



PUBLIC BODIES APPEAL TRIBUNAL
Annual Report on Performance
Financial Year 2024/2025



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31 October 2025

**Public Bodies Appeal Tribunal
Annual Report on Performance
Financial Year 2024/2025**

Table of Contents

1.0	CHAIRPERSON’S STATEMENT.....	3
1.1	INTRODUCTION	4
1.2	ABOUT THE PUBLIC BODIES APPEAL TRIBUNAL	5
1.3	VISION AND MISSION.....	6
	Vision	6
	Mission.....	6
1.4	PANEL OF THE PBAT (As at 30 June 2025)	6
1.5	ABOUT OUR PEOPLE.....	8
	Organisation Chart of the Public Bodies Appeal Tribunal.....	9
	Staff List	10
1.6	ROLE AND FUNCTIONS OF THE PBAT	12
1.7	GENDER STATEMENT.....	16
	Gender Distribution of PBAT Staff.....	16
2.0	ACHIEVEMENTS AND CHALLENGES.....	17
2.1	REPORT OF THE DIRECTOR OF AUDIT	18
2.2	NUMBER OF APPEALS OF LAST 5 FINANCIAL YEARS	18
2.3	STATUS ON IMPLEMENTATION OF KEY ACTIONS.....	19
	Key Actions and Targets.....	19
2.4	RISK MANAGEMENT, CITIZEN ORIENTED INITIATIVES AND GOOD GOVERNANCE	20
3.0	FINANCIAL PERFORMANCE.....	21
3.1	FINANCIAL HIGHLIGHTS	21
3.2	ANALYSIS OF MAJOR CHANGES.....	22
3.3	STATEMENTS OF REVENUE AND EXPENDITURE.....	22
	Revenue	22
	Expenditure	23
4.0	WAY FORWARD	24

**Public Bodies Appeal Tribunal
Annual Report on Performance
Financial Year 2024/2025**

List of Figures

Figure 1: Organisation Chart	9
Figure 2: Budget Distribution	21
Figure 3: Actual 2022/2023 vs Actual 2023/2024	22

List of Tables

Table 1: Staff List	16
Table 2: Gender Distribution of PBAT Staff.....	11
Table 3: Number of Appeals lodged at the Tribunal.....	18
Table 4: Key Actions and Targets	19
Table 5: Statement of Expenditure	23

List of Abbreviations

PBAT – Public Bodies Appeal Tribunal

PSC – Public Service Commission

LGSC – Local Government Service Commission

**Public Bodies Appeal Tribunal
Annual Report on Performance
Financial Year 2024/2025**

1.0 CHAIRPERSON'S STATEMENT

It is an honour, in my capacity as Chairperson of the Public Bodies Appeal Tribunal, to write this foreword in this Annual Report of the PBAT. The report covers the work completed by the previous Chairperson and Members during their last mandate.

On behalf of this Office, I wish to reiterate our unwavering commitment to our role: providing fair, impartial, and timely justice for public and local government officers in Mauritius. Since its establishment in 2009, the PBAT has been a vital, quasi-judicial body ensuring that the principles of natural justice are upheld in the public sector.

Our jurisdiction covers appeals made by officers against decisions by the Public Service Commission and the Local Government Service Commission, whether related to an appointment exercise or a disciplinary action. In every case brought before us, our priority is to conduct a thorough and transparent hearing, ensuring that both parties are heard and that all relevant facts and materials are considered.

We are committed to resolving matters expeditiously, without sacrificing fairness. Our procedure is designed to be informal, efficient and economical, ensuring that access to justice is not an overly burdensome process for appellants. The Tribunal will continue to strive to give determinations with clear and reasoned justifications.

To this end, we are guided by the Public Bodies Appeal Tribunal Act 2008 and the principles of natural justice, which serve as the bedrock of our institution. We remain committed to our role in upholding meritocracy and fairness within the public service.

Thank you.

Mrs Vidya Mungroo-Jugurnauth

Chairperson, Public Bodies Appeal Tribunal

(Assumed duty on 01 September 2025)

**Public Bodies Appeal Tribunal
Annual Report on Performance
Financial Year 2024/2025**

1.1 INTRODUCTION

On 03 June 2008, the Constitution (Amendment) Act 2008 was promulgated to amend the Constitution in order to set up a Tribunal, known as the Public Bodies Appeal Tribunal (PBAT), which shall have the jurisdiction to hear appeals made by public officers against decisions of such commission established under the Constitution, and by employees of such bodies, as may be prescribed.

