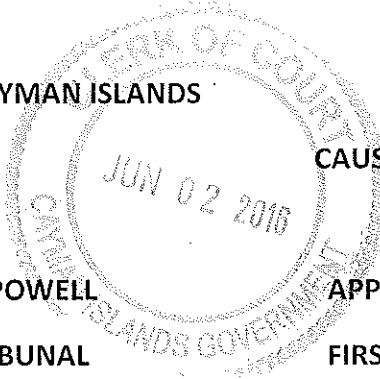
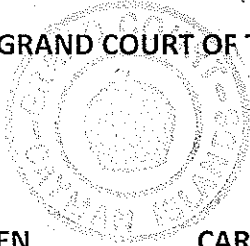


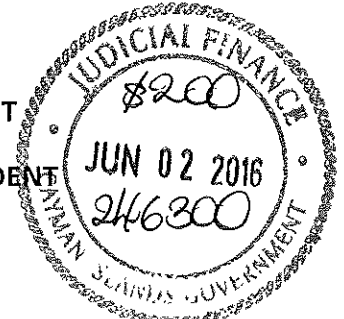
IN THE GRAND COURT OF THE CAYMAN ISLANDS



CAUSE NO: 0097 OF 2016


BETWEEN **CARLTON POWELL**
AND: CIVIL SERVICE APPEALS TRIBUNAL
AND: THE CHIEF OFFICER (Ministry of Sports)

APPLICANT
FIRST RESPONDENT
SECOND RESPONDENT



APPLICATION FOR LEAVE TO APPLY FOR JUDICIAL REVIEW

| | |
|--|---|
| To the Clerk of the Court, Law Courts, George Town, Grand Cayman | |
| Name, Address and description of applicant (s) | Carlton Powell 99 Windward Road, North Sound Estates, Newlands |
| Judgment, order, decision or other proceeding in respect of which relief is sought | The Applicant seeks to have his employment to the Department of Sports as a Grounds man reinstated. |
| Relief Sought | |
| <ol style="list-style-type: none"> 1. A Declaration that the Civil Service Appeals Commission (CSAC) failed to provide the Applicant with an actual hearing during which he could have provided an explanation and/or rebuttal to the CSAC regarding the allegations against him whereupon a different decision could have been made. 2. A Declaration that the decision of the CSAC to uphold the decision of the Chief Officer to dismiss the Applicant was ill informed, ill advised and biased and against natural justice. 3. An order of certiorari to quash a Decision of the CSAC (decision reference # never given but letter dated 12 July 2012) and send the matter back to the Civil Service Appeals Commission for a proper hearing with the Applicant in attendance. Alternately, that the Applicant is restored to his job or that he is compensated accordingly. 4. Costs; and 5. Such further, consequential, or other relief as this Honorable Court seems just | |

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|---|---|-----------------------|
| Name and address of applicant's attorneys, or, if no attorneys acting, the address for service of the applicant | BRADY, Attorneys-at-law, B6 Trinity Square, Eastern Avenue, GT, Grand Cayman | |
| Signed |  CRISTER ANDRE BRADY <i>Attorney-at-Law</i> | Dated 17 / 05 / 16 |

GROUND ON WHICH RELIEF IS SOUGHT

1. **Breach of Natural Justice:** The decision of the First Respondent was arrived at without an actual hearing with the Applicant present as the particular circumstances would have demanded and thus without due process in that:
 - a) The decision to terminate the Applicant by the First Respondent was done without the benefit of the Applicant's comments and explanations and any opportunity to defend himself and thus without a balanced information gathering procedure being fully observed.
 - b) The decision of the CSAC to uphold the decision of the Chief Officer to terminate the Applicant on the 12th of July 2012 was ill advised and biased given the nature of the prior knowledge and correspondence between the Applicant and the Chief Officer, and her awareness of the Applicant's concerns prior to the dismissal, and of such the decision of the CSAC was in breach of natural justice.

2. **Breach of Section 61 of the Public Sector Management Law and the Constitution**
 - a) The Applicant was not advised to attend the hearing in accordance with section 61 of the Public Sector Management Law, nor to call witnesses if he had any, nor to be legally represented if that was his choice, thereby denying the Applicant the benefit of a fair and proper hearing.
 - b) That the actions of the Second Respondent in the circumstances were unlawful and disproportionate, as it was not '*objectively and reasonably justifiable in a democratic society...between the means employed and the purpose sought to be realized*'; as provided for in section 16(4)(d) of the **Cayman Islands Constitution Order 2009** given that the Applicant could have been reassigned elsewhere while an examination into the concerns of the applicant were given due attention.