporation. He was appointed by the SASC to post of Acting Corporal in March 2010 but his substantive post is Police Constable.

714. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

- **Salary and Meal and housing:** \$186,874.72 + \$158,821.00 = \$345,695.72

- **Tax deduction (25%):** \$345,695.72 x 25% = \$86,423.93

 \$345,695.72 - \$86,423.93 = \$259,271.79

- **Total loss:** \$259,271.79 x 60% = \$155,563.07

715. *Loss of pension entitlements:* Mr. Dorset assumes that he will retire in 2023. Using his current salary of \$8,980.00 he will still receive \$1,130.84 less in pension per month and \$42,406.25 less in gratuity than an RPO of equivalent rank. However, Mr. Dorset retiring in 2030 is too speculative.

716. *Loss of promotional opportunities:* He has been in the service for twenty seven (27) years. In 2003 after thirteen (13) years he was interviewed for rank of Police Corporal. He heard about the vacancy through the grapevine in the station and not through any formal

advertisement or a formal invitation letter. He complains that there is no certainty with regard to the criteria for promotion if by seniority or performance in interviews. Under the new regulations he would be eligible for promotion every three years and would therefore hold rank of Police Inspector. He claims he lost 50% of his salary. This is too speculative a loss. There is no foundation established to demonstrate entitled to promotion. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

717. Generally, Mr. Dorset felt frustrated and displeased in the difference in treatment meted out to MPOs and RPOs. He also felt de-motivated at the knowledge that even though he did the same functions and duties as RPOs, he was paid a lesser salary.

718. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

719. Mr. Dorset will be awarded a total sum of **\$660,563.07**.

Compensatory award: \$155,563.07 + \$125,000.00 = \$280,563.07

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$660,563.07**

Debra Ignasia Rochford-Mahabir (87th Claimant)

720. Ms. Mahabir has been a MPO since 1st June 1992. She held the rank of Police Corporal at the Arima Corporation. She moved from the SASC to the Public Service Commission and was promoted twice. She currently holds the rank of Police Inspector at the Couva/Tabaquite Talparo Regional Corporation.

721. Her disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of her being entitled to this increased income:

• **Salary and Meal and housing:** \$382,421.00 + \$159,307.00 = \$541,728.00

• **Tax deduction (25%):** \$541,728.00 x 25% = \$135,432.00

$$\$541,728.00 - \$135,432.00 = \$406,296.00$$

- **Total loss:** $\$406,296.00 \times 60\% = \$243,777.60$

722. *Loss of Pension entitlements:* She is still employed but is expected to retire in 2021. If she retired on her existing salary as an Inspector she will received \$801.87 less per month in pensionable salary and \$30,070.31 less in gratuity than an RPO.

723. *Loss of promotional opportunities:* She complains that without any service regulations governing promotions the process for promotions was slow and uncertain. She in fact transferred to the Public Service Commission because of the slow pace of promotions under the SASC. She held the rank of Police Constable of eleven (11) years before being promoted. Had she been entitled to be eligible for promotions every three years, she would have risen to the ranks of Assistant Superintendent. She contends suffered a loss of approximately \$360,000.00 in income. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

724. Generally, Ms. Mahabir felt anguish and belittled by being treated as inferior to RPOs. She felt the State's treatment made her feel of little worth and value despite her service to the State.

725. I have taken her lack of guidance in promotional prospects and general anguish to award a sum of \$100,000.00 for a general award to compensate for her non-pecuniary loss.

726. Ms. Mahabir will be awarded a total sum of **\$723,777.60**.

Compensatory award: $\$243,777.60 + \$100,000.00 = \$343,777.60$

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$723,777.60**

Karamchand Rampersad (88th Claimant)

727. Mr. Rampersad has been a MPO since 1st June 1992 as a Constable. From 2010 to present he is acting in the rank of Police Corporal.

728. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

- **Salary and Meal and housing:** $\$165,197.00 + \$153,823.00 = \$319,020.00$
- **Tax deduction (25%):** $\$319,020.00 \times 25\% = \$79,755.00$
 $\$319,020.00 - \$79,755.00 = \$239,265.00$
- **Total loss:** $\$239,265.00 \times 60\% = \$143,559.00$

729. *Loss of pension entitlements:* Mr. Rampersad assumes that he will retire in 2022. Under his current salary, he will still receive \$1,817.00 less in pension per month and \$90,825.00 less in gratuity than an RPO of equivalent rank. However, Mr. Rampersad retiring in 2022 is too remote.

730. *Loss of promotional opportunities:* Mr. Rampersad claims that he would have been entitled to be promoted to the rank of Corporal in 1997 which is after five years of service as RPOs are promoted to the rank of Corporal after five years of service. He also states that if he was promoted to the rank of Corporal in 1997 he would have been entitled to further promotion after eight years of service to the rank of Sergeant since RPOs are usually entitled to promotion to the rank of Sergeant after eight years of service. He claims to have suffered a loss of approximately \$30,000.00. However, there is no foundation that he would have been promoted as expressed. It is a bald statement that RPOs are usually entitled to promotion to rank for Sergeant after eight years of service as there is no documentary evidence to support this. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

731. He was also shot while on duty but was not given any counselling or medical benefits which an RPO is entitled to but no evidence was led of any such benefits.

732. Generally, he felt stressed and demotivated. He is referred to as “market police” by RPOs and felt humiliated.

733. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

734. Mr. Rampersad will be awarded a total sum of **\$648,559.00**.

Compensatory award: \$143,559.00 + \$125,000.00 = \$268,559.00

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$648,559.00**

Patricia Arlene Margaret Flatts (90th Claimant)

735. Ms. Flatts has been a MPO since 1st June, 1992. She was a Police Constable employed at the Arima Borough Corporation. On 25th September 2007 she was promoted to the rank of Police Corporal.

736. Her disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of her being entitled to this increased income:

• **Salary and Meal and housing:** \$122,749.00 + \$129,991.00 = \$252,740.00

• **Tax deduction (25%):** \$252,740.00 x 25% = \$63,185.00

\$252,740.00 - \$63,185.00 = \$189,555.00

• **Total loss:** \$189,555.00 x 60% = \$113,733.00

737. *Loss of pension entitlements:* Ms. Flatts assumes that she will retire in 2021. Using her current salary of \$9,947.00 she will still receive \$368.13 less in pension per month and \$13,804.69 less in gratuity than an RPO of equivalent rank. However, Ms. Flatts retiring in 2021 is too speculative to forecast her pensionable salary.

738. *Loss of promotional opportunities:* Ms. Flatts was promoted to the rank of Corporal after fifteen (15) years of service. She acted as Sergeant for the period between 2008 and 2013.

Since 2014 she has acted as Sergeant on continual basis. Yet, she contends, she has not been promoted to the substantive rank of Sergeant despite her years of service and qualification. Under new service regulations she would be entitled to be eligible for promotion after three years. She surmised that after three years she would have been promoted to Corporal in 2000 and then promoted to Sergeant in 2007 and later to Inspector. She submits that as a consequence she has lost approximately \$350,000.00. There is no supporting documentation and no comparison of wages nor any foundation to support her contention that she would be entitled to promotion as distinct from being eligible for promotion. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

739. Generally, she felt demoralised and discouraged and significantly undervalues and unappreciated and insignificant.

740. I have taken her lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for her non-pecuniary loss.

741. Ms. Flatts will be awarded a total sum of **\$618,733.00**.

Compensatory award: \$113,733.00 + \$125,000.00 = \$238,733.00

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$618,733.00**

Lyndon Anderson Thomas (91st Claimant)

742. Mr. Thomas has been a MPO since 1st June 1992. He holds the rank of Police Constable at the Arima Borough Corporation.

743. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

• **Salary and Meal and housing:** \$124,752.00 + \$97,080.00 = \$221,832.00

• **Tax deduction (25%):** \$221,832.00x 25% = \$55,458.00

$$\$221,832.00 - \$55,458.00 = \$166,374.00$$

- **Total loss:** $\$166,374.00 \times 60\% = \$99,824.40$

744. *Loss of pension entitlements:* As he is expected to retire in 2026 his loss of pension benefits are too speculative for this assessment.

745. *Loss of promotional opportunities:* Mr. Thomas complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. Before he left to study abroad in 2011, he held the rank of Police Constable, this after being nineteen (19) years as a MPO. He was interviewed for the rank of Police Corporal but even though his name was place on the Merit List he was not promoted. He believes he would have held the rank of Police Sergeant by now if the regulations were in place. He estimates his lost 70% of his salary. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

746. Generally, Mr. Thomas felt to leave the work and pursue a career that would provide him with a better standard of living for his family. He felt frustrated and de-motivated that he was performing the same duties as RPOs but was underpaid.

747. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

748. Mr. Thomas will be awarded a total sum of **\$604,824.40**.

Compensatory award: $\$99,824.40 + \$125,000.00 = \$224,824.40$

Vindictory Damages: $\$300,000.00$

Additional Award: $\$80,000.00$

Total sum awarded: **$\$604,824.40$**

Joanne Maureen Williams (92nd Claimant)

749. Ms. Williams has been a MPO since 1st June 1992. She held the rank of Police Corporal at Tunapuna Municipal Police Station. She was promoted by the Public Service Commission to the rank of Police Sergeant in 2004. She was again promoted by the Public Service Commission to the rank of Police Inspector in 2011. She currently holds the rank of Police Inspector at Tunapuna Municipal Police Station.

750. Her disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of her being entitled to this increased income:

- **Salary and Meal and housing:** $\$283,642.00 + \$310,088.00 = \$593,730.00$
- **Tax deduction (25%):** $\$593,730.00 \times 25\% = \$148,432.50$
 $\$593,730.00 - \$148,432.50 = \$445,297.50$
- **Total loss:** $\$445,297.50 \times 60\% = \$267,178.50$

751. *Loss of pension entitlements:* She assumes that she will retire in 2020. Using her current salary of \$11,222.00 she contends that she will still receive \$801.87 less in pensionable salary and \$30,070.31 less in gratuity than an RPO of equivalent rank. However, her retiring in 2020 is too speculative to forecast her pensionable salary.

752. The absence of regulations affected her ability to discipline and reward of subordinates. With the absence of regulations her junior officers engaged in misconduct or lacked discipline in their behaviour. She complains of not being able to focus on higher education because of the instructions of the state to focus on running the station. She felt disrespected as a faithful servant of the State by the failure to implement proper regulations.

753. I have taken her lack of guidance in the absence of regulations and general anguish to award a sum of \$100,000.00 for a general award to compensate for her non-pecuniary loss.

754. Ms. Williams will be awarded a total sum of **\$747,178.50**.

Compensatory award: $\$267,178.50 + \$100,000.00 = \$367,178.50$

Vindictory Damages: $\$300,000.00$

Additional Award: \$80,000.00
Total sum awarded: \$747,178.50

Miriam Alexander Sankar (93rd Claimant)

755. Ms. Sankar has been a MPO since June 1992. She was promoted to the rank of Police Corporal and then with effect from June 2004 she is further promoted to the post of Sergeant. She now holds the post of Inspector having been so promoted in November 2013.

756. Her disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of her being entitled to this increased income:

- **Salary and Meal and housing:** \$379,754.00 + \$140,668.00 = \$520,422.00
- **Tax deduction (25%):** \$520,422.00x 25% = \$130,105.50
\$520,422.00- \$130,105.50= \$390,316.50
- **Total loss:** \$390,316.50 x 60% = \$234,189.90

757. *Loss of Pension entitlements:* As she is expected to retire in 2027 her loss of pension benefits are too speculative for this assessment.

758. *Loss of promotional opportunities:* Ms. Sankar still complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. She was a Police Constable for eleven (11) years before she was promoted to the rank of Police Corporal. Further, she was promoted to the rank of Inspector after nine (9) years in the rank of Sergeant. She estimates her loss in salary as a result to be in the sum of \$180,000.00. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

759. Generally, Ms. Sankar felt abused in not having access to the Industrial Court and she felt less appreciated.

760. I have taken her lack of guidance in promotional prospects and general anguish to award a sum of \$100,000.00 for a general award to compensate for her non-pecuniary loss.

761. Ms. Sankar will be awarded a total sum of **\$714,189.90**.

Compensatory award: \$234,189.90+ \$100,000.00 = \$334,189.90

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$714,189.90**

Helen Straker (95th Claimant)

762. Ms. Straker has been a MPO since 1st June 1993. She is a Constable at San Fernando City Corporation.

763. Her disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of her being entitled to this increased income:

• **Salary and Meal and housing:** \$188,901.19 + \$127,228.00 = \$316,129.19

• **Tax deduction (25%):** \$316,129.19 x 25% = \$79,032.29

\$316,129.19 - \$79,032.29= \$237,096.90

• **Total loss:** \$237,096.90 x 60% = \$142,258.14

764. *Loss of pension entitlements:* She assumes that she will retire in 2025. Using her current salary of \$8,081.00, she contends that she will still receive \$1,130.83 less in pensionable salary and \$42,406.25 less in gratuity than a RPO of equivalent rank. However, her retiring in 2025 is too speculative.

765. *Loss of promotional opportunities:* She complains that there was no consistent system for promotion. She stated that promotions were carried out based on “personal relationships”. Since 2016 she was bypassed for an acting position of Corporal at San Fernando City Corporation and the acting appointment given to WPC Maria Maharaj who was not confirmed yet as a Police Constable. She estimates that if the new service regulations applied with eligibility for promotions every three years she would have been promoted at a faster rate

and hold the rank of Sergeant. She contends she lost approximately \$150,000.00. However, this is too speculative and there is no foundation and guarantee that she would have been promoted over the years. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

766. Generally, the situation made her feel de-motivated and she had a low self-esteem. She also felt disappointed, discriminated against and unfairly treated because she was bypassed for being offered an acting position.

767. I have taken her lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for her non-pecuniary loss.

768. Ms. Straker will be awarded a total sum of **\$647,258.14**.

Compensatory award: \$142,258.14 + \$125,000.00 = \$267,258.14

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$647,258.14**

Dave Brijmohan (96th Claimant)

769. Notably, Mr. Brijmohan noted that widening in pay considerably in 2002 when based on the Job Evaluation conducted in the Police Service the monthly salary of an RPO was increased by consolidating the basic salary with the cost of living allowance and the second division police officers allowance with effect from January 2002 to September 2003 and the consolidated salary was also increased by 40% of the difference between such the salary and the targeted quantum of market salaries agreed upon by the CPO and the Trinidad and Tobago Police Service Social and Welfare Association with effect from October 2003 to March 2004.

770. He prepared a table noting the difference in salaries and meals and housing allowances between MPOS and RPOs.

771. He was a MPO holding the rank of Constable with the San Fernando City Corporation. In 2004 he was appointed Corporal with Ministry of Local Government. In 2010 he was promoted to Police Sergeant. In 2012 he was promoted to Municipal Police Inspector and in 2016 to his substantive post of Police Inspector in the Ministry of Rural Development and Local Government.

772. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

- **Salary and Meal and housing:** $\$186,528.37 + \$152,935.00 = \$339,463.37$
- **Tax deduction (25%):** $\$339,463.37 \times 25\% = \$84,865.84$
 $\$339,463.37 - \$84,865.84 = \$254,597.53$
- **Total loss:** $\$254,597.53 \times 60\% = \$152,758.51$

773. *Loss of pension entitlements:* He assumes that he will retire is 2021. Using his current salary of \$11,222.00, he contends that he will still receive \$1,256.67 less in pensionable salary and \$47,125.00 less in gratuity. However, as he is currently employed it is too remote to calculate this loss of pension and gratuity benefits.

774. *Loss of promotional opportunities:* He has also complained of loss of promotions, opportunities and a consequent loss in salary.

775. He stated that the lack of service regulations made him feel de-motivated and his self-esteem has been low.

776. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$100,000.00 for a general award to compensate for his non-pecuniary loss.

777. Mr. Brijmohan will be awarded a total sum of **\$632,758.51**.

- Compensatory award:** $\$152,758.51 + \$100,000.00 = \$252,758.51$
- Vindictory Damages:** $\$300,000.00$
- Additional Award:** $\$80,000.00$
- Total sum awarded:** **\$632,758.51**

Heather Braithwaite-Remy (97th Claimant)

778. Ms. Braithwaite-Remy has been a MPO since 1st June 1992. She held the rank of Constable, then in 2004 she promoted to the rank of Corporal at San Fernando City Corporation. In 2014 she was promoted to rank of Police Sergeant at the San Fernando City Corporation. During 2014 she acted as Police Inspector for various periods. Between January 2015 to February 2017 she has held the rank of Assistant Superintendent of Police (Ag).

779. Her disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of her being entitled to this increased income:

- **Salary and Meal and housing:** $\$147,975.70 + \$140,330.00 = \$288,305.70$
- **Tax deduction (25%):** $\$288,305.70 \times 25\% = \$72,076.42$
 $\$288,305.70 - \$72,076.42 = \$216,229.28$
- **Total loss:** $\$216,229.28 \times 60\% = \$129,737.56$

780. *Loss of pension entitlements:* She assumes that she will retire in 2019. Using her current salary for a Police Inspector of \$11,665.00, she contends that he will receive \$1,720.62 less in pension per month and \$64,523.44 less in gratuity compared to an RPO of equivalent rank.