Subsequently, the PBAT Act which, *inter alia*, prescribed the jurisdiction, role and function of the Tribunal, came into force on 01 June 2009.

In line with the concept of separation of powers, the PBAT is independent from the Legislature and the Executive, allowing the panel, comprising a full-time Chairperson and Members, to be impartial.

Furthermore, section 7(5) of the PBAT Act stipulates that *in performing its functions, the Tribunal shall endeavour to combine fairness to the parties with economy, informality and speed*. Although the Tribunal is not bound by the procedures, the legal forms of a court of law and rules of evidence, it observes the principles of natural justice.

Since its setting up, the PBAT has settled 1904 out of a total of 1938 appeals as at 30 June 2025, thus providing an independent platform for public officers and local government officers to voice their grievances with respect to any appointment made or disciplinary action taken by the Public Service Commission (PSC) or the Local Government Commission (LGSC).

In line with the requirement of the Finance and Audit Act, the PBAT has prepared its Annual Report on Performance for the financial year 2024/2025. This report will give an overview of the PBAT's jurisdiction, role and functions and its key deliverables. It also includes a Statement on the revenue and expenditure for the financial year 2024/2025.

It is noted that the performance of the Tribunal must be viewed in the context where the Board of the PSC and the LGSC was dissolved on 13 December 2024 and was re-constituted only on 28 March 2025. During the said period, all the ongoing cases and new appeals at the PBAT had to be kept in abeyance as the legal representatives of the Respondent were unable to obtain instructions from their respective Commissions, leading to the Tribunal being unable to hear any proceedings or deliver any determination/ruling.

**Public Bodies Appeal Tribunal
Annual Report on Performance
Financial Year 2024/2025**

1.2 ABOUT THE PUBLIC BODIES APPEAL TRIBUNAL

i. Legislation

The PBAT became operational since 01 June 2009 pursuant to:

- a) The Constitution (Amendment) Act 2008; and
- b) The Public Bodies Appeal Tribunal Act 2009.

The above-mentioned legislations may be viewed on the official website of the PBAT.

ii. Structure of Tribunal

The structure of the Tribunal comprises:

- a) a Chairperson, who is a barrister of not less than ten (10) years' standing;
- b) a Member, who is a law practitioner of not less than five (5) years standing; and
- c) a Member, who is a former public officer who, on ceasing to be a public officer, had reached at least the level of Permanent Secretary or other Supervising Officer, or a higher level in the public service.

The panel of the PBAT, is appointed by the President after consultation with the Prime Minister and the Leader of the Opposition. The Chairperson and Members are appointed on a full-time basis.

iii. Administration

The overall administration of the PBAT is devolved upon an Assistant Permanent Secretary, who has been assigned the duties of the position of Secretary, which is an unfilled post.

Support services are provided by officers of the General Services Grade, Financial Operations and Procurement and Supply Cadre.

**Public Bodies Appeal Tribunal
Annual Report on Performance
Financial Year 2024/2025**

1.3 VISION AND MISSION

VISION

To promote meritocracy, justice and fairness in the Public Service.

MISSION

To provide a forum for aggrieved public and local government officers to challenge, by way of appeal, appointments made by the Public Service Commission and the Local Government Service Commission or to seek redress for unfair disciplinary action taken against them.

1.4 Panel of the PBAT (As at 30 June 2025)

A. The chairperson - Mr. Samoorgum TIRVASSEN

- ❖ Appointed: 29 October 2021 (remained in post till 10 August 2025)
- ❖ Studies:
 - Diploma in Legal Studies – University of Mauritius.
 - Diploma in Public Administration and Management – University of Mauritius.
 - LLB (Honours) Kent University – UK.
 - Bar Vocational Course Northumbria University – UK.
 - Barrister (Middle Temple London).
- ❖ Previous positions held:
 - Started his career in the Public Service in the year 1976 and served in several Ministries at various levels. He also worked at the Solicitor General's Office and retired from the Public Service in 2010.

B. First Member - Mr. Noor Muhammad Ally MEEAJUN

- ❖ Appointed: 30 August 2022 (remained in post till 10 August 2025)
- ❖ Studies:
 - 2007: LLB (Hons), University of London.
 - 2009: Bar Vocational Course, University of West of England, Bristol, UK.
 - 2010: Call to the Bar (Honourable Society of the Middle Temple).
 - 2012: Admitted to practice as a Barrister (Supreme Court of Mauritius).

