

THE REPUBLIC OF TRINIDAD AND TOBAGO

IN THE HIGH COURT OF JUSTICE

Claim No. CV2020-02237

IN THE MATTER OF AN APPLICATION BY SIEWNARINE RAMSARAN (FIRE SERVICE NUMBER 1712) FOR AN ADMINISTRATIVE ORDER UNDER PART 56 OF THE CIVIL PROCEEDINGS RULES 1998 (AS AMENDED)

AND

IN THE MATTER OF THE UNFAIR TREATMENT OF THE CLAIMANT BY REASON OF THE FAILURE AND/OR REFUSAL BY THE PUBLIC SERVICE COMMISSION TO PROVIDE A STATEMENT OF REASONS FOR BYPASSING HIM FOR ACTING APPOINTMENT AS DEPUTY CHIEF FIRE OFFICER

AND

IN THE MATTER OF THE UNEQUAL TREATMENT OF THE APPLICANT/CLAIMANT IN BREACH OF HIS RIGHT AND/OR LEGITIMATE EXPECTATION TO BE FAIRLY CONSIDERED FOR ACTING APPOINTMENT TO THE RANK OF DEPUTY CHIEF FIRE OFFICER IN ACCORDANCE WITH THE PUBLIC SERVICE COMMISSION REGULATIONS

AND

IN THE MATTER OF THE VIOLATION OF THE CLAIMANT'S CONSTITUTIONAL RIGHT TO EQUALITY OF TREATMENT FROM A PUBLIC AUTHORITY IN THE EXERCISE OF ITS FUNCTIONS UNDER SECTION 4(d) OF THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO ACT NO. 4 OF 1976

BETWEEN

SIEWNARINE RAMSARAN

(FIRE SERVICE NUMBER 1712)

CLAIMANT

**AND
THE CHIEF FIRE OFFICER**

FIRST DEFENDANT

AND

THE PUBLIC SERVICE COMMISSION

SECOND DEFENDANT

AND

THE ATTORNEY GENERAL OF TRINIDAD AND TOBAGO

THIRD DEFENDANT

Before the Honourable Madame Justice Margaret Y Mohammed

Date of Delivery 1 October 2021

APPEARANCES

Mr Anand Ramlogan SC, Ms Jayanti Lutchmedial and Ms Renuka Rambhajan instructed by Ms Alana Rambaran Attorneys at law for the Claimant.

Ms Nadine Nabie, Ms Nicol Yee Fung and Ms Zara Smith instructed by Ms Avaria Niles and Ms Radha Sookdeo Attorneys at law for the Defendants.

REASONS - COSTS

1. On the 27 August 2021 I ordered the Defendants to pay 50% of the Claimant's costs of the action certified fit for Senior Counsel and Junior Counsel to be assessed by a Registrar in default of agreement. By consent I also granted the Claimant permission to appeal my order for costs.
2. In arriving at the order for costs, I took into account the general rule that the successful party is entitled to recover his costs and that costs is within the discretion of the Court. In

the instant case the Claimant was not successful with respect to his entire claim. The Claimant only succeed with the aspects of his claim which concerned the period after August 2019. I also took into account that due to the complexity of the issues raised in the action, it was reasonable for the Claimant to instruct Senior Counsel and one Junior Counsel.

/s/ Margaret Y Mohammed

Judge