781. *Loss of promotional opportunities:* She complains that promotions are not based on merit of the ability or education. There are no criteria for promotions and no fixed system. She was promoted to Corporal after twelve (12) years and then to Sergeant after ten (10) years. She acted in the post of Inspector for one year. Despite there being a vacancy for the rank of Police Inspector she was not promoted to that position. She makes a case that with the new service commission regulations she would have been promoted to Corporal after three (3) years in 1995 and then Sergeant in 2001 and later Inspector in 2007 and further to the rank of Assistant Superintendent in 2011. However, again, no evidence to demonstrate her suitability for the post nor vacancies in the relevant department. Her claim for 20% loss of salary simpliciter is too speculative but can be taken into account in the award of general damages. Although one would expect some mobility over the years and this is not a

guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

782. Generally, she complained that she felt lost and discouraged because there was no framework to refer to discipline and promotion which negatively affected her. She felt betrayed and neglected that the State ignored their concerns.

783. I have taken her lack of guidance in promotional prospects and general anguish to award a sum of \$100,000.00 for a general award to compensate for her non-pecuniary loss.

784. Ms. Brathwaite-Remy will be awarded a total sum of **\$609,737.56**.

Compensatory award: \$129,737.56 + \$100,000.00 = \$229,737.56

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

785. **Total sum awarded:** **\$609,737.56**

Carla McEachrane-Alleyne (100th Claimant)

786. Ms. McEachrane has been a MPO since 1st June 1992. She held the rank of Police Constable and was promoted in 2010 by the SASC to rank of Police Constable/Corporal Acting in San Fernando City Corporation.

787. Her disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of her being entitled to this increased income:

• **Salary and Meal and housing:** \$208,381.00 + \$157,795.00 = \$366,176.00

• **Tax deduction (25%):** \$366,176.00 x 25% = \$91,544.00

\$366,176.00 - \$91,544.00 = \$274,632.00

• **Total loss:** \$274,632.00 x 60% = \$164,779.20

788. *Loss of pension entitlements:* She assumes that she will retire in 2023. Using her current salary of \$9,283.00, she contends that she will still receive \$821.27 less in pension per month

and \$30,796.88 less in gratuity than an RPO of equivalent rank. However, her retiring in 2023 is too speculative to estimate any loss in pension entitlements.

789. *Loss of promotional opportunities:* She complains that after her enlistments and promotion to Police Constable in 1992 and after twenty five (25) years in service, she is yet to be promoted. She was interviewed on two occasions in 2004 and 2011 for a higher rank but is yet to benefit from a promotion. Her name is on a merit list but there are no regulations for guiding promotions. She only received a letter in 2010 but it was significant delay in her appointment since the new regulations stipulate an eligibility for promotion for every three years. She claims she would have held the rank of Police Inspector and would have been eligible to promotions every three years. However, there is no evidence of her experience, ability or qualifications fit for promotion save for her time in office. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

790. Generally, she felt disappointed, dissatisfied and frustrated that her rank did not reflect her years of service and commitment to her job.

791. I have taken her lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for her non-pecuniary loss.

792. Ms. McEachrane-Alleyne will be awarded a total sum of **\$669,779.20**.

Compensatory award: \$164,779.20+ \$125,000.00 = \$289,779.20

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$669,779.20**

Jameel Hosein (102nd Claimant)

793. Mr. Hosein has been a MPO since 1st June 1992. He holds the rank of Police Constable employed at the Port of Spain City Corporation.

794. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

- **Salary and Meal and housing:** $\$168,866.68 + \$113,785.00 = \$282,651.68$
- **Tax deduction (25%):** $\$282,651.68 \times 25\% = \$70,662.92$
 $\$282,651.68 - \$70,662.92 = \$211,988.76$
- **Total loss:** $\$211,988.76 \times 60\% = \$127,193.25$

795. *Loss of Pension entitlements:* He claims a loss in pension entitlement provided he retires in 2025. Such a claim is too speculative and subject to too many variable to be the subject of this assessment.

796. *Loss of promotional opportunities:* Mr. Hosein complains that since his enlistment in 1995 he was interviewed only once for promotion. Only after seventeen (17) years in service, he was invited by the SASC to be interviewed for the rank of Police Corporal. After the interview he was appointed Acting Corporal. Had he been entitled to be eligible for promotions every three years he would have risen to the ranks of Sergeant by at least 1999. He claims to have suffered a loss of approximately \$792,000.00 in income. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

797. Generally, Mr. Hosein felt frustrated and stress. He was demoralized by being treated as inferior to RPOs. He also encountered financial constraints in not being able to obtain loans and to give his family a better standard of living being a father to two boys.

798. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

799. Mr. Hosein will be awarded a total sum of **\$632,193.25**.

Compensatory award: $\$127,193.25 + \$125,000.00 = \$252,193.25$

Vindictory Damages: $\$300,000.00$

Additional Award: $\$80,000.00$

Total sum awarded: **\$632,193.25**

Laverne Christina Nelson (105th Claimant)

800. Ms. Nelson has been a MPO since 1st June 1992. She held the rank of Police Constable and was promoted by Statutory Authorities Commission Department to Police Corporal at Port of Spain City Corporation with effect from 8th May 2014. She is currently acting in rank of Sergeant at Port of Spain City Corporation.

801. Her disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of her being entitled to this increased income:

- **Salary and Meal and housing:** $\$171,712.00 + \$148,897.49 = \$320,609.49$
- **Tax deduction (25%):** $\$320,609.49 \times 25\% = \$80,152.37$
 $\$320,609.49 - \$80,152.37 = \$240,457.12$
- **Total loss:** $\$240,457.12 \times 60\% = \$144,274.27$

802. *Loss of pension entitlements:* She assumes that she will retire in 2025. Using her current salary, she claims that she will still receive \$2,484.17 less in pension per month and \$93,156.25 less in gratuity than a RPO of equivalent rank. However, her loss is far too speculative.

803. *Loss of promotional opportunities:* She complains of the uncertainty of promotional prospects. She was only promoted to the rank of Corporal after twenty two (22) years of service There was no system in place to bring awareness of vacancies. After seventeen (17) years of service she was invited by the SASC to be interviewed for the rank of Corporal. She wasn't given any feedback after her interview and she had to make an application under the Freedom of Information Act (FOIA) to obtain information in relation to her interview. Had she been promoted after every three years, she projects that after Constable for over three years she could have gone up the rank to Corporal, Sergeant, Inspector and Assistant Superintendent and even further. She estimates a loss of 70% of her salary due to the delay. Again, the argument is too speculative to allow for a quantification of chance of obtaining promotions without additional information which will impact upon the discretionary nature of these promotions. Although one would expect some mobility over the years and this is not

a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

804. Generally, she felt discriminated against due to the difference in treatment and remuneration between MPOs and RPOs.

805. I have taken her lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for her non-pecuniary loss.

806. Ms. Nelson will be awarded a total sum of **\$649,274.27**.

Compensatory award: \$144,274.27 + \$125,000.00 = \$269,274.27

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$649,274.27**

Anthony Dattoo (106th Claimant)

807. Mr. Dattoo has been a MPO since 1992. He holds the rank of Constable to date.

808. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

- **Salary and Meal and housing:** \$168,900.60 + \$113,785.00 = \$282,685.60
- **Tax deduction (25%):** \$282,685.60 x 25% = \$70,671.40
 \$282,685.60 - \$70,671.40 = \$212,014.20
- **Total loss:** \$212,014.20 x 60% = \$127,208.52

809. *Loss of Pension entitlements:* Mr. Dattoo assumes he will retire in 2028. It is too speculative at this stage to determine if there is any loss to him of pension entitlements.

810. *Loss of promotional opportunities:* Mr. Dattoo complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. He is still a Constable after twenty five (25) years of service. Had he been entitled to be eligible for promotions every three years he

would have risen to the ranks at a faster rate. He estimates his loss in salary as a result to be in the sum of \$500,000.00. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

811. Generally, Mr. Dattoo lacks the motivation and drive as the lack of regulations has negatively impacted his life. He feels despondent and depressed at time at the lack of financial progression. He feels frustrated that he cannot access the Industrial Court to air his grievances.

812. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

813. Mr. Dattoo will be awarded a total sum of **\$632,208.52**.

Compensatory award: \$127,208.52 + \$125,000.00 = \$252,208.52

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$632,208.52**

Glen Charles (110th Claimant)

814. Mr. Charles has been a MPO since 19th July 1995. He held the rank of Constable under the SASC at San Fernando City Corporation. In June 2004, he was promoted to the rank of Police Corporal and 1st June 2010 he was promote to the rank of Police Sergeant and transferred to Port-of-Spain City Corporation 2012. In 2014, he was promoted to the rank of Assistant Superintendent and then to the rank of Superintendent of Police at the Port of Spain Corporation. He moved up the ranks consistently since 2004.

815. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

• **Salary and Meal and housing:** \$243,179.25 + \$117,264.52 = \$360,443.77

- **Tax deduction (25%):** $\$360,443.77 \times 25\% = \$90,110.94$
 $\$360,443.77 - \$90,110.94 = \$270,332.83$
- **Total loss:** $\$270,332.83 \times 60\% = \$162,199.69$

816. *Loss of promotional opportunities:* He assumes that he will retire in 2027. Using his current salary, he claims he would still receive \$2,520.83 less in pension per month and \$94,531.21 less in gratuity. However, his retirement in 2027 is too speculative.

817. *Loss of promotional opportunities:* He still claims loss of promotion of \$25,000.00 if he was promoted at faster rate. There is no evidence in this case of any retirement and he has been satisfactorily promoted throughout his employment. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

818. He contends that the lack of service regulations impacted his ability to discipline junior officers. He experienced extreme frustration and distress. He felt discriminated against because he has not been treated fairly despite carrying out the same functions of a RPO of equivalent rank. He felt demoralized, helpless and demotivated as a result of the concerns of MPOs being ignored by the State.

819. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$100,000.00 for a general award to compensate for his non-pecuniary loss.

820. Mr. Charles will be awarded a total sum of **\$642,199.69**.

Compensatory award: $\$162,199.69 + \$100,000.00 = \$262,199.69$

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$642,199.69**

Linton Ayoung (111th Claimant)

821. Mr. Ayoung has been a MPO since 19th July 1995. He was promoted to the rank of Police Corporal May 2007 and was transferred from San Fernando City Corporation to Point Fortin

Borough Corporation in 2007. He is currently on injury leave at the Rank of Police Corporal.

822. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

- **Salary and Meal and housing:** $\$176,862.10 + \$160,461.00 = \$337,323.10$
- **Tax deduction (25%):** $\$337,323.10 \times 25\% = \$84,330.77$
 $\$337,323.10 - \$84,330.77 = \$252,992.33$
- **Total loss:** $\$252,992.33 \times 60\% = \$151,795.40$

823. *Loss of pension entitlements:* He assumes he will retire in 2024. Using his current salary, he contends that he will still receive \$1,095.00 less in pension per month and \$41,062.50 less in gratuity. However, his retirement in 2024 is speculative.

824. *Loss of promotional opportunities:* He was promoted to the rank of Police Corporal after twelve (12) years of service and since then he has not been promoted. If he had been eligible for promotion every three years, he contends that he would have been promoted to the rank of Police Inspector by 2015. He claims he lost approximately \$400,000.00. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

825. Generally, he feels demotivated, discouraged and disenchanting by the state of affairs. He felt discriminated against and unfairly treated even though he performed the same duties as a RPO of equivalent rank. He was unable to accomplish some of his financial goals and he felt neglected and unappreciated.

826. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$100,000.00 for a general award to compensate for his non-pecuniary loss.

827. Mr. Ayong will be awarded a total sum of **\$631,795.40**.

- Compensatory award:** $\$151,795.40 + \$100,000.00 = \$251,795.40$
- Vindictory Damages:** $\$300,000.00$
- Additional Award:** $\$80,000.00$

Lutchman Nandlal (113th Claimant)

835. Mr. Nandlal has been a MPO since 1996. He presently holds the rank of Police Constable at the San Fernando City Corporation.

836. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

- **Salary and Meal and housing:** $\$169,985.00 + \$158,821.00 = \$328,806.00$
- **Tax deduction (25%):** $\$328,806.00 \times 25\% = \$82,201.50$
 $\$328,806.00 - \$82,201.50 = \$246,604.50$
- **Total loss:** $\$246,604.50 \times 60\% = \$147,962.70$

837. *Loss of pension entitlements:* He assumes he will retire in 2030. Using his current salary, he claims that he will still receive \$1,111.67 less in pension per month and \$41,687.50 less in gratuity than a RPO of equivalent rank. However, his retirement in 2030 is too speculative.

838. *Loss of promotional opportunities:* He was enlisted in 1996 as a MPO and was interviewed for the rank of Police Constable in 2011, fifteen (15) years after being in the service. After the interview his name was placed on a list which showed the order of promotions but he was never informed of the criteria used to establish the order of the list. He observed that officers junior to him were placed above him. His name placed on a list showing order of promotions never informed of criteria used to establish the said list some officers junior to him were placed higher on the list. If he was promoted every three years he would have held the rank of Police Corporal by now. There were no regulations for misconduct and no associations to assist the MPOs who were the subject of disciplinary action for misconduct. In 2007 he faced a charge for malicious damage before Princes Town Magistrate's Court and cleared of offence in 2011 but it was a challenging experience for him.

839. Generally, he felt disappointed and frustrated that he performed the same functions and duties as RPOs but was not entitled to the same benefits. He was only able to afford basic education his children and could not afford extra lessons.

840. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

841. Mr. Nandlal will be awarded a total sum of **\$652,962.70**.

Compensatory award: \$147,962.70 + \$125,000.00 = \$272,962.70

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$652,962.70**

David Singh (114th Claimant)

842. Mr. Singh has been a MPO since 16th October 1996 and holds the rank of Constable at the San Fernando City Corporation.

843. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

- **Salary and Meal and housing:** \$174,841.00 + \$153,892.00 = \$328,733.00

- **Tax deduction (25%):** \$328,733.00 x 25% = \$82,183.25

\$328,733.00 - \$82,183.25 = \$246,549.75

- **Total loss:** \$246,549.75 x 60% = \$147,929.85

844. *Loss of pension entitlements:* He assumes that he will retire in 2029. Using his current salary, he contends that he will still receive \$1,103.33 less in pension per month and \$40,375.00 less in gratuity than a RPO of equivalent rank. However, his retirement in 2029 is too speculative.

845. *Loss of promotional opportunities:* He complains that he has not been given the opportunity to be promoted to a higher rank despite twenty one (21) years of service. There were no consistent system governing promotions. He acted as Corporal since 2014 at different intervals without proper salary. If he was promoted every three years, he contends that he would have held the rank of Sergeant by now. He claims to have lost approximately \$100,000.00 in salary. However, this is too speculative. Although one would expect some

mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

846. Generally, he felt disheartened, disenchanted, lost and severely depressed with the state of affairs. He felt hurt, wounded and disappointed by the failure of the government to address their concerns as MPOs.

847. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$100,000.00 for a general award to compensate for his non-pecuniary loss.

848. Mr. Singh will be awarded a total sum of **\$627,929.85**.

Compensatory award: \$147,929.85 + \$100,000.00 = \$247,929.85

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$627,929.85**

Edgar Nathaniel Carter (116th Claimant)

849. Mr. Carter has been a MPO since 1996. He held the rank of Constable and promoted to the rank of Corporal in September 2010. In June 2014 he has been acting as Sergeant.

850. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

• **Salary and Meal and housing:** \$157,342.13 + \$120,994.00 = \$278,336.13

• **Tax deduction (25%):** \$278,336.13 x 25% = \$69,584.03

\$278,336.13 - \$69,584.03 = \$208,752.10

• **Total loss:** \$208,752.10 x 60% = \$125,251.26

851. *Loss of Pension entitlements:* He assumed he will retire in 2023. Using his current salary, he claims that he will still receive \$706.00 less in pension per month and \$26,500.00 less in gratuity than a RPO of equivalent rank. His claim to loss of pension and gratuity is too speculative and subject to too many variables to be the subject of this assessment.

852. *Loss of promotional opportunities:* Mr. Carter complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. After fourteen (14) years in the service he was promoted to the rank of Police Corporal. He then discovered that one Police Corporal Carol Alexander was recommended and promoted to Sergeant solely on a recommendation. There was no interview process nor was the post advertised. He complained to the SASC which advised that the promotion are guided by regulation 18 of the Statutory Authority Service Commission Regulations. However, those regulations do not govern MPOs and there are no service regulations. Had he been promoted after 3 years of service he would have held the rank of Corporal in 1999. He claims to have suffered a loss of approximately \$80,000.000 of his salary in income. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

853. Generally, Mr. Carter felt rejected and frustrated at the lack of regulations and knowing that he was the subject of inferior terms. It affected his family life emotionally.

854. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$100,000.00 for a general award to compensate for his non-pecuniary loss.

855. Mr. Carter will be awarded a total sum of **\$605,251.26**.

Compensatory award: \$125,251.26 + \$100,000.00 = \$225,251.26

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$605,251.26**

Jeewanlal Baboolal (117th Claimant)

856. Mr. Baboolal has been a MPO since 22nd December 1996. He was never promoted and still hold the rank of Police Constable.

857. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

- **Salary and Meal and housing:** $\$178,274.94 + \$151,903.13 = \$330,178.07$
- **Tax deduction (25%):** $\$330,178.07 \times 25\% = \$82,544.51$
 $\$330,178.07 - \$82,544.51 = \$247,633.56$
- **Total loss:** $\$247,633.56 \times 60\% = \$148,580.13$

858. *Loss of Pension entitlements:* Mr. Baboolal is expected to retire in 2019. Using his current salary, he claims that he will still receive \$892.50 less in pension per month and \$33,470.87 less in gratuity than a RPO of equivalent rank. His claim for any loss in pension entitlements is too speculative and subject to too many variables to be the subject of this assessment.