**Public Bodies Appeal Tribunal
Annual Report on Performance
Financial Year 2024/2025**

C. Second Member - Mr. Jean Maxy SIMONET, C. S. K.

- ❖ Appointed: 29 October 2021 (remained in post till 10 August 2025)
- ❖ Studies:
 - MBA (University of Technology, Mauritius)
 - BSc (Hons) Economics (University of London)
 - DPAM (University of Mauritius)
- ❖ Previous Position: More than 40 years' experience in the Public Service, occupying various positions in eleven Ministries.
 - Retired in 2020 as Secretary for Public Service.
 - Senior Chief Executive in the Ministry of Public Infrastructure and Land Transport (2014 - 2019).
 - Permanent Secretary, Ministry of Business, Enterprise and Cooperatives (2011 – 2014).
 - Permanent Secretary, Ministry of Tourism (2005 – 2011).
 - Permanent Secretary, Ministry of Environment and National Development Unit (2004 – 2005).
 - Island Secretary, Rodrigues Administration (1996 – 1998).
 - Chairperson/Director on Boards of various Parastatal Bodies/State Owned Companies.

**Public Bodies Appeal Tribunal
Annual Report on Performance
Financial Year 2024/2025**

1.5 ABOUT OUR PEOPLE

The composition of the PBAT is as follows:

- (i) A Chairperson who must be a barrister of not less than 10 years' standing;
- (ii) A law practitioner of not less than 5 years' standing; and
- (iii) A former public officer, who, on ceasing to be a public officer, had reached at least the level of a Permanent Secretary or other Supervising Officer, or a higher level in the public service.

The Chairperson and Members of the Tribunal are appointed by the President of the Republic after consultation with the Prime Minister and the Leader of the Opposition.

As at 30 June 2025, Me. Samoorgum TIRVASSEN was the Chairperson of the Tribunal with his two Members, Mr. Jean Maxy SIMONET and Me. Noor Muhammad Ally MEEAJUN.

The Administration of the Tribunal is under the responsibility of an Assistant Permanent Secretary who acts as Secretary.