859. *Loss of promotional opportunities:* Mr. Baboolal complains that without any service regulations governing promotions there was uncertainty in the method of promotions. He has been in the service for twenty (21) years without a promotion. He was interviewed on two occasions for the post of Police Corporal but was never promoted. He was not aware of the criteria for promotion and vacancies were not advertised. Had he been entitled to be eligible for promotions every three years, he would have risen to the rank of Inspector. He claims to have suffered a loss of approximately \$250,000.00 in income. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

860. Generally, Mr. Baboolal felt demoralized and disenchanted by the unequal treatment. The inferior benefits impacted on him negatively. He was charged with ten (10) offences in 2007 for which he is currently on suspension. Because of the lack of service regulations he has no association to assist in representing him and to seek his interest in the Courts. He has been denied being a member of a recognized association which would be able to assist him in paying his legal fees.

861. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

862. Mr. Baboolal will be awarded a total sum of **\$653,580.13**.

Compensatory award: \$148,580.13 + \$125,000.00 = \$273,580.13

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$653,580.13**

Gillian Chase Gilbert (119th Claimant)

863. Mr. Gilbert has been a MPO since October 13th March 1997. He holds the rank of Police Constable.

864. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

• **Salary and Meal and housing:** \$156,985.70 + \$125,854.00 = \$282,839.70

• **Tax deduction (25%):** \$282,839.70 x 25% = \$70,709.92

\$282,839.70 - \$70,709.92 = \$212,129.78

• **Total loss:** \$212,129.78 x 60% = \$127,277.86

865. *Loss of Pension entitlements:* As he estimates that he will retire in 2030 his claim for loss of pension entitlement is too speculative at this stage to be the subject of this assessment.

866. *Loss of promotional opportunities:* Mr. Gilbert complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. He has been a Police Constable for the past twenty (20) years and has not been given the opportunity to be promoted. There were no consistent system of promotions and it was carried on in an irregular fashion. He estimates his loss in salary as a result to be in the sum of \$50,000.00. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the

service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

867. Generally, the state of affairs has Mr. Gilbert demoralized and broken his self-esteem. He felt hurt and disgruntled in being treated in an inferior manner and felt disrespected by the State in refusing to allow him access to the Industrial Court by not making regulations to form associations.

868. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

869. Mr. Chase will be awarded a total sum of **\$632,277.86**.

Compensatory award: \$127,277.86 + \$125,000.00 = \$252,277.86

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$632,277.86**

Dexter Martin (120th Claimant)

870. Mr. Martin has been a MPO since 1st November 1998. He held the rank of Police Constable at San Fernando City Corporation and was promoted by SASC to Police Corporal in 2004. He was appointed by the SASC to the rank of Acting Police Inspector in 2014 at San Fernando City Corporation.

871. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

• **Salary and Meal and housing:** \$129,136.70 + \$160,583.48 = \$289,720.18

• **Tax deduction (25%):** \$289,720.18 x 25% = \$72,430.04

\$289,720.18 - \$72,430.04 = \$217,290.14

• **Total loss:** \$217,290.14 x 60% = \$130,374.08

872. *Loss of pension entitles:* He assumed that he will retire in 2031. Using his current salary, he claims that he will still receive \$625.83 less in pension per month and \$23,486.75 less in gratuity than a RPO of equivalent rank. His claim for any loss in pension entitlements is too speculative.

873. *Loss of promotional opportunities:* Since his enlistment in 1998 he remained as Police Constable for six (6) years until promoted to Police Corporal in 2004. He is yet to be promoted to a higher rank and has held this rank for the last thirteen (13) years. He contends that there is no uniformity in the criteria for promotions. Both the PSC and SASC used different criteria for promotions so that persons who started with him and transferred to different municipality would have benefited from a different regime and promoted over him even though junior to him or possessed lesser qualifications. There were no advertisement for vacancies. He would have been eligible for promotion in the new service regulations every three (3) years and he believes he would have held the rank of Assistant Superintendent by now. He estimates he lost 45% of his salary. However, his claim is too speculative. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

874. Generally, Mr. Martin felt demotivated, demoralized, stressed and cheated due to the difference in treatment between MPOs and RPOs due to the lack of service regulations.

875. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$100,000.00 for a general award to compensate for his non-pecuniary loss.

876. Mr. Martin will be awarded a total sum of **\$610,374.08**.

Compensatory award: \$130,374.08 + \$100,000.00 = \$230,374.08

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$610,374.08**

Jodha Badal (121st Claimant)

877. Ms. Badal has been a MPO since 9th October 2000. She currently still holds the rank of

constable at the Port of Spain City Corporation.

878. Her disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of her being entitled to this increased income:

- **Salary and Meal and housing:** $\$340,817.00 + \$122,826.99 = \$463,643.99$
- **Tax deduction (25%):** $\$463,643.99 \times 25\% = \$115,910.99$
 $\$463,643.99 - \$115,910.99 = \$347,733.00$
- **Total loss:** $\$347,733.00 \times 60\% = \$208,639.80$

879. *Loss of Pension entitlements:* She estimates that she will retire in 2028. Her claim for loss of pension entitlement is too speculative at this stage to be the subject of this assessment.

880. *Loss of promotional opportunities:* Ms. Badal complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that she was not promoted in a timely manner. He was only appointed to act as a Corporal in 2014 after fourteen (14) years of service. There were no consistent system of promotions and it was carried on in an irregular fashion. She estimates that he would have been promoted to the post of Sergeant beyond 2010. She estimates her loss in salary as a result to be in the sum of \$300,000.00. However, there is no evidence to demonstrate the chance of success of being promoted save for her length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

881. Generally, Ms. Badal felt distressed and de-motivated. She felt deprived of certain benefits despite facing similar risk as RPOs. This caused her to feel disenchanting and unappreciated. She felt discriminated against being forced to settle for less having no recognised association to bargain on her behalf for better conditions.

882. I have taken her lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for her non-pecuniary loss.

883. Ms. Badal will be awarded a total sum of **\$713,639.80**.

Compensatory award: $\$208,639.80 + 125,000.00 = \$333,639.80$

Vindictory Damages:	\$300,000.00
Additional Award:	\$80,000.00
Total sum awarded:	\$713,639.80

Anthony Michael Joseph (122nd Claimant)

884. Mr. Joseph has been a MPO since 9th October 2000. He still holds the rank of Police Constable.

885. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

- **Salary and Meal and housing:** \$172,959.00 + \$152,403.25 = \$325,362.25
- **Tax deduction (25%):** \$325,362.25 x 25% = \$81,340.56
 \$325,362.25 - \$81,340.56 = \$244,021.69
- **Total loss:** \$244,021.69 x 60% = \$146,413.01

886. *Loss of Pension entitlements:* He is expected to retire in 2034. His claim to pensionable benefits is too speculative to be the subject of this assessment.

887. *Loss of promotional opportunities:* Mr. Joseph complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. He has not been promoted despite being in the service for sixteen (16) years. He estimates he should have been promoted to at least the rank of Police Corporal and estimates his loss in salary as a result to be in the sum of \$300,000.00. However there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

888. Generally, Mr. Joseph felt hurt with this disparity in income and it has lowered his moral as well as cause him to suffer hardships in no being able to enjoy the benefits and rewards of

a higher salary. He felt victimized by the State in not making the relevant regulations for the administration and organisation of MPOs.

889. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

890. Mr. Joseph will be awarded a total sum of **\$651,413.01**.

Compensatory award: \$146,413.01 + \$125,000.00 = \$271,413.01

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$651,413.01**

Sheldon Wellington Joseph (125th Claimant)

891. Mr. Joseph has been a MPO since 9th October 2000. He held the rank of Police Constable attached to the Port of Spain City Corporation. On 27th July 2013 he was appointed to the post of Acting Corporal at the Port of Spain City Corporation.

892. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

• **Salary and Meal and housing:** \$193,044.32 + \$110,118.81 = \$303,163.13

• **Tax deduction (25%):** \$303,163.13 x 25% = \$75,790.78

\$303,163.13 - \$75,790.78 = \$227,372.35

• **Total loss:** \$227,372.35 x 60% = \$136,423.41

893. *Loss of Pension entitlements:* Mr. Joseph assumes he will retire in 2034. It is too speculative at this stage to determine if there is any loss to him of pension entitlements.

894. *Loss of promotional opportunities:* Mr. Joseph complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. Had he been entitled to be eligible for promotions every three years he would have risen to the ranks at a faster rate. He calculated

his loss as between \$400,000.00 to \$500,000.00 However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

895. Generally, he felt ashamed in not having been promoted after so many years. He has had to interact with RPOs and he either lies or laugh when giving his answer about his rank, ashamed of the fact that after seventeen (17) years he still holds the rank of Police Constable. This has held him back financially and has posed a challenge to his family.

896. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

897. Mr. Joseph will be awarded a total sum of **\$641,423.41**.

Compensatory award: \$136,423.41 + \$125,000.00 = \$261,423.41

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$641,423.41**

Farouk Imtiaz Mohammed (126th Claimant)

898. Mr. Mohammed has been a MPO since October 2000. Although his substantive rank remains that of a Police Constable he was appointed to the post of Acting Corporal with effect in December 2013 by the SASC.

899. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

• **Salary and Meal and housing:** \$179,057.00 + \$152,497.16 = \$331,554.16

• **Tax deduction (25%):** \$331,554.16 x 25% = \$82,888.54

\$331,554.16 - \$82,888.54 = \$248,665.62

• **Total loss:** \$248,665.62 x 60% = \$149,199.37

900. *Loss of Pension entitlements:* Mr. Mohammed is expected to retire in 2034. His claim for any future loss of pension benefits is at this stage too speculative and uncertain to be capable of assessment.

901. *Loss of promotional opportunities:* Mr. Mohammed complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. For his seventeen (17) years of service he has not been promoted or interviewed for promotion. Without regulations different regions and municipalities, the SASC and PSC, governed by different bodies employed different systems in promotions. There were no consistent system of promotions and it was carried on in an irregular fashion. He estimates his loss in salary as a result to be 70% of his salary. However there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

902. The difference in salary and allowance resulted in Mr. Mohammed experiencing financial constraints from resorting to loans to being deprived of qualifying for better mortgages. He felt neglected and frustrated.

903. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

904. Mr. Mohammed will be awarded a total sum of **\$654,199.37**.

Compensatory award: \$149,199.37 + \$125,000.00 = \$274,199.37

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$654,199.37**

Sheldon Wayne Joseph (127th Claimant)

905. Mr. Joseph has been a MPO since 2002. He held the rank of Police Constable and in May 2014 he was promoted by the Statutory Authorities Service Commission to the rank of Acting

Corporal.

906. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

- **Salary and Meal and housing:** $\$172,007.00 + \$140,952.66 = \$312,959.66$
- **Tax deduction (25%):** $\$312,959.66 \times 25\% = \$78,239.91$
 $\$312,959.66 - \$78,239.91 = \$234,719.75$
- **Total loss:** $\$234,719.75 \times 60\% = \$140,831.85$

907. *Loss of pension entitlements:* He assumed that he will retire in 2033. Using his current salary, he claims that he will still receive \$1,046.66 less in pension per month and \$39,250.00 less in gratuity than a RPO of equivalent rank. However, his retirement is too distant and his loss is premised in his existing lower salary.

908. *Loss of promotional opportunities:* Since his promotion to constable in 2002 he was neither interviewed nor provided with the opportunity to move up the ranks until 2014. Under new regulation he would have been eligible for promotion after three years. He averages a loss of 40% of his salary due to loss of opportunity to be promoted. However his evidence is deficient as to the nature of the job, his service record, existing vacancies and the merit in his promotion. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

909. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

910. Generally, Mr. Joseph felt de-moralized and frustrated with the state of affairs.

911. Mr. Joseph will be awarded a total sum of **\$645,831.85**

- Compensatory award:** $\$140,831.85 + \$125,000.00 = \$265,831.85$
- Vindictory Damages:** $\$300,000.00$
- Additional Award:** $\$80,000.00$

Total sum awarded: \$645,831.85

Joel Anthony Gunpat (128th Claimant)

912. Mr. Gunpat has been a MPO since October 2000. He currently still holds the rank of Police Constable at the Port of Spain City Corporation.

913. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

- **Salary and Meal and housing:** $\$162,519.57 + \$94,234.32 = \$256,753.89$
- **Tax deduction (25%):** $\$256,753.89 \times 25\% = \$64,188.47$
 $\$256,753.89 - \$64,188.47 = \$192,565.42$
- **Total loss:** $\$192,565.42 \times 60\% = \$115,539.25$

914. *Loss of Pension entitlements:* Mr. Gunpat is expected to retire in 2033. His claim for loss of pensionable benefits is at this stage to speculative to be the subject of this assessment.

915. *Loss of promotional opportunities:* Mr. Gunpat that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. He has been a Police Constable for fifteen (15) years with no disciplinary action against him. Had he been promoted in a timely manner as contemplated under the new service regulations he would have risen through the rank to the post of Inspector. He estimates his loss in salary as a result to be in the sum of \$350,000.00. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

916. Generally, Mr. Gunpat felt stressed and frustrated. He feels demotivated and disenchanted in not being promoted and being paid less than a RPO even though performing the same duties.

917. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

918. Mr. Gunpat will be awarded a total sum of **\$620,539.25**.

Compensatory award: \$115,539.25 + \$125,000.00 = \$240,539.25

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$620,539.25**

Robert Raphael Hernandez (129th Claimant)

919. Mr. Hernandez has been a MPO since 9th October 2000. He holds the rank of Police Constable at the Port of Spain City Corporation. He has been appointed to the post of acting Corporal with effect from 12th December 2013 at the Port of Spain City Corporation but his substantive rank remains that of a Police Constable.

920. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

• **Salary and Meal and housing:** \$193,044.32 + \$85,971.71 = \$279,016.03

• **Tax deduction (25%):** \$279,016.03 x 25% = \$69,754.00

\$279,016.03 - \$69,754.00 = \$209,262.03

• **Total loss:** \$209,262.03 x 60% = \$125,557.21

921. *Loss of Pension entitlements:* Mr. Hernandez assumes he will retire in 2027. It is too speculative at this stage to determine if there is any loss to him of pension entitlements.

922. *Loss of promotional opportunities:* Mr. Hernandez complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. He has never been promoted or interviewed for promotions and has held the substantive rank of Police Constable for seventeen (17) years. Had he been entitled to be eligible for promotions every three years, he would have risen to the ranks at a faster rate to the rank of Inspector and surmises his loss in salary as a

result to be in the sum of \$450,000.00. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

923. Due to the denial of the opportunity to be promoted he felt demotivated and it affected his work ethic. With the lack of an association representing him he was unable to obtain proper representation in dealing with disciplinary issues such as a charge of walking off the job which investigation took three years and he was unable to access the services of an association to properly assist him.

924. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

925. Mr. Hernandez will be awarded a total sum of **\$630,557.21**.

Compensatory award: $\$125,557.21 + \$125,000.00 = \$250,557.21$

Vindictory Damages: $\$300,000.00$

Additional Award: $\$80,000.00$

Total sum awarded: **$\$630,557.21$**

Maitreya Jarrod Hewitt (130th Claimant)

926. Mr. Hewitt has been a MPO since 9th October 2000. He held the rank of Police Constable to date at the Port of Spain City Corporation.

927. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

• **Salary and Meal and housing:** $\$167,332.58 + \$120,567.64 = \$287,900.22$

• **Tax deduction (25%):** $\$287,900.22 \times 25\% = \$71,975.05$

$\$287,900.22 - \$71,975.05 = \$215,925.17$

• **Total loss:** $\$215,925.17 \times 60\% = \$129,555.10$

928. *Loss of Pension entitlements:* As he presumed he will retire at 2033 any loss of pension benefits at this stage is too speculative and subject to too many variables to be the subject of this assessment.

929. *Loss of promotional opportunities:* Mr. Hewitt complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. In fact he has held the same rank for seventeen (17) years and there has been no communication to him of any reason why he is not eligible for promotion. He presumes promotions are done on a seniority basis and some officer who joined in 2000 have been promoted due to the fact that they were assigned. Had he been entitled to be eligible for promotions every three years, he would have risen to the ranks at a faster rate and would have been Police Sergeant by now. He claims to have suffered a loss of approximately \$150,000.00 of his salary in income. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

930. Generally, Mr. Hewitt felt discriminated and unappreciated. He was unable to meet certain goals for his family financially being to main provider. He had to resort to acting loans to for even basic necessities. He felt he was a failure to his family and was unable to provide for their needs.

931. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

932. Mr. Hewitt will be awarded a total sum of **\$634,555.10**.

Compensatory award: \$129,555.10 + \$125,000.00 = \$254,555.10

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$634,555.10**

Videsh Seepersad (135th Claimant)

933. Mr. Seepersad has been a MPO since 9th October 2000. His substantive post is Police Constable but he was appointed by the SASC to the post of acting Police Corporal in 2014.

934. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

- **Salary and Meal and housing:** $\$167,130.88 + \$138,187.34 = \$305,318.22$
- **Tax deduction (25%):** $\$305,318.22 \times 25\% = \$76,329.55$
 $\$305,318.22 - \$76,329.55 = \$228,988.67$
- **Total loss:** $\$228,988.67 \times 60\% = \$137,393.202$

935. *Loss of pension entitlements:* He assumed that he will retire in 2034. Using his current salary, he claims he would still receive \$1,226.67 less in pension per month and \$46,000.00 less in gratuity than a RPO of equivalent rank. His claim for pension and gratuity is too speculative.

936. *Loss of promotional opportunities:* Since his enlistment in 2000 he has never been interviewed or invited to be interviewed. He has never been promoted and his acting appointment in 2014 was as a result of a senior officer going on vacation. There is no upward mobility. He believed if the regulations were in place he would have held the rank of Inspector by now. He claims he has lost 60% loss of salary. There is no foundation in his loss of promotional opportunity. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

937. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

938. Mr. Seepersad will be awarded a total sum of **\$642,393.20**.

Compensatory award: $\$137,393.202 + \$125,000.00 = \$262,393.20$

Vindictory Damages: $\$300,000.00$

Additional Award: \$80,000.00
Total sum awarded: \$642,393.20

Kafi Tricia Ralph (136th Claimant)

939. Ms. Ralph has been a MPO since 19th October 1990. She holds the rank of Constable at the Port-of-Spain City Corporation.

940. Her disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of her being entitled to this increased income:

- **Salary and Meal and housing:** \$196,119.00 + \$153,671.02 = \$349,790.02
- **Tax deduction (25%):** \$349,790.02 x 25% = \$87,447.50
\$349,790.02 - \$87,447.50 = \$262,342.52
- **Total loss:** \$262,342.52 x 60% = \$157,405.51

941. *Loss of pension entitlements:* She assumes that she will retire in 2034. Using her current salary, she claims she will still receive \$1,046.67 less in pension per month and \$39,250 less in gratuity than a RPO of equivalent rank. Her claim for pension and gratuity entitlement is too speculative.

942. *Loss of promotional opportunities:* She has not yet been promoted to Corporal despite having served more than sixteen (16) years. Usually at the Port of Spain Corporation promotions are carried out after interviews are conducted. However, she contends that there has only been one set of interviews within the past sixteen (16) years has occurred for the rank of Corporal approximately six (6) years ago. There is no consistent system for promotion and no system whereby merit or ability is measured for promotion purposes. She assumes she would be Inspector by now if she was promoted every three years. She claims to have lost approximately \$150,000.00. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

943. Generally, she felt despondent and ashamed as she saw other persons with whom she trained promoted instead of her. She was unable to have a medical operation carried out in a timely fashion because of unavailability of funds. These are very vague allegations of loss.

944. I have taken her lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for her non-pecuniary loss.

945. Ms. Ralph will be awarded a total sum of **\$662,405.51**.

Compensatory award: \$157,405.51 + \$125,000.00 = \$282,405.51

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$662,405.51**

Curtis Otis Chualos George (137th Claimant)

946. Mr. George has been a MPO since 1st June 1992. He holds the rank of Constable at the Port of Spain City Corporation.

947. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

• **Salary and Meal and housing:** \$150,527.36 + \$106,382.14 = \$256,909.50

• **Tax deduction (25%):** \$256,909.50 25% = \$64,227.37

\$256,909.50 - \$64,227.37 = \$192,682.13

• **Total loss:** \$192,682.13 x 60% = \$115,609.27

948. *Loss of Pension entitlements:* Mr. George assumes he will retire in 2027. It is too speculative at this stage to determine if there is any loss to him of pension entitlements.

949. *Loss of promotional opportunities:* Mr. George complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. Had he been entitled to be eligible for promotions every three years, he would have risen to the ranks at a faster rate. He estimates

his loss in salary as a result to be in the sum of \$275,000.00. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

950. In the absence of service regulations he experienced extreme frustration. He was the subject of disciplinary action where he was dismissed summarily without a hearing in 1994 and was rehired in 1996. The effect of the rehiring is that he has lost on the ability to receive a full pension and gratuity.

951. Generally, Mr. George felt distress and embarrassment. It placed a financial strain on himself and his family.

952. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

953. Mr. George will be awarded a total sum of **\$620,609.27**.

Compensatory award:	$\$115,609.27 + \$125,000.00 = \$240,609.27$
Vindictory Damages:	$\$300,000.00$
Additional Award:	$\$80,000.00$
Total sum awarded:	$\\$620,609.27$

Vishal Singh (138th Claimant)

954. Mr. Singh has been a MPO since 19th July 2001. He holds the rank of Police Constable at the San Fernando City Corporation.

955. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

- **Salary and Meal and housing:** $\$167,847.87 + \$148,702.19 = \$316,550.06$
- **Tax deduction (25%):** $\$316,550.06 \times 25\% = \$79,137.51$
 $\$316,550.06 - \$79,137.51 = \$237,412.55$

- **Total loss:** $\$237,412.55 \times 60\% = \$142,447.53$

956. *Loss of pension entitlements:* He assumed he will retire in 2035. Using his current salary, he claims he will still receive \$1,226.67 less in pension per month and \$46,000.00 less in gratuity than a RPO of equivalent rank. His claim is too speculative and subject to too many uncertainties to the subject of his assessment.

957. *Loss of promotional opportunities:* Mr. Singh complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. He was not interviewed for promotion until 2009. Promotions were usually done on seniority and so vacancies arose only when a senior officer went on vacation and retirement or on leave. He was placed on a merit list after his interview and acted as Corporal for the past six (6) years. He surmises that had he been entitled to be eligible for promotions every three years he would have risen to the ranks at a faster rate to corporal by 2004. He claims to have suffered a loss of approximately 35% of his salary in income. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

958. Generally, Mr. Singh felt frustrated and demotivated. Although referred to as Corporal his rank does not reflect this. He has experience financial hardships and unable to have personal financial goals for this family.

959. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

960. Mr. Singh will be awarded a total sum of **\$647,447.53**.

Compensatory award: $\$142,447.53 + \$125,000.00 = \$267,447.53$

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$647,447.53**

Ulric Gilbert (139th Claimant)

961. Mr. Gilbert has been a MPO since 19th July 2001. He holds the rank of Constable at the San Fernando City Corporation.

962. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

- **Salary and Meal and housing:** $\$196,895.23 + \$125,854.00 = \$322,749.23$
- **Tax deduction (25%):** $\$322,749.23 \times 25\% = \$80,687.30$
 $\$322,749.23 - \$80,687.30 = \$242,061.93$
- **Total loss:** $\$242,061.93 \times 60 = \$145,237.15$

963. *Loss of pension entitlements:* He assumed that he will retire in 2028. Using his current salary, he claims that he will still receive \$1,089.38 less in pension per month and \$40,851.56 less in gratuity than a RPO of equivalent rank. His claim for pension and gratuity entitlements is too speculative.

964. *Loss of promotional opportunities:* He has not been promoted to the rank of Corporal even though he has served sixteen (16) years in the service. He believes he would have been promoted in a timely manner if the new service regulations were enacted. He estimates a loss of \$175,000.00 in salary in not being promoted in a timely manner. However, his claim is too speculative. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

965. Generally he felt severe frustration due to the lack of service regulations. He felt disenchanted, disappointed about the difference in benefits between MPOs and RPOs.

966. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

967. Mr. Gilbert will be awarded a total sum of **\$650,237.15**.

Compensatory award: $\$145,237.15 + \$125,000.00 = \$270,237.15$

Vindictory Damages:	\$300,000.00
Additional Award:	\$80,000.00
Total sum awarded:	\$650,237.15

Gerard Bertram Griffith (140th Claimant)

968. Mr. Griffith has been a MPO since 19th July 2001. He holds the rank of Police Constable.

969. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

- **Salary and Meal and housing:** $\$196,895.22 + \$149,749.00 = \$346,644.22$
- **Tax deduction (25%):** $\$346,644.22 \times 25\% = \$86,661.05$
 $\$346,644.22 - \$86,661.05 = \$259,983.17$
- **Total loss:** $\$259,983.17 \times 60\% = \$155,989.90$

970. *Loss of pension entitlements:* He assumed he will retire in 2025. Using his current salary he claims he will still receive \$939.37 less in pension per month and \$35,226.57 less in gratuity than a RPO of equivalent rank. His claim for pension and gratuity is too remote and speculative.

971. *Loss of promotional opportunities:* He contends that RPOs who would have trained alongside him are currently in the rank of Sergeants and Corporals. He was interviewed on two occasions for the post of Police Corporal in 2010 and 2011 and was placed 3rd on the Order of Merit List. Other officers who were lower than him were promoted ahead of him. In other municipalities MPOS promoted despite not being on a merit list. In the absence of regulations to provide guidance for promotions, promotions were done in an ad hoc manner. He stated he has been in the rank of Police Constable for sixteen (16) years and claims he would have been promoted to Police Corporal and further to the to rank of Sergeant if regulations were in place. He estimated his loses in approximately the sum of \$500,000.00. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

972. Generally, he felt demoralized because he has constantly been denied promotions.

973. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

974. Mr. Griffith will be awarded a total sum of **\$660,989.90**.

Compensatory award: \$155,989.90 + \$125,000.00 = \$280,989.90

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$660,989.90**

Dustin Errol Renn (143rd Claimant)

975. Mr. Renn has been a MPO since 2nd July 2001. He held the rank of Police Constable employed at the Point Fortin Borough Corporation. He was promoted to the rank of Corporal in 8th July 2008 and then to Police sergeant in 20th April 2010.

976. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

• **Salary and Meal and housing:** \$344,113.00 + \$104,083.00 = \$448,196.00

• **Tax deduction (25%):** \$448,196.00 x 25% = \$112,049.00

\$448,196.00 - \$112,049.00 = \$336,147.00

• **Total loss:** \$336,147.00 x 60% = \$201,688.20

977. *Loss of Pension entitlements:* He is expected to retire in 2034. Using his current salary, he claims that he will still receive \$619.17 less in pension per month and \$23,218.75 less in gratuity than a RPO of equivalent rank. His claims for loss of pension entitlement at that time is too speculative and subject to too many variables to be the subject of this assessment.

978. *Loss of promotional opportunities:* Mr. Renn complains that without any service regulations governing promotions there was uncertainty in the method of promotions. Had he been entitled to be eligible for promotions every three years he would have risen to the

ranks of Police Inspector. He claims he suffered a loss of 30% of his salary in income. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

979. Generally, Mr. Renn felt hurt by the failure of the State to enact regulations to govern their terms and conditions of service. He was unable to meet certain financial goals for his family and his child and faced several financial constraints.

980. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

981. Mr. Renn will be awarded a total sum of **\$706,688.20**.

Compensatory award: \$201,688.20 + \$125,000.00 = \$326,688.20

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$706,688.20**

Jarvis Bhajan (144th Claimant)

982. Mr. Bajan has been a MPO since July 2001. He was promoted to the rank of Police Corporal effective April 2008.

983. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

• **Salary and Meal and housing:** \$333,460.00 + \$104,183.00 = \$437,643.00

• **Tax deduction (25%):** \$437,643.00 x 25% = \$109,410.75

\$437,643.00 - \$109,410.75 = \$328,232.25

• **Total loss:** \$328,232.25 x 60% = \$196,939.35

984. *Loss of Pension entitlements:* He claims a loss in pensionable income when he retires in 2031. However such a claim is too speculative and subject to too many variables to be the subject of any pecuniary award.

985. *Loss of promotional opportunities:* Mr. Bhajan was a Police Constable for some seven (7) years before he was given the opportunity to be promoted to the rank of Police Corporal he has held for the past nice (9) years. He complains that he has not been given the opportunity to be promoted to a higher rank and claims a loss of approximately \$90,000.00 in income. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

986. Generally, Mr. Bhajan felt like a lower class police officer. With no regulations in place to guide them they felt like “headless chickens” in not being able to form a recognized association.

987. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

988. Mr. Bhajan will be awarded a total sum of **\$701,939.35**.

Compensatory award: \$196,939.35 + \$125,000.00 = \$321,939.35

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$701,939.35**

Clandell Caclene Maxwell (145th Claimant)

989. Ms. Maxwell has been a MPO since 3rd September 2001. She held the rank of Police Corporal at the Point Fortin Borough Corporation having been transferred from Arima Borough Corporation. She was promoted to Police Corporal in January 2013.

990. Her disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of her being entitled to this increased income:

- **Salary and Meal and housing:** $\$284,759.00 + \$140,719.00 = \$425,478.00$
- **Tax deduction (25%):** $\$425,478.00 \times 25\% = \$106,369.50$
 $\$425,478.00 - \$106,369.50 = \$319,108.50$
- **Total loss:** $\$319,108.50 \times 60\% = \$191,465.10$

991. *Loss of Pension entitlements:* She expects to retire in 2039 but her loss of pension entitlements is too speculative and subject to many variable to be the subject of any assessment.

992. *Loss of promotional opportunities:* Ms. Maxwell complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that she was not promoted in a timely manner. She was only promoted to the rank of Police Corporal after twelve (12) years of service. Had she been entitled to be eligible for promotions every three years, she would have risen to the ranks at a faster rate and hold the rank of Sergeant. She claims to have suffered a loss of approximately \$200,000.00 of her salary in income. However, there is no evidence to demonstrate the chance of success of being promoted save for her length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

993. Generally, Ms. Maxwell felt depressed, demotivated, angry and frustrated by the inferior treatment compared to RPOs.

994. I have taken her lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for her non-pecuniary loss.

995. Ms. Maxwell will be awarded a total sum of **\$696,465.10**.

Compensatory award: $\$191,465.10 + \$125,000.00 = \$316,465.10$

Vindictory Damages: $\$300,000.00$

Additional Award: $\$80,000.00$

Total sum awarded: **$\$696,465.10$**

Dane Brown (146th Claimant)

996. Mr. Brown has been a MPO since 3rd September 2001. He still holds the rank of Police Constable to this date.

997. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

- **Salary and Meal and housing:** $\$202,486.00 + \$147,139.00 = \$349,625.00$
- **Tax deduction (25%):** $\$349,625.00 \times 25\% = \$87,406.25$
 $\$349,625.00 - \$87,406.25 = \$262,218.75$
- **Total loss:** $\$262,218.75 \times 60\% = \$157,331.25$

998. Loss of Pension entitlements: As Mr. Brown is expected to retire in 2035 his claim for loss of pension benefits is at this stage to speculative to be the subject of this assessment,

999. *Loss of promotional opportunities:* Mr. Brown complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. He has not been over his fifteen (15) years of service given nor has he been given the opportunity to present himself for promotion. He estimates his loss in salary as a result to be in the sum of \$300,000.00. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

1000. Generally, Mr. Brown felt demotivated and claims that the state of affairs has affected him physiologically. He does not feel ambitious to pursue educational opportunities.

1001. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

1002. Mr. Brown will be awarded a total sum of **\$662,331.25**.

Compensatory award: $\$157,331.25 + \$125,000.00 = \$282,331.25$

Vindictory Damages:	\$300,000.00
Additional Award:	\$80,000.00
Total sum awarded:	\$662,331.25

Maria Maharaj (147th Claimant)

1003. Ms. Maraj has been a MPO since 1st November 2001 and holds the rank of Police Constable to date.

1004. Her disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of her being entitled to this increased income:

- **Salary and Meal and housing:** \$203,419.00 + \$150,679.00 = \$354,098.00
- **Tax deduction (25%):** \$354,098.00 x 25% = \$88,524.50
 \$354,098.00 - \$88,524.50 = \$265,573.50
- **Total loss:** \$265,573.50 x 60% = \$159,344.10

1005. *Loss of Pension entitlements:* She assumes she will retire in 2036. Her claim to any loss to pension entitlements at that time is too speculative and uncertain to form the basis of this assessment.

1006. *Loss of promotional opportunities:* Ms. Maharaj complains she has not been promoted since sixteen (16) years of service. There is no consistent procedure for promotion and she claims to have suffered a loss of approximately \$100,000.00 in income. However, there is no evidence to demonstrate the chance of success of being promoted save for her length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

1007. Generally, Ms. Maharaj felt unappreciated. She was injured on the job in 2002 and never compensated. She is aware that RPOs receive full medical benefits yet she has to stand all her medical expenses. This made her feel frustrated and unimportant. At times she feels depressed as a single parent and having to support her child.

1008. I have taken her lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for her non-pecuniary loss.

1009. Ms. Maharaj will be awarded a total sum of **\$664,344.10**.

Compensatory award: \$159,344.10 + \$125,000.00 = \$284,344.10

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$664,344.10**

Erica Prieto (150th Claimant)

1010. Ms. Prieto has been a MPO since 14th November 1983. She was promoted to the rank of Sergeant in 2000 and then to the rank of Police Inspector in June 2011. She continued to hold this rank.

1011. Her disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of her being entitled to this increased income:

• **Salary and Meal and housing:** \$195,196.00 + \$126,583.00 = \$321,779.00

• **Tax deduction (25%):** \$321,779.00 x 25% = \$80,444.75

 \$321,779.00 - \$80,444.75 = \$241,334.25

• **Total loss:** \$241,334.25 x 60% = \$144,800.55

1012. *Loss of Pension entitlements:* As she is expected to retire in 2024 her claim for loss of pension benefits is too speculative to be the subject of this assessment.

1013. *Loss of promotional opportunities:* Even though Ms. Prieto complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that she was not promoted in a timely manner she has not calculated any direct loss as a result of the lake of timely promotions. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

1014. Generally, Mr Prieto felt deflated in working without just and equal rewards compared to RPOs. She felt cheated out of her thirty three (33) years of service. Without regulations it was difficult for her to discipline her subordinates. She is forced to take guidance from the Statutory Authorities' Service Regulations which not touch specific issues which affect them as police officers on a day to day basis.