**Public Bodies Appeal Tribunal
Annual Report on Performance
Financial Year 2024/2025**

Organisation Chart of the Public Bodies Appeal Tribunal

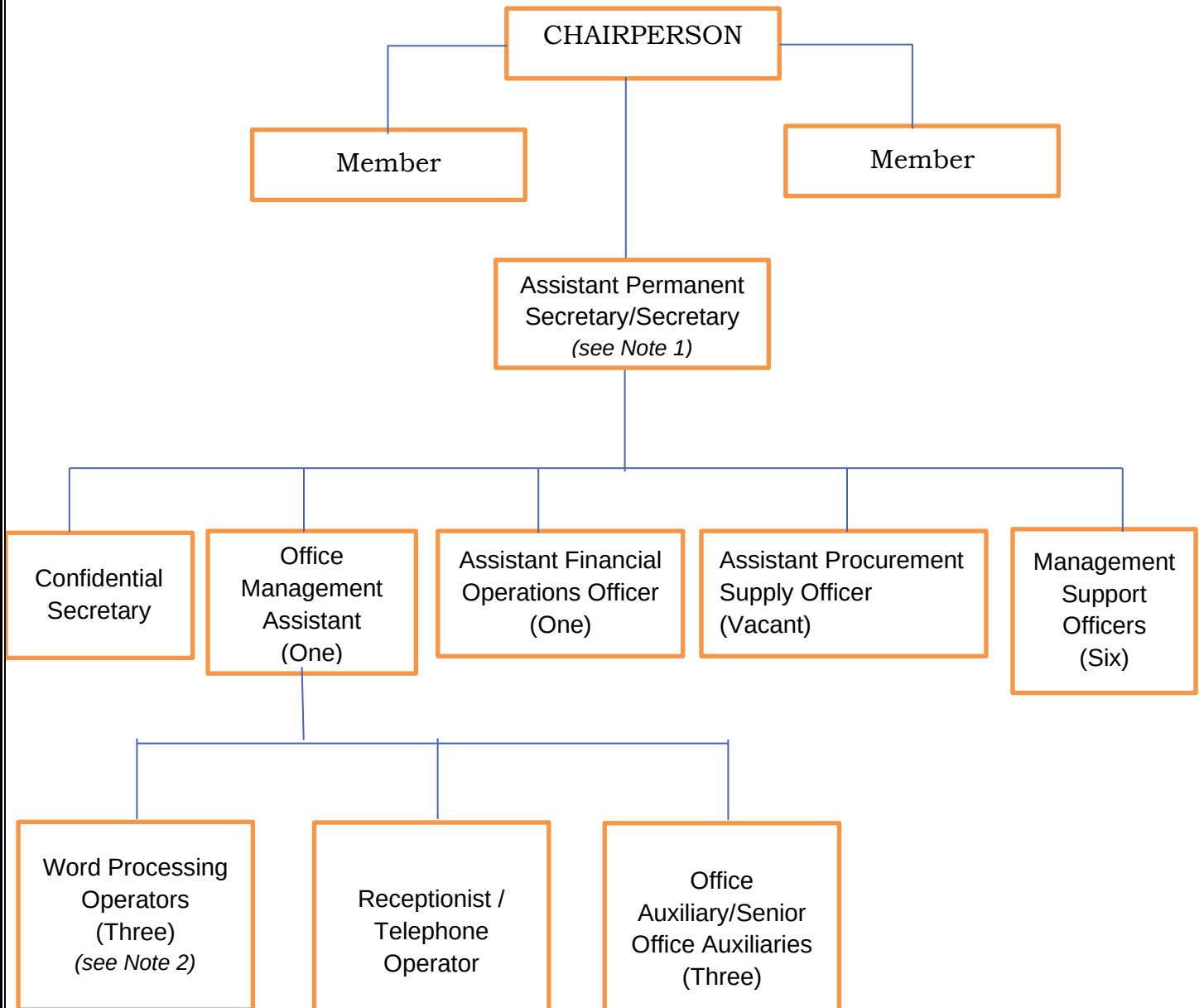


Figure 1: Organisation Chart

Note 1: The Assistant Permanent Secretary is also shouldering the responsibilities of the Secretary.

Note 2: This office has three funded posts for Word Processing Operator.

**Public Bodies Appeal Tribunal
Annual Report on Performance
Financial Year 2024/2025**

Staff List

Sn	Name	Designation
1	Mr KHEEDHOO Yash Rai	Assistant Permanent Secretary (Acted as Secretary of the PBAT for the period 01 July 2024 to 31 January 2025)
2	Mrs GOPAL-ANDEE Suchitra	Assistant Permanent Secretary (Acted as Secretary of the PBAT for the period 03 February 2025 to 30 June 2025)
3	Mrs NARRAINEN Anjuvady	Confidential Secretary
4	Mrs MOSAHEB Beebee Russeeda	Office Management Assistant
5	Mrs LUCHMUN Dhanwantree	Assistant Financial Operation Officer
6	Miss BAHADOOR Dooshika	Management Support Officer
7	Mrs MADHOO PADACHI Samantha	Management Support Officer
8	Mr MANGRAH Capildew	Management Support Officer
9	Mrs KANNAYYA CHATOOAH Hoshna	Management Support Officer
10	Miss ARNACHELLUM Krittika	Temporary Management Support Officer
11	Mr MUNJHUREEA Dushyant	Temporary Management Support Officer
12	Mrs RAMASUBHOO Poospavadee	Word Processing Operator
13	Mrs GOBURDHAN RAMBISOON Maneesha	Word Processing Operator

**Public Bodies Appeal Tribunal
Annual Report on Performance
Financial Year 2024/2025**

Sn	Name	Designation
14	Mr NAGEN Kumar Himanshyu	Temporary Word Processing Operator
15	Mrs JALIM Kavita	Telephone Operator / Receptionist
16	Mrs RUGHOONAUTH Runa Devi	Office Auxiliary/Senior Office Auxiliary
17	Mr BETCHOO Amitraj	Office Auxiliary/Senior Office Auxiliary
18	Mr ERRANAH Deejendra	Office Auxiliary/Senior Office Auxiliary

Table 1: Staff List

**Public Bodies Appeal Tribunal
Annual Report on Performance
Financial Year 2024/2025**

1.6 ROLE AND FUNCTIONS OF THE PBAT

i. Jurisdiction

Section 3 of the PBAT Act stipulates that the Tribunal shall hear and determine an appeal made by any public officer, or any local government officer, against any decision of the Public Service Commission or the Local Government Commission, as the case may be, pertaining to an appointment exercise or a disciplinary action taken against the officer.