1015. I have taken her lack of guidance in promotional prospects and general anguish to award a sum of \$100,000.00 for a general award to compensate for her non-pecuniary loss.

1016. Ms. Preito will be awarded a total sum of **\$624,800.55**.

Compensatory award: \$144,800.55 + \$100,000.00 = \$244,800.55

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$624,800.55**

Hazely Augustus Johnson (151st Claimant)

1017. Mr. Johnson has been a MPO since 3rd September 2001. He held the rank of Police Constable at Arima Borough Corporation. He was appointed by SASC to Acting Corporal in May 2012 but his substantive rank is Police Constable.

1018. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

• **Salary and Meal and housing:** \$202,486.00 + \$146,707.00 = \$349,193.00

• **Tax deduction (25%):** \$349,193.00 x 25% = \$87,298.25

\$349,193.00 - \$87,298.25 = \$261,894.75

• **Total loss:** \$261,894.75 x 60% = \$157,136.85

1019. *Loss of pension entitlements:* He assumes he will retire in 2034. His claim to any loss to pension entitlements at that time is too speculative and uncertain to form the basis of this assessment.

1020. *Loss of promotional opportunities:* Since his enlistment in 2001, he has held the rank of Police Constable and he has never been interviewed for a higher rank. There is no clear and consistent system in place for promotions. He believes he would have been Police Sergeant by now as the new service regulations has eligibility for promotion every three years. He claims a loss of approximately 50% of his salary. However, his claim for loss of promotion is too speculative. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter

1021. Generally, he felt frustrated at the state of affairs was not able to meet his financial commitments.

1022. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

1023. Mr. Johnson will be awarded a total sum of **\$662,136.85**.

Compensatory award:	$\$157,136.85 + \$125,000.00 = \$282,136.85$
Vindictory Damages:	\$300,000.00
Additional Award:	\$80,000.00
Total sum awarded:	\$662,136.85

RESIGNED MPOS

Doreen Barker-Trotman (85th Claimant)

1024. Ms. Barker-Trotman has been a MPO since 21st August 1989. She held the rank of Police Constable at the San Fernando City Corporation. She resigned in 2017.

1025. Her disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of her being entitled to this increased income:

- **Salary and Meal and housing:** $\$179,935.81 + \$166,604.70 = \$346,540.51$
- **Tax deduction (25%):** $\$346,540.51 \times 25\% = \$86,635.12$
 $\$346,540.51 - \$86,635.12 = \$259,905.39$
- **Total loss:** $\$259,905.39 \times 60\% = \$155,943.23$

1026. *Loss of Pension entitlements:* Ms. Trotman resigned in 2017 and is not entitled to any loss in pension and gratuity.

1027. *Loss of promotional opportunities:* Ms. Trotman complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. She was not promoted after twenty eight (28) years of service. Had she been entitled to be eligible for promotions every three years she would have risen to the ranks at a faster rate to the rank of Inspector. She estimates her loss in salary as a result to be in the sum of \$700,000.00. However, there is no evidence to demonstrate the chance of success of being promoted save for her length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

1028. Generally, Ms. Trotman felt defeated, frustrated and discriminated against. She faced huge financial difficulties and endured the indignity of other junior officers being promoted ahead of her in a process that was haphazard in the absence of regulations. The frustration and stress became unbearable and she resigned from the service in 2017.

1029. I have taken her lack of guidance in promotional prospects and general anguish to award a sum of \$100,000.00 for a general award to compensate for her non-pecuniary loss.

1030. Ms. Barker Trotman will be awarded a total sum of **\$635,943.23**.

Compensatory award:	$\$155,943.23 + \$100,000.00 = \$255,943.23$
Vindictory Damages:	$\$300,000.00$
Additional Award:	$\$80,000.00$
Total sum awarded:	$\\$635,943.23$

Desmond Nicholas Salazar (94th Claimant)

1031. Mr. Salazar has been a MPO since 1st June 1992. He held the rank of Police Constable employed at the San Fernando City Corporation until her resigned in 2007.

1032. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

- **Salary and Meal and housing:** $\$54,594.00 + \$64,480.00 = \$119,074.00$
- **Tax deduction (25%):** $\$119,074.00 \times 25\% = \$29,768.50$
 $\$119,074.00 - \$29,768.50 = \$89,305.50$
- **Total loss:** $\$89,305.50 \times 60\% = \$53,583.30$

1033. *Loss of promotional opportunities:* He was only given one interview relative to promotions during his fifteen (15) years of service. The system of promotions were not consistent or fixed. Had he been eligible for promotions after three years, he would have held the rank of Sergeant before his retirement. He lost approximately \$26,446.00 in salary. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

1034. Generally, he felt frustrated and embarrassed by the difference in treatment between MPO's and RPOs. He felt unappreciated and disenchanting and he felt like a second class citizen because he was looked down upon and ridiculed by other RPOs.

1035. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$100,000.00 for a general award to compensate for his non-pecuniary loss.

1036. Mr. Salazar will be awarded a total sum of **\$533,583.30**.

Compensatory award: \$53,583.30 + \$100,000.00 = \$153,583.30

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$533,583.30**

Cyril Dellamore (98th Claimant)

1037. Mr. Dellamore has been a MPO since 1st June 1992. He held the rank of Constable at the San Fernando City Corporation until his resignation in 2009.

1038. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

• **Salary and Meal and housing:** \$29,989.00 + \$34,918.00 = \$64,907.00

• **Tax deduction (25%):** \$64,907.00 x 25% = \$ 16,226.75

 \$64,907.00 - \$16,226.75 = \$48,680.25

• **Total loss:** \$48,680.25 x 60% = \$29,208.15

1039. *Loss of promotional opportunities:* Mr. Dellamore complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. If he was eligible for promotions every three years he would have been promoted at a faster rate and would have held the post of Sergeant by now. He estimates his loss in salary as a result to be in the sum of \$300,000.00. However there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service Although one would expect some mobility over the years and

this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

1040. Generally, Mr. Dellamore felt de-motivated and demoralized that RPOs received a higher salary than MPOs even though they did the same work as MPOs. He experienced difficulty paying his medical expenses. He felt hopeless and disenchanted and eventually resigned from the Municipal Service.

1041. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$100,000.00 for a general award to compensate for his non-pecuniary loss.

1042. Mr. Dellamore will be awarded a total sum of **\$509,208.15**.

Compensatory award: \$29,208.15 + \$100,000.00 = \$129,208.15

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$509,208.15**

Elizabeth Karen Johnson- Daniel (103rd Claimant)

1043. Ms. Johnson- Daniel has been a MPO since 1st June 1992 as Police Constable at the Port-of-Spain City Corporation. In 2010 she resigned from service.

1044. Her disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of her being entitled to this increased income:

• **Salary and Meal and housing:** \$61,357.59 + \$72,933.15 = \$134,290.74

• **Tax deduction (25%):** \$134,290.74 x 25% = \$33,572.68

\$134,290.74 - \$33,572.68 = \$100,718.06

• **Total loss:** \$100,718.06 x 60% = \$60,430.83

1045. She contends that feelings of frustration and helplessness and demotivation on the absence of proper regulations and the treatment of RPOs by the State led to her resignation and she went to another sector in Ministry of National Security.

1046. I have taken her general anguish to award a sum of \$100,000.00 for a general award to compensate for her non-pecuniary loss.

1047. Ms. Johnson-Daniel will be awarded a total sum of **\$540,430.83**.

Compensatory award:	$\$60,430.83 + \$100,000.00 = \$160,430.83$
Vindictory Damages:	$\$300,000.00$
Additional Award:	$\$80,000.00$
Total sum awarded:	$\\$540,430.83$

Merate Selassie Francis (132nd Claimant)

1048. Ms. Francis has been a MPO since October 2000. She held the rank of Constable at the Port of Spain City Corporation until she resigned in 19th May 2009.

1049. Her disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of her being entitled to this increased income:

- **Salary and Meal and housing:** $\$77,554.81 + \$39,084.68 = \$116,639.49$
- **Tax deduction (25%):** $\$116,639.49 \times 25\% = \$29,159.87$
 $\$116,639.49 - \$29,159.87 = \$87,479.62$
- **Total loss:** $\$87,479.62 \times 60\% = \$52,487.77$

1050. *Loss of promotional opportunities:* Ms. Francis complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that she was not promoted in a timely manner. Had she been entitled to be eligible for promotions every three years she would have risen to the ranks at a faster rate to the rank of Sergeant at the date of her resignation. She estimates her loss in salary as a result to be in the sum of \$100,000.00. However, there is no evidence to demonstrate the chance of success of being promoted save for her length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

1051. Generally, she felt demotivated hurt and the state of affairs affected her work ethic. She felt that the RPOS did not respect the work of the MPOs and held them in contempt. The absence of regulations to rectify the disparity in pay eventually caused her to resign and to leave the MPO force to join the prison service.

1052. I have taken her lack of guidance in promotional prospects and general anguish to award a sum of \$100,000.00 for a general award to compensate for her non-pecuniary loss.

1053. Ms. Francis will be awarded a total sum of **\$532,487.77**.

Compensatory award:	$\$52,487.77 + \$100,000.00 = \$152,487.77$
Vindictory Damages:	$\$300,000.00$
Additional Award:	$\$80,000.00$
Total sum awarded:	$\\$532,487.77$

Anthony Christopher Henry (133rd Claimant)

1054. Mr. Henry has been a MPO since October 2000. He held the rank of Police Constable at the Port of Spain City Corporation until he resigned in 23rd January 2009.

1055. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

- **Salary and Meal and housing:** $\$88,867.55 + \$44,055.91 = \$132,923.46$
- **Tax deduction (25%):** $\$132,923.46 \times 25\% = \$33,230.86$
 $\$132,923.46 - \$33,230.86 = \$99,692.60$
- **Total loss:** $\$99,692.60 \times 60\% = \$59,815.56$

1056. *Loss of Pension entitlements:* He does not claim any loss in pension.

1057. *Loss of promotional opportunities:* Mr. Henry complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. He was not promoted during his nine (9) years of service. Had he been entitled to be eligible for promotions every three years, he would

have risen to the ranks at a faster rate by the date of his resignation. He claims to have suffered a loss of approximately \$50,000.00 of his salary in income. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

1058. Generally, Mr. Henry held frustrated and unappreciated. He felt the RPOs held no respect for MPOs. He felt a strain on his family life with the lack of financial resources. He felt disenchanted in the State refusing to make proper regulations and they were not allowed access to the Industrial Court.

1059. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$100,000.00 for a general award to compensate for his non-pecuniary loss.

1060. Mr. Henry will be awarded a total sum of **\$539,815.56**.

Compensatory award: \$59,815.56 + \$100,000.00 = \$159,815.56

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$539,815.56**

Solange Kerry Cooper (134th Claimant)

1061. Ms. Cooper has been a MPO since 9th October 2000. She held the rank of Woman Police Constable (WPC) at Port of Spain City Corporation. On 25th August 2009 she resigned from the Municipal Service and enlisted with the Trinidad and Tobago Police Service (TTPS) and she is currently a WPC at CID Southwestern Division.

1062. Her disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of her being entitled to this increased income:

• **Salary and Meal and housing:** \$135,875.00 + \$67,043.89 = \$202,918.89

• **Tax deduction (25%):** \$202,918.89 x 25% = \$50,729.72

$$\$202,918.89 - \$50,729.72 = \$152,189.17$$

- **Total loss:** $\$152,189.17 \times 60\% = \$91,313.50$

1063. *Loss of Pension entitlements:* As she resigned she is entitled only to gratuity. Based on the RPO equivalent she received \$63,421.87 less in gratuity.

1064. *Loss of promotional opportunities:* Ms. Cooper complains that without any service regulations governing promotions there was uncertainty in the method of promotions and that he was not promoted in a timely manner. Had she been entitled to be eligible for promotions every three years she would have risen to the rank of Corporal at a faster rate by at least 2003. She claims to have suffered a loss of approximately 60% of her salary in income. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

1065. Generally, she felt financial hardship in not being able to support her family. This led to her resignation.

1066. I have taken her lack of guidance in promotional prospects and general anguish to award a sum of \$100,000.00 for a general award to compensate for her non-pecuniary loss.

1067. Ms. Cooper will be awarded a total sum of **\$571,313.50**.

Compensatory award: $\$91,313.50 + \$100,000.00 = \$191,313.50$

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$571,313.50**

Gillian Stewart (142nd Claimant)

1068. Ms. Stewart has been a MPO since 19th July 2001 and she resigned in 31st December 2010.

1069. Her disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

- **Salary and Meal and housing:** $\$124,561.55 + \$99,294.00 = \$223,855.55$
- **Tax deduction (25%):** $\$223,855.55 \times 25\% = \$55,963.88$
 $\$223,855.55 - \$55,963.88 = \$167,891.67$
- **Total loss:** $\$167,891.67 \times 60\% = \$100,735.00$

1070. *Loss of promotional opportunities:* She complains that without any service regulations governing promotions there was uncertainty in the method of promotions. She was never promoted despite being recommended for promotions in performance interviews on five occasions. No reason was given for her lack of promotion. Vacancies were not advertised. Had she been entitled to be eligible for promotions every three years, she would have risen to the ranks of Sergeant at the date of her resignation. She claims suffered a loss of approximately \$250,000.00 in income. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

1071. Generally she felt memorialized and her self-esteem dropped and she resigned because of this. She is now a customs officer. She felt undervalued and that her services were not being properly compensated.

1072. I have taken her lack of guidance in promotional prospects and general anguish to award a sum of \$100,000.00 for a general award to compensate for her non-pecuniary loss.

1073. Ms. Stewart will be awarded a total sum of **\$580,735.00**.

- Compensatory award:** $\$100,735.00 + \$100,000.00 = \$200,735.00$
- Vindictory Damages:** $\$300,000.00$
- Additional Award:** $\$80,000.00$
- Total sum awarded:** $\$580,735.00$

Otis St. Bernard (153rd Claimant)

1074. Mr. St. Bernard became a MPO on 3rd September 2001. He held the rank of Police

Constable at the Arima Borough Corporation. In December 2007 he resigned from the Municipal Service and enlisted with TTPS. He is currently a Police constable at the POS division.

1075. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

- **Salary and Meal and housing:** $\$81,612.00 + \$47,208.00 = \$128,820.00$
- **Tax deduction (25%):** $\$128,820.00 \times 25\% = \$32,205.00$
 $\$128,820.00 - \$32,205.00 = \$96,615.00$
- **Total loss:** $\$96,615.00 \times 60\% = \$57,969.00$

1076. Generally, he felt undervalued and looked down by members of public.

1077. I have taken his general anguish to award a sum of \$100,000.00 for a general award to compensate for his non-pecuniary loss.

1078. Mr. St. Bernard will be awarded a total sum of **\$537,969.00**.

- Compensatory award:** $\$57,969.00 + \$100,000.00 = \$157,969.00$
- Vindictory Damages:** $\$300,000.00$
- Additional Award:** $\$80,000.00$
- Total sum awarded:** **$\$537,969.00$**

DECEASED MPOS

Vanella Sealy-Francis (substituted for deceased Urban Francis) (10th Claimant)

1079. Ms. Sealy Francis deposed her affidavit substituting herself for her husband Mr. Urban Francis. Mr. Francis died on 18th February, 2004.

1080. Mr. Francis was a MPO since 9th October, 1972. He held the rank of Police Sergeant at the Port of Spain Corporation until his death.

1081. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

- **Salary and Meal and housing:** $\$20,507.57 + \$25,528.66 = \$46,036.23$
- **Tax deduction (25%):** $\$46,036.23 \times 25\% = \$11,509.05$
 $\$46,036.23 - \$11,509.05 = \$34,527.18$
- **Total loss:** $\$34,527.18 \times 60\% = \$20,716.30$

1082. Mr. Francis' gratuity was calculated based upon the formula that pre-dated the regulations and he was paid \$37,638.03 less in gratuity. If his gratuity was calculated based upon an RPO salary of equivalent rank he will still receive \$56,521.15. He is entitled to 60% of the difference of \$56,521.15 and \$37,638.03 in sum of:

Gratuity: $\$56,521.15 - \$37,638.03 = \$18,883.12 \times 60\% = \$11,329.87$

1083. *Total pecuniary loss:* Mr. Francis' total pecuniary loss is computed as follows:

Loss of salary, meal and housing: $\$20,716.30$

Loss of gratuity: $\$11,329.87$

Total Pecuniary loss: $\$32,046.17$

1084. *Loss of promotional opportunities:* He was only promoted to the rank of Corporal and then to Sergeant after many years of service. The system for promotions was unclear and there was no criteria for ability or merit. If he had been eligible for promotions after three years he would have been promoted at a faster rate and would have held the rank of Inspector. He

lost approximately \$200,000.00 as a result of not being promoted in a timely manner. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

1085. Generally he felt hurt, extremely frustrated, disheartened and discouraged because an RPO was receiving a higher salary for carrying out the same functions that he carried out. He had difficulties meeting medical expenses and maintaining his home.

1086. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

1087. Mr. Francis will be awarded a total sum of **\$537,046.17**.

Compensatory award: \$32,046.17 + \$125,000.00 = \$157,046.17

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$537,046.17**

Farouk Imtiaz Mohammed (substituted for deceased Joseph Aurelius Cooseelal) (17th Claimant)

1088. Mr. Mohammed deposed to his affidavit substituting himself for Mr. Joseph Aurelius Cooseelal.

1089. Mr. Cooseelal died on 26th February 2017. He was a MPO since 26th October 1972. He was promoted to the rank of Police Inspector and held that rank until he retired on 1st December 2010.

1090. In terms of his pecuniary loss he calculated his disparity between his salary and meal and housing allowance between himself and a RPO of equivalent rank. Using the estimate of 60% as his chance of being entitled to such an increased income his loss is in the sum of:

• **Salary and Meal and Housing:** \$130,088.97 + 85,369.34 = \$215,458.31

• **Tax deduction (25%):** \$215,458.31 x 25% = \$53,864.57

$$\$215,458.31 - \$53,864.57 = \$161,593.74$$

- **Total Loss:** $\$161,593.74 \times 60\% = \$96,956.24$

1091. *Loss in pension entitlements:* As his pension was calculated based upon the formula that pre-dated the new regulations he is entitled to the difference in his monthly pension to which he is entitled under the new regulations in the sum of \$1,301.75 the total sum of which is \$63,785.75 in pension and \$65,087.50 in gratuity.

1092. If, however, his pensionable salary was calculated based upon an RPO salary of equivalent rank on his retirement he would be entitled to \$3,050.50 more per month in pensionable salary and \$152,525.00 more in gratuity. Using an estimate of a 60% chance of being entitled to such an increased income he would be entitled to 60% of the difference of his loss in pension between himself and a RPO of equivalent rank as at the date of his retirement. This is in the sum of \$51,413.25 (See table annexed). He is also entitled to 60% of the difference between \$152,525.00 and \$65,087.50 in gratuity.

- **Gratuity:** $\$152,525.00 - \$65,087.50 = \$87,437.50 \times 60\% = \$52,462.50$

1093. *Total pecuniary loss:* Mr. Cooseelal's total pecuniary loss is computed as follows:

Loss of salary, meal and housing:	\$96,956.24
Loss of pension:	$\$63,785.75 + \$51,413.25 = \$115,199.00$
Loss of gratuity:	$\$65,087.50 + \$52,462.50 = \$117,550.00$
Total Pecuniary loss:	\$329,705.24

1094. *Loss of promotional opportunities:* He was only promoted to the rank of Corporal after eighteen (18) years of service and he was promoted to the rank of Sergeant after twelve (12) years of service. The system of promotions were unclear. He lost approximately \$100,000.00 in salary. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

1095. Generally, Mr Cooseelal felt victimized and de-motivated. He was discouraged and disenchanted that RPOs were paid more than MPOs despite performing the same duties.

1096. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

1097. Mr. Cooseelal will be awarded a total sum of **\$834,705.24**.

Compensatory award: \$329,705.24 + \$125,000.00 = \$454,705.24

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$834,705.24**

Radica Baney (substituted for deceased Premchand Baney) (27th Claimant)

1098. Ms. Radica Baney deposed her affidavit substituting herself for Mr. Premchand Baney.

1099. Mr. Premchand Baney died on 21st January 2008. He was an MPO since 1st October, 1979. He held the rank of Police Corporal at the San Fernando City Corporation before he was promoted to the rank of Sergeant in 2004. He was then transferred then transferred to the Princes Town Corporal and held the rank of Sergeant until his death.

1100. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

- **Salary and Meal and housing:** \$66,071.55 + \$79,831.81 = \$145,903.36
- **Tax deduction (25%):** \$145,903.36 x 25% = \$36,475.84
 \$145,903.36 - \$36,475.84 = \$109,427.52
- **Total loss:** \$109,427.52 x 60% = \$65,656.51

1101. Mr. Baney's gratuity was calculated based upon the formula that pre-dated the regulations he was paid \$44,331.94 less in gratuity. If his gratuity was calculated based upon an RPO salary of equivalent rank he will still receive \$76,250.06. He is entitled to 60% of the difference of \$76,250.06. and \$44,331.94 in sum of:

- **Gratuity:** $\$76,250.06 - \$44,331.94 = \$31,918.12 \times 60\% = \$19,150.87$

1102. *Total pecuniary loss:* Mr. Baney’s total pecuniary loss is computed as follows:

Loss of salary, meal and housing:	\$65,656.51
Loss of gratuity:	\$19,150.87
Total Pecuniary loss:	\$84,807.38

1103. *Loss of promotional opportunities:* Mr. Baney was only promoted to the rank of Corporal after twenty four (24) years of service. Had he been eligible for promotion every three years, he would have been promoted at a faster rate and would have held the rank of Superintendent. He lost approximately \$700,000.00 in salary. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

1104. Generally, he felt intense and extreme frustration over the state of affairs and suffered financial challenges over the years.

1105. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

1106. Mr. Baney will be awarded a total sum of **\$589,807.38**.

Compensatory award:	$\$84,807.38 + \$125,000.00 = \$209,807.38$
Vindictory Damages:	\$300,000.00
Additional Award:	\$80,000.00
Total sum awarded:	\$589,807.38

Alice Lalloo (substituted for deceased Michael Lalloo) (31st Claimant)

1107. Ms. Alice Lalloo deposed her affidavit substituting herself for her husband Michael Lalloo. Mr. Lalloo died on 20th March 2007.

1108. Mr. Lalloo was a MPO since 11th November 1983. He held the substantive post Sergeant until his death. Between 2003-2007 he acted as Police Inspector for various periods under

the Ministry of Local Government at Talparo/Piarco Regional Corporation, Sangre Grande Regional Corporation, Couva/Tabaquite/Talparo Regional Corporation, San Juan/Laventille Corporation and Siparia Regional Corporation.

1109. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

- **Salary and Meal and housing:** $\$83,337.44 + \$69,634.97 = \$152,972.41$
- **Tax deduction (25%):** $\$152,972.41 \times 25\% = \$38,243.10$
 $\$152,972.41 - \$38,243.10 = \$114,729.31$
- **Total loss:** $\$114,729.31 \times 60\% = 68,837.58$

1110. Mr. Lalloo's gratuity was calculated based upon the formula that pre-dated the regulations and he was paid \$47,920.00 less in gratuity. If his gratuity was calculated based upon an RPO salary of equivalent rank he will still receive \$95,498.67. He is entitled to 60% of the difference of \$95,498.67 and \$47,920.00 in sum of:

Gratuity: $\$95,498.67 - \$47,920.00 = \$47,578.67 \times 60\% = \$28,547.20$

1111. *Total pecuniary loss:* Mr. Lalloo's total pecuniary loss is computed as follows:

Loss of salary, meal and housing: $\$68,837.58$

Loss of gratuity: $\$28,547.20$

Total Pecuniary loss: $\$97,384.78$

1112. *Loss of promotional opportunities:* He was only promoted to the rank of Corporal after seventeen (17) years of service. The system for promotions were unclear. If he was eligible for promotions every three years, he would have held the rank of Superintendent before the time of his death. He lost approximately 70% of his salary. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

1113. Generally, he felt frustrated at the State's refusal to provide proper regulations. He felt unequally treated and discriminated against.

1114. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

1115. Mr. Laloo will be awarded a total sum of **\$602,384.78**.

Compensatory award: $\$97,384.78 + \$125,000.00 = \$222,384.78$

Vindictory Damages: $\$300,000.00$

Additional Award: $\$80,000.00$

Total sum awarded: $\$602,384.78$

Cicely Duncan Robinson (substituted for deceased Neville Robinson) (38th Claimant)

1116. Ms. Robinson deposed to her affidavit substituting Neville Robinson for herself as the 38th named Applicant in the matter.

1117. Mr. Neville Robinson died on 4th December 2006. He was a MPO since 1st March 1977. He held the rank of Police Constable at the Port of Spain City Corporation and was promoted to the rank of Police Corporal in 2006. He held that rank until his death.

1118. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

• **Salary and Meal and housing:** $\$48,384.71 + 43,585.89 = \$91,970.60$

• **Tax deduction (25%):** $\$91,970.60 \times 25\% = \$22,992.65$

$\$91,970.60 - \$22,992.65 = \$68,977.95$

• **Total loss:** $\$68,977.95 \times 60\% = \$41,386.77$

1119. Mr. Robinson's gratuity was calculated based upon the formula that pre-dated the regulations he was paid \$28,912.50 less in gratuity. If he gratuity was calculated based upon an RPO salary of equivalent rank he will still receive \$66,975.00. He is entitled to 60% of the difference of \$66,975.00 and \$28,912.50 in sum of:

Gratuity: $\$66,975.00 - \$28,912.50 = \$38,062.50 \times 60\% = \$22,837.50$

1120. *Total pecuniary loss:* Mr. Robinson's total pecuniary loss is computed as follows:

Loss of salary, meal and housing: $\$41,386.77$

Loss of gratuity: $\$22,837.50$

Total Pecuniary loss: $\$64,224.27$

1121. *Loss of promotional opportunities:* Mr. Robinson was only promoted to the rank of Corporal after twenty nine (29) years of service. If he was eligible for promotions every three years he would have been promoted to the rank of Sergeant. He lost approximately \$500,000.00 in salary. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

1122. Generally Mr. Robinson victimized and de-motivated. He was discouraged by the length of time which passed before he was promoted. He encountered difficulties in providing education for his three children and maintaining his home.

1123. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

1124. Mr. Robinson will be awarded a total sum of **\$569,224.27**.

Compensatory award: $\$64,224.27 + \$125,000.00 = \$189,224.27$

Vindictory Damages: $\$300,000.00$

Additional Award: $\$80,000.00$

Total sum awarded: $\$569,224.27$

Anne-Marie Remy Charles (substituted for Davis Charles) (40th Claimant)

1125. Mrs. Remy Charles deposed her affidavit substituting herself for her husband Mr. Davis Charles. Mr. Charles died on 31st December 2005.

1126. Mr. Charles was a MPO since 1st March 1977. He held the rank of Police Corporal until his death.

1127. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

- **Salary and Meal and housing:** $\$36,213.60 + \$38,304.00 = \$74,517.60$
- **Tax deduction (25%):** $\$74,517.60 \times 25\% = \$18,629.40$
 $\$74,517.60 - \$18,629.40 = \$55,888.20$
- **Total loss:** $\$55,888.20 \times 60\% = \$33,532.92$

1128. Mr. Charles' gratuity was calculated based upon the formula that pre-dated the regulations and he was paid \$16,022.39 less in gratuity. If his gratuity was calculated based upon an RPO salary of equivalent rank he will still receive \$35,329.29 less in gratuity. He is entitled to 60% of the difference of \$35,329.29 and \$16,022.39 in sum of:

Gratuity: $\$35,329.29 - \$16,022.39 = \$19,306.90 \times 60\% = \$11,584.14$

1129. *Total pecuniary loss:* Mr. Charles' total pecuniary loss is computed as follows:

Loss of salary, meal and housing:	\$33,532.92
Loss of gratuity:	\$11,584.14
Total Pecuniary loss:	\$45,117.06

1130. *Loss of promotional opportunities:* He was only promoted to the rank of Corporal after twenty six (26) years of service. The system for promotions was slow and uncertain. If he was eligible for promotion after three years he would have been promoted at a faster rate and would have been promoted to the rank of Inspector. He lost approximately \$200,000.00 in salary. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

1131. Generally, Mr. Charles felt extreme frustration at the state of affairs and he struggled financially to maintain his family. He felt hurt and victimized that RPOs of equivalent rank were paid a higher salary than him.

1132. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

1133. Mr. Robinson will be awarded a total sum of **\$550,117.06**.

Compensatory award: \$45,117.06 + \$125,000.00 = \$170,117.06

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$550,117.06**

Solomon Paltoo (substituted for deceased George Felix Alexander) (41st Claimant)

1134. Mr. Paltoo deposed his affidavit substituting himself for Mr. George Felix Alexander. Mr. Alexander died on 22nd February, 2014.

1135. Mr. Alexander was a MPO since 1st March 1997. He held the rank of Police Sergeant at the Port of Spain Corporation and was promoted with retroactive effect to Police Inspector. He retired in November, 2013.

1136. In terms of his pecuniary loss he calculated his disparity between his salary and meal and housing allowance between himself and a RPO of equivalent rank as shown in the table annexed. Using the estimate of 60% as his chance of being entitled to such an increased income his loss is in the sum of:

• **Salary and Meal and Housing:** \$239,276.63 + \$106,906.73 = \$346,183.36

• **Tax deduction (25%):** \$346,183.36 x 25% = \$86,545.84

 \$346,183.36 - \$86,545.84 = \$259,637.52

• **Total Loss:** \$259,637.52 x 60% = \$155,782.51

1137. *Loss of Pension entitlements:* As his pension was calculated based upon the formula that pre-dated the new regulations he is entitled to the difference in his monthly pension to which he is entitled under the new regulations in the sum of \$1,535.50, the total sum of which is \$4,606.50 in pension and \$76,775.00 in gratuity.

1138. If however his pensionable salary was calculated based upon an RPO salary of equivalent rank on his retirement he would be entitled to \$4,184.88 more per month in pensionable salary and \$209,243.75 more in gratuity. Using an estimate of a 60% chance of being entitled to such an increased income he would be entitled to 60% of the difference of his loss in pension between himself and a RPO of equivalent rank as at the date of his retirement. This is in the sum of \$4,768.88 (See table annexed). He is also entitled to 60% of the difference between \$209,243.75 and \$76,775.00 in gratuity.

Gratuity: $\$209,243.75 - \$76,775.00 = \$132,468.75 \times 60\% = \$79,481.25$

1139. *Total pecuniary loss:* Mr. Alexander's total pecuniary loss is computed as follows:

Loss of salary, meal and housing:	\$155,782.51
Loss of pension:	$\$4,606.50 + \$4,768.88 = \$9,375.38$
Loss of gratuity:	$\$76,775.00 + \$79,481.25 = \$156,256.25$
Total Pecuniary loss:	\$321,414.14

1140. *Loss of promotional opportunities:* He was only promoted to the substantive rank of Police Inspector upon his retirement after twenty two (22) years of service. The system for promotions were unclear. If he was eligible for promotions every three years he would have been promoted at a faster rate and would have been promoted to the rank of Superintendent by the time of his retirement. He lost approximately \$500,000.00 in salary. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

1141. Generally, Mr. Alexander felt severely unfairly treated and he was disappointed in the Service. He felt that his work was not appreciated despite him performing the same functions as a RPO of the same rank. The unequal treatment caused him to feel disenchanting and hurt.

1142. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

1143. Mr. Alexander will be awarded a total sum of **\$826,414.14**.

Compensatory award: \$321,414.14+ \$125,000.00 = \$446,414.14

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$826,414.14**

Solange Kerry Cooper (substituted for deceased Lynette Cooper) (57th Claimant)

1144. Ms. Kerry Cooper deposed her affidavit substituting herself for her mother, Mrs. Lynette Cooper. Mrs. Cooper died on 9th April 2012.

1145. Mrs. Cooper was a MPO since 7th July 1983. She held the rank of Police Constable employed at the Port of Spain Corporation. She was promoted to the rank of Police Corporal in 2008 and held that rank until she retired in 2010.

1146. Her disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of her being entitled to this increased income:

• **Salary and Meal and housing:** \$96,577.76 + \$78,430.86 = \$175,008.62

• **Tax deduction (25%):** \$175,008.62 x 25% = \$43,752.15

\$175,008.62- \$43,752.15 = \$131,256.47

• **Total loss:** \$131,256.47 x 60% = \$78,753.88

1147. *Loss of Pension entitlements:* As her pension was calculated based upon the formula that pre-dated the new regulations she is entitled to the difference in her monthly pension to

which she is entitled under the new regulations in the sum of \$457.75, the total sum of which is \$10,986.00 in pension and \$21,887.31 in gratuity.

1148. If, however, her pensionable salary was calculated based upon an RPO salary of equivalent rank on her retirement he would be entitled to \$1,437.70 more per month in pensionable salary and \$71,884.96 more in gratuity. Using an estimate of a 60% chance of being entitled to such an increased income she would be entitled to 60% of the difference of her loss in pension between herself and a RPO of equivalent rank as at the date of her retirement. This is in the sum of \$14,111.28. She is also entitled to 60% of the difference between \$71,884.96 and \$21,887.31 in gratuity.

Gratuity: $\$71,884.96 - \$21,887.31 = \$49,997.65 \times 60\% = \$29,998.59$

1149. *Total pecuniary loss:* Mrs. Cooper's total pecuniary loss is computed as follows:

Loss of salary, meal and housing:	\$78,753.88
Loss of pension:	$\$10,986.00 + \$14,111.28 = \$25,097.28$
Loss of gratuity:	$\$21,887.31 + \$29,998.59 = \$51,885.90$
Total Pecuniary loss:	\$155,737.06

1150. *Loss of promotional opportunities:* She was not promoted even after twenty five (25) years of service. Promotions were carried out by seniority and were not based on ability or merit. If she was eligible for promotions after three years she would have been promoted at a faster rate and would have held the rank of Police Inspector before she retired. She lost approximately 65% of her salary. However there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

1151. Generally, Mrs. Cooper felt cheated and aggrieved. She was hurt that an RPO who carried out the same duties as herself received a higher salary. She felt disenchanting with the Municipal Service and felt victimized by the State ignoring the MPOs plight from the absence of proper regulations.