The appeal shall be made within a prescribed time limit, that is

- a) within 21 days as from the date the relevant notification was issued;
or
- b) within 21 days as from the date the Appellant took cognizance of the relevant notification.

However, no appeal shall be made where the appeal relates to an appointment made following a call for application for an office by public advertisement.

ii. Proceedings

The PBAT Act allows the Chairperson to determine the time and place when the Tribunal shall sit. The Chairperson may also direct for two (2) or more appeals to be heard together.

In an appeal before the PBAT, the onus of proof always rests with the Appellant. Although the Tribunal is not bound by the procedures or legal forms of a court of law and rules of evidence, it is still bound to:

- a) observe the principles of natural justice;
- b) keep a written record of its proceedings; and
- c) and give reasons for its decision on the appeal.

iii. Confidentiality

The PBAT has wide powers to adopt such procedures as may be necessary for the proper functioning of the Tribunal. The PBAT may call for documents, at times under confidential cover, and is empowered to call

**Public Bodies Appeal Tribunal
Annual Report on Performance
Financial Year 2024/2025**

persons who may be of assistance to the Tribunal in the adjudication of a case.

The proceedings of the PBAT are held in camera and the Tribunal observes strict rules of confidentiality. Only parties and their Trade Union or legal representatives have access to the Tribunal. Pupils and other persons are not allowed to be present. However, any party may call witnesses who are not allowed to be present in the Tribunal until they are called to depone.

iv. Determination of Tribunal

After hearing an appeal, the Tribunal may:

- a) confirm the decision of the relevant public body;
- b) quash the decision of the public body and remit the matter back to the public body;
- c) where appropriate, remit the matter, subject to such conditions as it may determine, to the parties for further consideration by them with a view to settling the matter; or
- d) (d) make such other order as it deems appropriate.

In the eventuality that there is a disagreement among the members of the Tribunal, the decision of the majority shall be the determination of the Tribunal.

v. Judicial Review

The decision of the Tribunal is final and binding on the parties. However, section 9 of the PBAT Act makes provision for any party who is dissatisfied with the decision of the Tribunal, to apply for a judicial review of the decision to the Supreme Court, within 21 days of the date of the notification of the said decision.

vi. Procedures For Appeal Before The Public Bodies Appeal Tribunal

An appeal before the Tribunal should be as per the following: -

- a) an Appeal submitted by an Appellant is only accepted if it has been lodged on the prescribed form within the statutory delay of 21 days from the date of effective notification;

**Public Bodies Appeal Tribunal
Annual Report on Performance
Financial Year 2024/2025**

- b) the Grounds of Appeal submitted by the Appellant are then communicated to the Respondent (Public Service Commission or Local Government Service Commission) for it to forward its objection(s), if any, within 2 weeks;
- c) if a point in law has been raised by the Respondent, the case can be dismissed under Section 6(4)(a) of the PBAT Act 2008 in the event that the appeal appears trivial, frivolous or vexatious to the Tribunal;
- d) Otherwise, the case can be fixed for Arguments and a Ruling is subsequently delivered to the effect that the case is either set aside or can proceed to the hearing stage;
- e) if no point in law has been raised by the Respondent, then the Appellant has to file his/her Statement of Case within 2 weeks without adding new Grounds of Appeal;
- f) on receipt of the Statement of Case, same is sent to the Respondent and Co-Respondent(s) for them to prepare their respective Statement of Defence;
- g) the Respondent and Co-Respondent(s) must then file their Statement of Defence within 4 weeks;
- h) when the case is in shape, it is fixed for Hearing. The above time frame is not always adhered to, as cases can be postponed for innumerable reasons;
- i) after hearing all parties concerned, the Tribunal gives its decision in a Determination which is final;
- j) the Public Bodies Appeal Tribunal communicates to the parties concerned its Determination, which can, as per Section 8(4) of the PBAT Act 2008; -

“(a) confirm the decision of a public body;

(b) quash a decision of a public body and remit the matter back to the public body;

**Public Bodies Appeal Tribunal
Annual Report on Performance
Financial Year 2024/2025**

(c) where appropriate, remit the matter, subject to such conditions as it may determine, to the parties for further consideration by them with a view to settling the matter; or

(d) make such other order as it deems appropriate.”

k) however, a party may apply for Judicial Review to the Supreme Court under Section 9 of the PBAT Act 2008 against the decision of either a Ruling (when the case has been set aside) or a Determination. The application for Judicial Review should be made within 21 days from the date of issue of the Ruling or Determination; and

l) when any party lodges an application for leave to apply for Judicial Review to the Supreme Court, the Public Bodies Appeal Tribunal retains the services of Attorney and Counsel to appear on its behalf and defend the PBAT both at leave stage and thereafter.