1152. I have taken her lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for her non-pecuniary loss.

1153. Mrs. Cooper will be awarded a total sum of **\$660,737.06**.

Compensatory award: \$155,737.06 + \$125,000.00 = \$280,737.06

Vindictory Damages: \$300,000.00

Additional Award: \$80,000.00

Total sum awarded: **\$660,737.06**

Ballyram Lalla (substituted for deceased Rodney Katwaroo) (80th Claimant)

1154. Mr. Ballyram Lalla deposed his affidavit substituting himself for Rodney Katwaroo.

1155. Mr. Rodney Katwaroo died on 17th March, 2017. He was a MPO since 10th October 1988. He held the rank of Police Constable at the Port of Spain City Corporation until his death.

1156. His disparity in salary and meal and housing allowance is as follows subjected to 25% tax reduction and a 60% chance of him being entitled to this increased income:

- **Salary and Meal and housing:** \$169,663.60 + \$112,700.40 = \$282,364.00
- **Tax deduction (25%):** \$282,364.00 x 25% = \$70,591.00
 \$282,364.00 - \$70,591.00 = \$211,773.00
- **Total loss:** \$211,773.00 x 60% = \$127,063.80

1157. If his gratuity was calculated based upon a RPO salary of equivalent rank, the gratuity he would have been entitled to receive would have \$57,343.75 less than a RPO of equivalent rank and I have taken that into account in the overall award for non-pecuniary loss.

1158. *Loss of promotional opportunities:* He was not promoted to the rank of Corporal even after twenty nine years of service. Had he been eligible for promotions after every three years he would have been promoted at a faster rate. He lost approximately \$3000.00 per month for fifteen years in salary. However, there is no evidence to demonstrate the chance of success of being promoted save for his length of years in the service. Although one would

expect some mobility over the years and this is not a guaranteed event, the lack of certainty in the absence of regulations is an extremely frustrating matter.

1159. Generally, Mr. Katwaroo felt discouraged and pressurized because he was the sole bread winner of his family and he faced financial hardships in providing for his family. He felt stressed and de-motivated by the absence of regulations.

1160. I have taken his lack of guidance in promotional prospects and general anguish to award a sum of \$125,000.00 for a general award to compensate for his non-pecuniary loss.

1161. Mr. Katwaroo will be awarded a total sum of **\$632,063.80**.

Compensatory award:	$\$127,063.80 + \$125,000.00 = \$252,063.80$
Vindictory Damages:	\$300,000.00
Additional Award:	\$80,000.00
Total sum awarded:	\$632,063.80

CONCLUSION

1162. Lord Toulson has observed in the Privy Council’s decision in this case that “more than words are required to redress what happened” to these 134 Claimants. The total monetary award to be paid to 134 Claimants by the State amount to approximately \$54 million dollars. I have used in my assessment common law guides, traditional compensation principles in constitutional cases, other judicial awards in similar cases, and a focus on the nature of the constitutional right which was breached in the exercise of the Court’s wide discretion to grant appropriate compensation. I have been mindful of the size of the claim and reflected on the purpose of the awards to vindicate and protect. The task of assessment is now complete.

1163. However, in light of the deficiencies in the regulations, already discussed, I urge the parties to accept my offer on the way forward in dialogue by establishing a small Committee to be chaired by this Court in the first instance. Discussions will be held in the form of a Judicial Settlement Conference on a confidential basis to assist the parties to give life to the regulations enacted for the benefit of both the Claimants and the State.

Vasheist Kokaram
Judge

**ASSESSMENT OF DAMAGES DUE PURSUANT TO THE ORDER OF THE JUDICIAL COMMITTEE OF
THE PRIVY COUNCIL DATED 7TH JULY 2015**

INDEX

	Page No
Retired MPOs	290
Current MPOs	293
Resigned MPOs	299
Deceased MPOs	300
Retired MPOs Pension Table	302

TABLE A- RETIRED MPOS

No	NAME	COMPENSATORY DAMAGES	VINDICATORY DAMAGES	ADD AWARD	TOTAL AWARD
1	OSWALD ALLEYNE	\$281,117.04	\$300,000.00	\$80,000.00	\$661,117.04
2	SYDNEY CORBETT	\$467,342.33	\$300,000.00	\$80,000.00	\$847,342.33
4	MANUEL HARRIPAUL	\$525,144.32	\$300,000.00	\$80,000.00	\$905,144.32
6	TREVOR HAREWOOD	\$535,094.71	\$300,000.00	\$80,000.00	\$915,094.71
7	KENNETH SCANTLEBURY	\$615,207.48	\$300,000.00	\$80,000.00	\$995,207.48
9	MICHAEL ANTOINE	\$458,499.27	\$300,000.00	\$80,000.00	\$838,499.27
11	KRISHNA BHOLA	\$500,154.25	\$300,000.00	\$80,000.00	\$880,154.25
12	FRANKIE JAMES	\$515,538.44	\$300,000.00	\$80,000.00	\$895,538.44
13	KELVIN KING	\$369,824.10	\$300,000.00	\$80,000.00	\$749,824.10
14	SELWYN JOSEPH	\$389,585.85	\$300,000.00	\$80,000.00	\$769, 585.85
16	MARCIANO WYNN	\$319,287.75	\$300,000.00	\$80,000.00	\$699,287.75
18	KENNY RAMNARIS CHANDARJEET	\$449,089.46	\$300,000.00	\$80,000.00	\$829,089.46
19	RESLIE GABRIEL	\$395,969.46	\$300,000.00	\$80,000.00	\$775,969.46
20	DESMOND DOOLAN	\$503,768.86	\$300,000.00	\$80,000.00	\$883,768.86
21	EUSTACE WORRELL	330,219.10	\$300,000.00	\$80,000.00	\$710,219.10

22	RAMSOOMIR RAMADHAR	\$477,998.34	\$300,000.00	\$80,000.00	\$857,998.34
23	CARLTON PEDRO	\$368,763.88	\$300,000.00	\$80,000.00	\$748,763.88
24	LLOYD MORITISON HECTOR	\$470,009.70	\$300,000.00	\$80,000.00	\$850,009.70
25	PASCAL STANISLAUS	\$439,654.84	\$300,000.00	\$80,000.00	\$819,654.84
26	STEVE ARJOON	\$512,604.17	\$300,000.00	\$80,000.00	\$892,604.17
28	LEON LIVELY	\$368,988.64	\$300,000.00	\$80,000.00	\$748,988.64
35	PAUL JOHN	\$411,982.33	\$300,000.00	\$80,000.00	\$791,982.33
37	SOLOMON PALTOO	\$389,491.84	\$300,000.00	\$80,000.00	\$769,491.84
42	ALSTON LAWRENCE SYLVESTER	\$348,772.80	\$300,000.00	\$80,000.00	\$728,772.80
44	MICHAEL TISSOO	\$317,871.42	\$300,000.00	\$80,000.00	\$697,871.42
45	SYLVESTER SANDY	\$353,295.18	\$300,000.00	\$80,000.00	\$733,295.18
47	ERROL ANTOINE	\$429,731.17	\$300,000.00	\$80,000.00	\$809,731.17
49	ARTHUR ELLIOT CASHE	\$367,161.46	\$300,000.00	\$80,000.00	\$747,161.46
50	LUCIANA PIERRE	\$253,574.89	\$300,000.00	\$80,000.00	\$633,574.89
51	JUDY THOMPSON	\$276,892.75	\$300,000.00	\$80,000.00	\$656,892.75
52	KURT ROGER STRACHAN	\$265,175.37	\$300,000.00	\$80,000.00	\$645,175.37
53	SHAKIR MOHAMMED SARAFAT	\$347,804.43	\$300,000.00	\$80,000.00	\$727,804.43

54	DEBORAH AGNES PHILLIP	\$374,557.60	\$300,000.00	\$80,000.00	\$754,557.60
59	RAJKUMAR RAMOUTAR	\$235,680.51	\$300,000.00	\$80,000.00	\$615,680.51
61	GLORIA JOHN- MATA	\$333,845.30	\$300,000.00	\$80,000.00	\$713,845.30
62	ANGELA GLORIA CARTY	\$337,553.60	\$300,000.00	\$80,000.00	\$717,553.60
63	NEAL ROCHFORD	\$404,882.49	\$300,000.00	\$80,000.00	\$784,882.49
84	PATRICIA DIANNE- SPRINGER	\$260,934.56	\$300,000.00	\$80,000.00	\$640,934.56
89	GERTRUDE STOWE	\$265,262.30	\$300,000.00	\$80,000.00	\$645,262.30
99	ANIRUDH MAHARAJ	\$299,383.10	\$300,000.00	\$80,000.00	\$679,383.10
104	ASHTON RIVAS	\$213,730.40	\$300,000.00	\$80,000.00	\$593,730.40
108	HAFEEZ KHAN	\$265,299.87	\$300,000.00	\$80,000.00	\$645,299.87
109	GRETA ANDREWS	\$268,310.38	\$300,000.00	\$80,000.00	\$648,310.38
115	DEONARINE RAMLOGAN	\$334,200.55	\$300,000.00	\$80,000.00	\$714,200.55
118	SEEMUNGAL PERSAD	\$513,776.11	\$300,000.00	\$80,000.00	\$893,776.11
123	GEORGE MAHARAJ	\$216,845.38	\$300,000.00	\$80,000.00	\$596,845.38
152	LEON CUDJOE	\$255,770.90	\$300,000.00	\$80,000.00	\$635,770.90

TABLE B - CURRENT MPOs

No	NAME	COMPENSATORY DAMAGES	VINDICATORY DAMAGES	ADD AWARD	TOTAL AWARD
15	OCTIVE LEWIS	\$340,936.43	\$300,000.00	\$80,000.00	\$720,936.43
5	SAMRAJ NANAN	\$324,425.06	\$300,000.00	\$80,000.00	\$704,425.06
32	CHERYL-ANN EUPHEMIA ANDREWS- KING	\$298,984.40	\$300,000.00	\$80,000.00	\$678,984.40
34	RAHAMUDEEN MOHAMMED	\$230,073.40	\$300,000.00	\$80,000.00	\$610,073.40
43	VIDESH HARRILAL	\$291,874.45	\$300,000.00	\$80,000.00	\$671,874.45
46	RAWLE BALGOBIN	\$291,036.72	\$300,000.00	\$80,000.00	\$671,036.72
48	RONALD MULCHAN	\$283,341.73	\$300,000.00	\$80,000.00	\$663,341.73
58	THOMAS DE LEON	\$262,446.20	\$300,000.00	\$80,000.00	\$642,446.20
60	LYDIA RIVERS	\$278,049.05	\$300,000.00	\$80,000.00	\$658,049.05
64	ANDRA HARRIPERSAD	\$277,965.10	\$300,000.00	\$80,000.00	\$657,965.10
67	CHERYL-ANN FELIX- NEVERSON	\$269,204.57	\$300,000.00	\$80,000.00	\$649,204.57
68	BALLYRAM LALLA	\$273,744.10	\$300,000.00	\$80,000.00	\$653,744.10

69	ANDRE STEPHENSON ARNEAUD	\$253,524.50	\$300,000.00	\$80,000.00	\$633,524.50
70	EDMUND DOLABAILLE	\$252,575.00	\$300,000.00	\$80,000.00	\$632,575.00
71	EVEREST SIMEON JOSEPH	\$252,559.97	\$300,000.00	\$80,000.00	\$632,559.97
72	JASON ALEXANDER HINKSON	\$242,541.44	\$300,000.00	\$80,000.00	\$622,541.44
73	CARMILTON COLLINS	\$233,104.60	\$300,000.00	\$80,000.00	\$613,104.60
74	JOHN VILLANA	\$269,182.93	\$300,000.00	\$80,000.00	\$649,182.93
75	RICHARD ROGER ISAAC	\$239,987.00	\$300,000.00	\$80,000.00	\$619,987.00
77	HOLLISTER WALKINS	\$247,890.95	\$300,000.00	\$80,000.00	\$627,890.95
78	MICHAEL DEAN FRASER	\$262,482.34	\$300,000.00	\$80,000.00	\$624,482.34
79	BRIAN JOSEPH DE LEON	\$252,306.45	\$300,000.00	\$80,000.00	\$632,306.45
82	ALRIC ISIDORE LA CROIX	\$252,808.19	\$300,000.00	\$80,000.00	\$632,808.19
83	PPRASRAM MAHARAJ	\$252,551.60	\$300,000.00	\$80,000.00	\$632,551.60
86	ANTHONY CONRAD DORSET	\$280,563.07	\$300,000.00	\$80,000.00	\$660,563.07
87	DEBRA IGNASIA	\$343,777.60	\$300,000.00	\$80,000.00	\$723,777.60

	ROCHFORD- MAHABIR				
88	KARAMCHAND RAMPERSAD	\$268,559.00	\$300,000.00	\$80,000.00	\$648,559.00
90	PATRICIA ARLENE MARGARET FLATTS	\$238,733.00	\$300,000.00	\$80,000.00	\$618,733.00
91	LYNDON ANDERSON THOMAS	\$224,824.40	\$300,000.00	\$80,000.00	\$604,824.40
92	JOANNE MAUREEN WILLIAMS	\$367,178.50	\$300,000.00	\$80,000.00	\$747,178.50
93	MIRIAM ALEXANDER SANKAR	\$334,189.90	\$300,000.00	\$80,000.00	\$714,189.90
95	HELEN STRAKER	\$267,258.14	\$300,000.00	\$80,000.00	\$647,258.14
96	DAVE BRIJMOHAN	\$252,758.51	\$300,000.00	\$80,000.00	\$632,758.51
97	HEATHER BRAITHWAITE- REMY	\$229,737.56	\$300,000.00	\$80,000.00	\$609,737.56
100	CARLA MCEACHRANE- ALLEYNE	\$289,779.20	\$300,000.00	\$80,000.00	\$669,779.20
102	JAMEEL HOSEIN	\$252,193.25	\$300,000.00	\$80,000.00	\$632,193.25

105	LAVERNE CHRISTINA NELSON	\$269,274.27	\$300,000.00	\$80,000.00	\$649,274.27
106	ANTHONY DATTOO	\$252,208.52	\$300,000.00	\$80,000.00	\$632,208.52
110	GLEN CHARLES	\$262,199.69	\$300,000.00	\$80,000.00	\$642,199.69
111	LINTON AYOUNG	\$251,795.40	\$300,000.00	\$80,000.00	\$631,795.40
112	LENNARD MATTHEW FRANCIS	\$206,122.44	\$300,000.00	\$80,000.00	\$586,122.44
113	LUTCHMAN NANDLAL	\$272,962.70	\$300,000.00	\$80,000.00	\$652,962.70
114	DAVID SINGH	\$247,929.85	\$300,000.00	\$80,000.00	\$627,929.85
116	EDGAR NATHANIEL CARTER	\$225,251.26	\$300,000.00	\$80,000.00	\$605,251.26
117	JEEWANLAL BABOOLAL	\$273,580.13	\$300,000.00	\$80,000.00	\$653,580.13
119	GILLIAN CHASE	\$252,277.86	\$300,000.00	\$80,000.00	\$632,277.86
120	DEXTER MARTIN	\$230,374.08	\$300,000.00	\$80,000.00	\$610,374.08
121	JODHA BADAL	\$333,639.80	\$300,000.00	\$80,000.00	\$713,639.80
122	ANTHONY MICHAEL JOSEPH	\$271,413.01	\$300,000.00	\$80,000.00	\$651,413.01
125	SHELDON WELLINGTON JOSEPH	\$261,423.41	\$300,000.00	\$80,000.00	\$641,423.41

126	FAROUK IMTIAZ MOHAMMED	\$274,199.37	\$300,000.00	\$80,000.00	\$654,199.37
127	SHELDON WAYNE JOSEPH	\$265,831.85	\$300,000.00	\$80,000.00	\$645,831.85
128	JOEL ANTHONY GUNPAT	\$240,539.25	\$300,000.00	\$80,000.00	\$620,539.25
129	ROBERT RAPHAEL HERNANDEZ	\$250,557.21	\$300,000.00	\$80,000.00	\$630,557.21
130	MAITREYA JARROD HEWITT	\$254,555.10	\$300,000.00	\$80,000.00	\$634,555.10
135	VIDESH SEEPERSAD	\$262,393.20	\$300,000.00	\$80,000.00	\$642,393.20
136	KAFI TRICIA RALPH	\$282,405.51	\$300,000.00	\$80,000.00	\$662,405.51
137	CURTIS OTIS CHUVALOS GEORGE	\$240,609.27	\$300,000.00	\$80,000.00	\$620,609.27
138	VISHAL SINGH	\$267,447.53	\$300,000.00	\$80,000.00	\$647,447.53
139	ULRIC GILBERT	\$270,237.15	\$300,000.00	\$80,000.00	\$650,237.15
140	GERARD BERTRAM GRIFFITH	\$280,989.90	\$300,000.00	\$80,000.00	\$660,989.90
143	DUSTIN ERROL RENN	\$326,688.20	\$300,000.00	\$80,000.00	\$706,688.20
144	JARVIS BHAJAN	\$321,939.35	\$300,000.00	\$80,000.00	\$701,939.35

145	CLANDELL CACLENE MAXWELL	\$316,465.10	\$300,000.00	\$80,000.00	\$696,465.10
146	DANE BROWN	\$282,331.25	\$300,000.00	\$80,000.00	\$662,331.25
147	MARIA MAHARAJ	\$284,344.10	\$300,000.00	\$80,000.00	\$664,344.10
150	ERICA PREITO	\$244,800.55	\$300,000.00	\$80,000.00	\$624,800.55
151	HAZELY AUGUSTUS JOHNSON	\$282,136.85	\$300,000.00	\$80,000.00	\$662,136.85

TABLE C –RESIGNED MPOS

No	NAME	COMPENSATORY DAMAGES	VINDICATORY DAMAGES	ADD AWARD	TOTAL AWARD
85	DOREEN BARKER- TROTMAN	\$255,943.23	\$300,000.00	\$80,000.00	\$635,943.23
94	DESMOND NICHOLAS SALAZAR	\$153,583.30	\$300,000.00	\$80,000.00	\$533,583.30
98	CYRIL DELLAMORE	\$129,208.15	\$300,000.00	\$80,000.00	\$509,208.15
103	ELIZABETH KAREN JOHNSON- DANIEL	\$160,430.83	\$300,000.00	\$80,000.00	\$540,430.83
132	MERATE SELASSIE- FRANCIS	\$152,487.77	\$300,000.00	\$80,000.00	\$532,487.77
133	ANTHONY CHRISTOPHER HENRY	\$159,815.56	\$300,000.00	\$80,000.00	\$539,815.56
134	SOLANGE KERRY COOPER	\$191,313.50	\$300,000.00	\$80,000.00	\$571,313.50
142	GILLIAN STEWART	\$200,735.00	\$300,000.00	\$80,000.00	\$580,735.00
153	OTIS ST. BERNARD	\$157,969.00	\$300,000.00	\$80,000.00	\$537,969.00

TABLE D – DECEASED MPOS

No	NAME	COMPENSATORY DAMAGES	VINDICATORY DAMAGES	ADD AWARD	TOTAL AWARD
10	VANELLA SEALY-FRANCIS (SUBSTITUTED FOR DECEASED URBAN FRANCIS)	\$157,046.17	\$300,000.00	\$80,000.00	\$537,046.17
17	FAROUK IMTIAZ MOHAMMED (SUBSTITUTED FOR DECEASED JOSEPH AURELIUS COOSEELAL)	\$454,705.24	\$300,000.00	\$80,000.00	\$834,705.24
27	RADICA BANEY (SUBSTITUTED FOR DECEASED PREMCHAND BANEY)	\$209,807.38	\$300,000.00	\$80,000.00	\$589,807.38
31	ALICE LALLOO (SUBSTITUTED FOR DECEASED MICHAEL LALLOO)	\$222,384.78	\$300,000.00	\$80,000.00	\$602,384.78
38	CICELY DUNCAN ROBINSON (SUBSTITUTED FOR DECEASED NEVILLE ROBINSON)	\$189,224.27	\$300,000.00	\$80,000.00	\$569,224.27

40	ANNE-MARIE REMY CHARLES (SUBSTITUTED FOR DAVIS CHARLES)	\$170,117.06	\$300,000.00	\$80,000.00	\$550,117.06
41	SOLOMON PALTOO (SUBSTITUTED FOR DECEASED GEORGE FELIX ALEXANDER)	\$446,414.14	\$300,000.00	\$80,000.00	\$826,414.14
57	SOLANGE KERRY COOPER (SUBSTITUTED FOR DECEASED LYNETTE COOPER)	\$280,737.06	\$300,000.00	\$80,000.00	\$660,737.06
80	BALLYRAM LALLA (SUBSTITUTED FOR DECEASED RODNEY KATWAROO)	\$252,063.80	\$300,000.00	\$80,000.00	\$632,063.80

TABLE E - RETIRED MPOs PENSION TABLE

Name	Applicant No.	Date Retired	Number of months from date of retirement to January 2015	(Total P1) Total difference of pension actually received by Applicant (at 66 2/3%) and what an Applicant would have received if the Regulations were in place at the time of their retirement (at 85%) up to January 2015.	(Total P2) Total difference between what Applicant actually received (at 66 2/3%) and what Applicant would have received if their pension was calculated (at 85%) based on the salary of an RPO of equivalent rank up to January 2015.	(P2-P1) Represents the further loss sustained with regard to pension as a result of disparity in salary between Applicant and RPO of equivalent rank as at the date of retirement.
Oswald Alleyne	1	20 th October 2003 (see paragraph 9 of the affidavit)	135 months	\$867.00 x 135= \$117,045.00	\$959.50x135=\$129,532.50	\$129,532.50-\$117,045.00 = \$ 12,487.50 x 60% = 7,492.50
Sydney Corbett	2	8 th May 2013 (see paragraph 35 and exhibit SC3 of the affidavit)	20 months	\$1,599.38 x 20= \$31,987.60	\$3,208.13x20= \$64,162.60	\$64,162.60-\$31,987.60 = \$32,175.00 x 60% = \$19,305.00
Manuel Harripaul	4	30 th November 2010 (see paragraph 9and exhibit MH4 of the affidavit)	50 months	\$1,437.13x50=\$71,856.50	\$3,743.38x50=\$187,169.00	\$187,169.00-\$71,856.50 = \$115,312.50 x 60% = \$69,187.50
Trevor Harewood	6	9 th February 2011 (see paragraphs 9 and 29 and exhibit TH3 of the affidavit)	47 months	\$1,677.71 x47 = \$78,852.37	\$3,016.85x47=\$141,791.95	\$141,791.95-\$78,852.37 = \$62,939.58 x 60% = \$37,763.74
Kenneth Scantlebury	7	20 th October 2006 (see paragraph 9 and exhibit KS3 of the affidavit)	99 months	\$1,583.50 x 99 =\$156,766.50	\$ 4,716.83 x 99 = \$ 466,966.17	\$ 466,966.17 - \$ 156,766.50 = \$310, 199.67 x 60% = \$186,119.80
Michael Antoine	9	7 th May 2007 (see paragraph 9 of his affidavit)	92 months	\$1,118.25 x 92 = \$102,879.00	\$2,372.00 x 92 = \$218,224.00	\$218,224.00 - \$102,879.00 = \$115,345.00 x 60% = \$69,207.00

Krishna Bhola	11	6 th June 2011 (see paragraph 9 of his affidavit)	43 months	\$1,484.63 x 43= \$63,839.09	\$ 3,602.75 x 43 = \$154,918.25	\$154,918.25 - \$63,839.09 = \$91,079.16 x 60% = \$54,647.49
Frankie James	12	24 th December 2010 (see paragraph 9 exhibit FJ3 of his affidavit)	49 months	\$1,149.50 x 49 = \$56,325.50	\$3,107.13 x 49 = \$152,249.37	\$152,249.37- \$56,325.50 = \$95,923.87 x 60% = \$57,554.32
Kelvin King	13	11 th December 2013 (see paragraph 9 and exhibit KK3 of his affidavit)	13 months	\$1,492.13 x 13= \$19,397.69	\$2,802.13 x 13 = \$36,427.69	\$36,427.69 - \$19,397.69 = \$17,030.00 x 60% = \$10,218.00
Selwyn Joseph	14	27 th March 2015 (see paragraph 9 of his affidavit)		Retired after January 2015	Retired after January 2015	
Marciano Wynn	16	7 th January 2016 (see paragraph 9 and exhibit MW4 of the affidavit)	-	Retired after January 2015	Retired after January 2015	
Farouk Imtiaz Mohammed (substituted for Joseph Aurelius Cooseelal)	17	1 st December 2010 (see paragraph 6 and exhibit FIM 5 of the affidavit)	49 months (until death)	\$1,301.75 x 49 = \$63,785.75	\$3,050.50 x 49 = \$149,474.50	\$149,474.50-\$63,785.75 = \$85,688.75 x 60% = \$51,413.25
Kenny Ramnaris Chandarjeet	18	19 th June 2011 (see paragraph 9 and exhibit KRC3 of the affidavit)	43 months	\$2,880.83 x 43= \$123,875.69	\$3,650.00 x 43 = \$156,950.00	\$156,950.00 - \$123,875.69 = \$33,074.31x 60% = \$19,844.58
Reslie Gabriel	19	14 th July 2007 (see paragraph 9 and exhibit RG4 of the affidavit)	90 months	\$893.88 x 90 = \$ 80,449.20	\$1,549.50 x 90 = \$139,455.00	\$139,455.00 - \$ 80,449.20 = \$59,005.80 x 60% = \$35,403.48
Desmond Doolan	20	16 th September 2009 (see paragraph 9 of the affidavit)	64 months	\$1,978.17 x 64 = \$126,602.88	\$4,764.83 x 64= \$304,942.19	\$304,949.12-126,602.88 = \$178,346.24 x 60% = \$107,007.74

Eustace Worrell	21	19 th September 2008 (see paragraph 9 of the affidavit)	76 months	\$624.00 x 76 = \$47,424.00	\$1,072.75 x 76 = \$81,529.00	\$81,529.00 - \$47,424.00 = \$34,105.00 x 60% = \$20,463.00
Ramsomir Ramadhar	22	7 th May 2011 (see paragraph 9 and RR4 of the affidavit)	44 months	\$1,473.12 x 44 = \$64,817.28	\$3,284.37 x 44 = \$144,512.28	\$144,512.28 - \$64,817.28 = \$79,695.00 x 60% = \$47,817.00
Carlton Pedro	23	3 rd May 2015 (See Paragraph 9 of his Affidavit and exhibit CP3)		Retired after January 2015	Retired after January 2015	
Llyod Moritison Hector	24	31 st December 2006 (see paragraph 9 of affidavit)	97 months	\$1,992.19 x 97 = \$193,242.43	\$3,244.69 x 97 = \$314,734.93	\$314,734.93 - \$193,242.43 = \$121,492.50 x 60% = \$72,895.50
Pascal Stanislaus	25	19 th May 2010 (See paragraph 9 and exhibit PS3 of the affidavit)	56 months	\$2,478.17 x 56 = \$138,777.52	\$2,907.33 x 56 = \$162,810.48	\$162,810.48 - \$138,777.52 = \$24,032.96 x 60% = \$14,419.77
Steve Arjoon	26	9 th December 2013 (see paragraph 9 and exhibit SA2 of the affidavit)	13 months	\$1,430.50 x 13 = \$18,596.50	\$3,289.25 x 13 = \$42,760.25	\$42,760.25 - \$18,596.50 = \$24,163.75 x 60% = \$14,498.25
Leon Lively	28	20 th May 2015 (see paragraph 9 and exhibit LL3 of the affidavit)		Retired after January 2015	Retired after January 2015	
Paul John	35	17 th December 2012 (see paragraph 9 and exhibit PJ3 of the affidavit)	25 months	\$967.13 x 25 = \$24,178.25	\$3,247.95 x 25 = \$81,198.75	\$81,198.75 - \$24,178.25 = \$57,020.50 x 60% = \$34,212.30
Solomon Paltoo	37	8 th July 2014 (see paragraph 9 and exhibit SP3 of the affidavit)	6 months	\$3,509.33 x 6 = \$21,055.98	\$5,836.83 x 6 = \$35,020.98	\$35,020.98 - \$21,055.98 = \$13,965.00 x 60% = \$8,379.00

Solomon Paltoo (substituted for the deceased George Felix Alexander)	41	19 th November 2013 (see paragraph 6 of the affidavit)	3 months (until death)	\$1,535.50 x 3 = \$4,606.50	\$4,184.88 x 3 = \$12,554.64	\$12,554.64 - \$4,606.50 = \$7,948.14 x 60% = \$4,768.88
Alston Lawrence Sylvester	42	26 th October 2014 (see paragraph 9 and exhibit ALS3 of the affidavit)	3 months	\$3,280.50 x 3 = \$9,841.50	\$5,046.33 x 3 = \$15,138.99	\$15,138.99 - \$9,841.50 = \$5,297.49 x 60% = \$3,178.49
Michael Tissoo	44	31 st August 2005 (See paragraph 9 and exhibit MT3 of the affidavit)	113 months	\$625.13 x 113 = \$70,639.69	\$650.63 x 113 = \$73,521.19	\$73,521.19 - \$70,639.69 = \$2,881.50 x 60% = \$1,728.90
Sylvester Sandy	45	3 rd December 2010 (see paragraph 9 of the affidavit)	49 months	\$813.16 x 49 = \$39,844.84	\$1,586.98 x 49 = \$77,762.02	\$77,762.02 - \$39,844.84 = \$37,917.18 x 60% = \$22,750.30
Errol Antoine	47	15 th January 2015 (See paragraph 9 and exhibit EA3 of the affidavit)	1 month	\$930.54 x 1 = \$930.54	\$2,473.66 x 1 = \$2,473.66	\$2,473.66 - \$930.54 = \$1,543.12 x 60% = \$925.87
Arthur Elliot Cashe	49	14 th March 2014 (see paragraph 9 exhibit AEC4 of the affidavit)	10 months	\$3,576.77 x 10 = \$35,767.70	\$4,067.60 x 10 = \$40,676.00	\$40,676.00 - \$35,767.70 = \$4,908.30 x 60% = \$2,944.98
Luciana Pierre	50	6 th January 2016 (See paragraph 9 of Affidavit and exhibit LP3)		Retired after January 2015	Retired after January 2015	
Judy Thompson	51	28 th October 2015 (See paragraph 9 of Affidavit)		Retired after January 2015	Retired after January 2015	
Kurt Roger Strachan	52	4 th February 2015 (See paragraph 9 of Affidavit and exhibit KRS4)		Retired after January 2015	Retired after January 2015	
Shakir Mohammed Sarafat	53	7 th April 2009 (See paragraph 9 of Affidavit)	69 months	\$1,548.85 x 69 = \$106,870.65	\$1,584.06 x 69 = \$109,300.14	\$109,300.14 - \$106,870.65 = \$2,429.49 x 60% = \$1,457.69

		and exhibit SMS3)				
Deborah Agnes Phillip	54	26 th July 2013 (See paragraph 9 of Affidavit)	18 months	\$2,903.47 x 18 = \$52,262.46	\$4,313.17 x 18 = \$77,637.06	\$77,637.06-\$52,262.46 = \$25,374.60 x 60% = \$15,224.00
Solange Kerry Cooper (substituted for deceased Lynette Cooper)	57	12 th April 2010 (see paragraph 6 and exhibit SKC5 of affidavit)	24 months (until death)	\$457.75 x 24= \$10,986.00	\$1437.70 x 24 = \$34,504.80	\$34,504.80 -\$10,986.00 = \$23,518.80 x 60% = \$14,111.28
Rajkumar Ramoutar	59	16 th November 2005 (See paragraph 9 and exhibit RR3 of affidavit)	110 months	\$420.59 x 110= \$46,264.90	\$797.92 x 110 = \$87,771.20	\$87,771.20 - \$46,264.90 = \$41,506.30 x 60% = \$24,903.78
Gloria John –Mata	61	17 th November 2009 (See paragraph 9 of Affidavit and exhibit GJM4)	62 months	\$370.00 x 62= \$22,940.00	\$1,394.38 x 62 = \$86,451.56	\$86,451.56 -\$22,940.00 = \$63,511.56 x 60% = \$38,106.93
Angela Gloria Carty	62	3 rd August 2012 (See paragraph 9 of Affidavit and exhibit AGC5)	29 months	\$892.22 x 29= \$25,874.38	\$1,483.49 (as stated in the affidavit at paragraph 29) x 29 = \$43,021.21	\$43,021.21-\$25,874.38 = \$17,146.83 x 60% = \$10,288.09
Neal Rochford	63	16 th December 2011 (See paragraph 9 and exhibit NR3 of the affidavit)	37 months	\$1,840.79 x 37= \$68,109.23	\$3,310.79 x 37= \$122,499.23	\$122,499.23 - \$68,109.23 = \$54,390.00 x 60% = \$32,634.00
Patricia Dianne Springer – Carter	84	24 th October 2016 (See paragraph 9 of Affidavit)		Retired after January 2015	Retired after January 2015	
Gertrude Stowe	89	16 th November 2016 (See paragraph 9 of Affidavit)		Retired after January 2015	Retired after January 2015	
Anirudh Maharaj	99	5 th October 2011 (See paragraph 9 and exhibit AM3 of affidavit)	39 months	\$756.02 x 39	(No P2 was claimed)	N/A

Ashton Rivas	104	1 st October 2015 (See paragraph 9 of Affidavit)		Retired after January 2015	Retired after January 2015	
Hafeez Khan	108	22 nd May 2016 (See paragraph 9 of Affidavit)		Retired after January 2015	Retired after January 2015	
Greta Andrews	109	26 th September 2015 (See paragraph 9 and exhibit GA3 of affidavit)		Retired after January 2015	Retired after January 2015	
Deonarine Ramlogan	115	24 th July 2014 (See paragraph and exhibit DR2 9 of the Affidavit)	6 months	\$2,050.63 x 6= \$12,303.78	\$2,384.38 x 6= \$14,306.28	\$14,306.28 - \$12,303.78 = \$2,002.50 x 60% = \$1,201.50
Seemungal Persad	118	2 nd February 2005 (See exhibit SP3) (See paragraph 29 of the Affidavit and exhibit SP3)	119 months	\$2,092.02 x 119= \$248,950.38	\$2,697.64 (as seen at exhibit "SP4" x 119 = \$321,019.16	\$321,019.16-\$248,950.38 = \$72,068.78 x 60% = \$43,241.26
George Maharaj	123	19 th May 2016 (See exhibit GM1)		Retired after January 2015	Retired after January 2015	
Leon Cudjoe	152	28 th March 2016 (See paragraph 9 and exhibit LC2 of the affidavit)		Retired after January 2015	Retired after January 2015	