NOTE: Appeals to this Tribunal do not entail any payment of fees. No costs are awarded.

**Public Bodies Appeal Tribunal
Annual Report on Performance
Financial Year 2024/2025**

1.7 GENDER STATEMENT

The PBAT strongly believes that gender equality must be achieved by enhancing participation of both women and men at all levels at work. With a view to eliminating gender-based discrimination, all officers are encouraged to participate in all activities.

The PBAT complies with all legislations and polices set out by the government in respect of gender equality and empowerment. The PBAT is responsible for creating a gender-inclusive and equitable workplace.

As per the Gender Distribution below, it is clearly seen that there is an almost perfect gender balance working together without discrepancy, irrespective of the level.

Gender Distribution of PBAT Staff

Job Title	Male	Female	Total
Chairperson	1	-	1
Members	2	-	2
Assistant Permanent Secretary	-	1	1
Confidential Secretary	-	1	1
Office Management Assistant	-	1	1
Assistant Financial Operations Officer	-	1	1
Acting Assistant Procurement and Supply Officer	-	-	-
Management Support Officers	2	4	6
Word Processing Operator	1	2	3
Receptionist/Telephone Operator	-	1	
Office Auxiliary/Senior Office Auxiliary	2	1	3
	8	12	20

Table 2: Gender Distribution of PBAT Staff – 01 July 2024 to 30 June 2025

**Public Bodies Appeal Tribunal
Annual Report on Performance
Financial Year 2024/2025**

2.0 ACHIEVEMENTS AND CHALLENGES

The Tribunal was unable to function properly for a major period of the Financial Year 2024/2025 due to external factors. The Respondent in each Appeal before the PBAT is either the PSC or the LGSC. However, following the dissolution of the Board of the PSC and LGSC on 13 December 2024, attorneys and counsels from the Attorney General's Office who were appearing for both Commissions informed the PBAT that all on-going appeals had to be kept in abeyance till the new Boards are constituted as they were unable to receive instructions to:

- a) take a stand before the Tribunal;
- b) file a Statement of Defence; or
- c) carry out examination and/or cross-examination when the case is fixed for Arguments or Hearing.

Following the re-constitution of the Board of the PSC and the LGSC on 28 March 2025, the Respondents and the attorneys and counsels appearing for them were requested to submit their stand or file their submissions within four (4) weeks, so that the ongoing appeals could be fixed for Pro Forma, Arguments or Hearing. In the majority of cases, attorneys and counsels requested for an extension to submit same, in view of the fact that both Commissions were unable to communicate the required information to the Attorney General's Office, within the requested deadline.

In view of the above, this Tribunal was unable to hear ongoing appeals and issue Rulings or Determinations as at 30 June 2025, as the cases were not yet in shape.

Although the PBAT request early common dates from all counsels so that the case may be fixed for Arguments or Hearing and a Ruling Determination may be issued within six (6) months as from the date an appeal is lodged, it often faces a major bottleneck as counsels inform that they have no available common date. Therefore, cases are often fixed after several months.

**Public Bodies Appeal Tribunal
Annual Report on Performance
Financial Year 2024/2025**

2.1 Report of the Director of Audit

With regard to the report of the National Audit Office for the Financial Year 2023/2024, it is noted that there were no issues pertaining to the PBAT which were highlighted, nor was any recommendations made.

2.2 Number of Appeals of last 5 financial years

<u>Number of Appeals</u>					
	2020/2021	2021/2022	2022/2023	2023/2024	2024/2025
Ongoing (Pending) appeals for the past years	154	112	44	64	18
Total number of appeals received	54	66	104	35	44
Appeals resolved in the current year	96	134	84	81	28
Ongoing (Pending) Appeals as at end of current year	112	44	64	18	34

Table 3: Number of Appeals lodged at the Tribunal

**Public Bodies Appeal Tribunal
Annual Report on Performance
Financial Year 2024/2025**

2.3 STATUS ON IMPLEMENTATION OF KEY ACTIONS

Key Actions and Targets

Key Action	Key Performance Indicator	Target 2024/2025 Indicator	*Actual 2024/2025	Target 2025/2026
To increase the number of Appeals settled within six months	Performance of cases dealt with	70%	31.8%	75%

Table 4: Key Actions and Targets

**Actual as at 30 June 2025*

Number of appeals lodged : **44**

Number of appeals settled during the period 01 July 2024 to 30 June 2025 : **28**

Number of cases settle within 6 months out of the number of cases lodged in period: 01 July 2024 to 30 June 2025 : **14**

Number of cases settled within period 01 July 2024 to 30 June 2025 which were lodged before the financial year : **20**

Percentage of cases settled within 6 months : **31.8 %**

Remarks:

- ❖ Out of **44** appeals received in the Financial Year 2024/2025, **14** were settled within six months.
- ❖ It must be noted that for previous financial years, **18** appeals received were pending, out of which **14** have been settled in the Financial Year 2024/2024 (77.78% solved).

**Public Bodies Appeal Tribunal
Annual Report on Performance
Financial Year 2024/2025**

**2.4 RISK MANAGEMENT, CITIZEN ORIENTED INITIATIVES AND
GOOD GOVERNANCE**

The Tribunal: -

- a) works towards a risk-free management;
- b) adopts as far as possible a customer satisfaction approach;
- c) ensures that the rights of all parties are preserved in all fairness in line with the PBAT Act 2008; and
- d) fosters the concept of good governance and transparency in all appeals concerning appointment/promotion exercises and disciplinary cases.

**Public Bodies Appeal Tribunal
Annual Report on Performance
Financial Year 2024/2025**

3.0 FINANCIAL PERFORMANCE

3.1 FINANCIAL HIGHLIGHTS

The PBAT had one vote under its control to the tune of Rs 19,900,000 for the year 2024/2025. The voted budget was distributed as follows: -

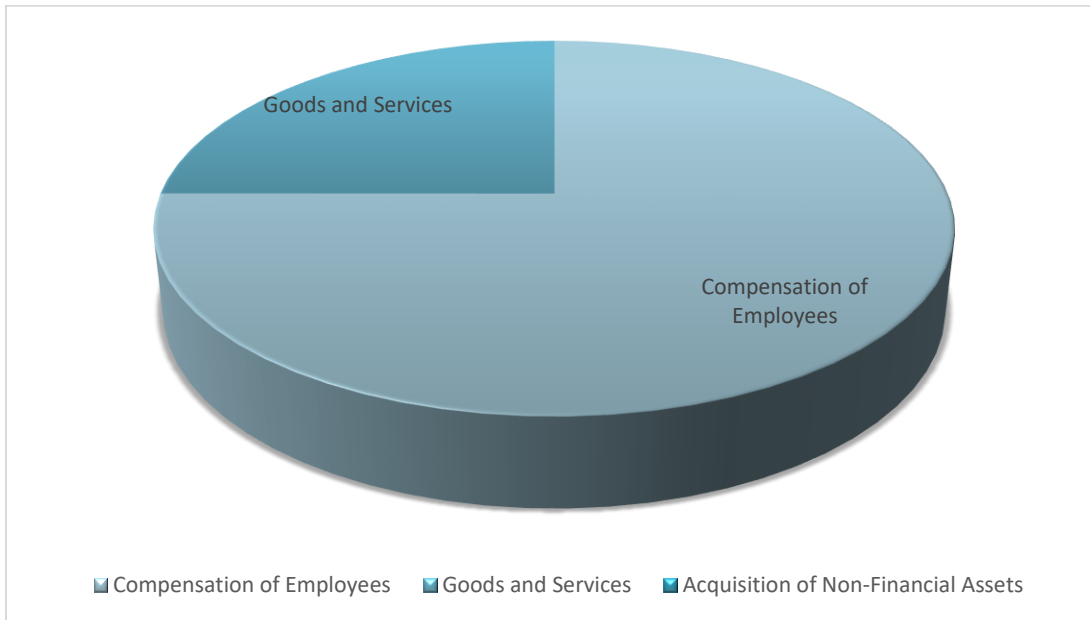


Figure 2: Budget

**Public Bodies Appeal Tribunal
Annual Report on Performance
Financial Year 2024/2025**

3.2 ANALYSIS OF MAJOR CHANGES

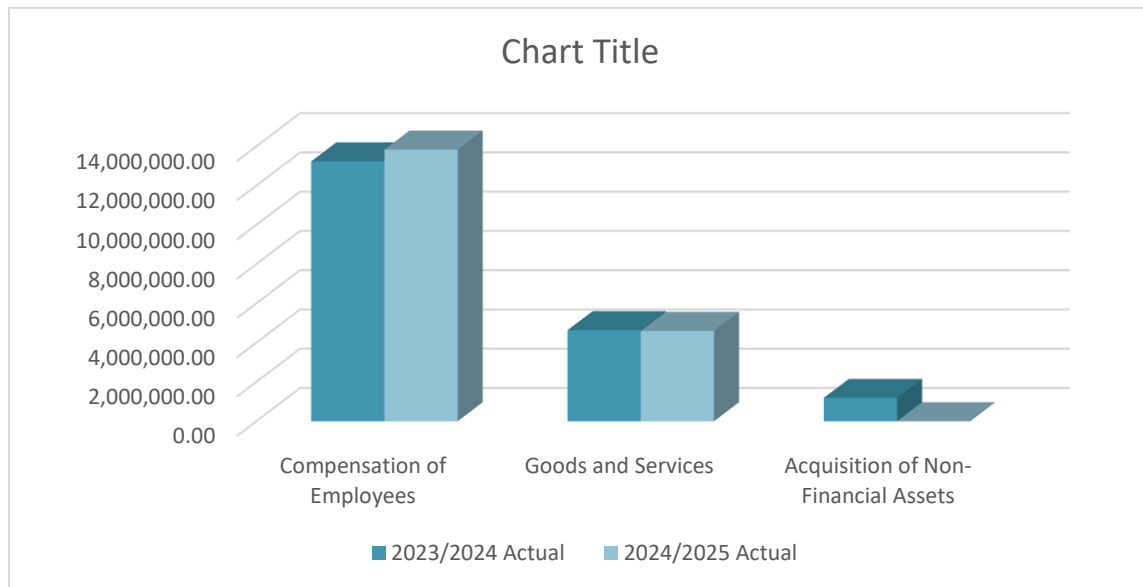


Figure 3: Actual 2023/2024 vs Actual 2024/2025

As per Figure 3, there was a slight change in the Actual Expenditure under Compensation of Employees in the Financial Year 2024/2025 compared to 2023/2024 as provision had to be made for the payment of increment and allowances, as provided for in the Pay Research Bureau Report 2021. The increase in Acquisition of Non-Financial Assets was due to the refurbishment of the Tribunal.

3.3 STATEMENTS OF REVENUE AND EXPENDITURE

Revenue

The PBAT does not collect any revenue as there is no charge for lodging an appeal.

**Public Bodies Appeal Tribunal
Annual Report on Performance
Financial Year 2024/2025**

Expenditure

Summary of the total expenditure incurred by the PBAT for years 2023/2024 and 2024/2025 in below: -

Head/Sub-Head of Expenditure	2023/2024	2024/2025	2024/2025
	Actual RS	Estimates RS	Actual RS
(a) Compensation of Employees	13,233,238.11	14,420,000	13,833,951.16
(b) Goods and Services	4,636,616.57	5,280,000	4,605,131.80
(c) Capital Expenditure: Acquisition of Non-Financial Asset	1,189,493.22	200,000	0
Total	19,059,347.90	19,900,000	18,439,082.96

Table 5: Statement of Expenditure

**Public Bodies Appeal Tribunal
Annual Report on Performance
Financial Year 2024/2025**

4.0 WAY FORWARD

The PBAT has observed that it is often unable to settle appeals within a delay of six (6) months mainly due to the inability of counsels representing parties in the same case, to submit early common dates. While requesting common dates, the PBAT is informed that the relevant counsel does not have any available dates for the next three (3) to five (5) months.

In view thereof, while acknowledging receipt of an appeal, the PBAT is now informing all appellants at an early stage that matters before this Tribunal have to be disposed of, with celerity. Therefore, upon retaining the services of counsel(s), they have to inform the latter that early common dates will be required by the PBAT. The Tribunal is hopeful that that counsels will henceforth positively respond to this appeal and that cases may be settled within a period of six (6) months.

The PBAT has taken note that the Government Programme 2025-2029 has stipulated out that:

- a) the powers of the PBAT will also be broadened to cover all disputes relating to recruitment and promotion in the public sector; and
- b) the powers of the PBAT will also be reinforced so that the PBAT can have broader jurisdiction with respect to both recruitment and promotion in the public service.

Till date, the above-mentioned measures that will require an amendment of the PBAT Act, have not been implemented. The PBAT is looking forward to implementation of same.