



EIGHTH NATIONAL ASSEMBLY PARLIAMENTARY DEBATES

TUESDAY 15 APRIL 2025

ORAL ANSWERS TO QUESTIONS

PBAT – HEADMASTER & DEPUTY HEADMASTER CASE – RETIRED OFFICERS – PENSION BENEFITS

(No. B/377) Mr K. Lobine (First Member for La Caverne & Phoenix) asked the Minister of Education and Human Resource whether, in regard to cases referred to the Public Bodies Appeal Tribunal regarding the appointment of officers to the grades of Headmaster and Deputy Headmaster since 2019 to 2021 and after the final determination of the Tribunal confirming their substantive appointment, he will state if a High Powered Committee was set up to that effect and, if so, indicate the recommendations made by the Committee regarding payment of gratuity and pension benefits for all those officers who retired before the final determination of the Tribunal.

Dr. Gungapersad: Madam Speaker, I am informed that the offer of appointment to the grade of Headmaster in a temporary capacity for a period of six months was made to 260 officers in eight different batches, starting on 16 December 2019.

These concerned the appointment of officers to the grade of Headmaster only and they could not be appointed in a substantive capacity on completion of their six months temporary period as four appeals were lodged before the Public Bodies Appeal Tribunal against the decision of the Public Service Commission regarding their appointment.

You may wish to note that on 07 July, 14 and 19 December 2022, my Ministry was informed that the Tribunal had given its ruling whereby the four appeals lodged were all set aside on 08 June, 03 and 11 November 2022.

Madam Speaker, subsequent to consultation with the then Ministry of Public Service, Administrative and Institutional Reforms, my Ministry was informed that the matter was not referred to the High-Powered

Committee per se, but was rather dealt with in accordance with prevailing policies applicable in the public service and a precedent decision taken by the High-Powered Committee in a similar case. On 21 December 2021, the then Ministry of Public Service, Administrative and Institutional Reforms issued Circular Note No. 66 of 2021.

Madam Speaker, I am tabling a copy of the Circular Note No. 66 of 2021, containing the recommendations of the High-Powered Committee on precedent cases. It must be highlighted that the Circular Note makes reference to one main recommendation made by the High-Powered Committee at its meeting of 15 November 2021 whereby the retiring benefits of officers appointed in a temporary capacity and who have retired since 01 January 2016, that is, the implementation date of PRB Report 2016, on attaining the compulsory age limit and whose cases are still pending before the PBAT or Supreme Court, be calculated on the salary they would have drawn had they been appointed in a substantive capacity in the higher grade at the time of retirement, provided they had served for at least two years in the temporary capacity. However, following representations from aggrieved Headmasters who had not been not been paid their retiring benefits, the then Ministry of Public Service, Administrative and Institutional Reforms was consulted anew on the duration of their temporary appointment that is, whether it should be six months or two years.

On 13 November 2023, the then Ministry of Public Service, Administrative and Institutional Reforms advised my Ministry that officers who were promoted Headmasters in a temporary capacity for more than six months and who would not have required any additional qualification for the substantive appointment, would be eligible for the retiring benefits on the

salary attached to the post of Headmaster as they fell between the ambit of both Paragraph 13.20 and 13.40 of the PRB Report 2021 and the advice of the Attorney General's Office.

My Ministry acted on that basis and 56 out of 68 Headmasters were eligible for payment of gratuity and pension benefits have already been paid. As regards, the remaining 12 eligible Headmasters, the Account General's Office has already been requested to effect payment.

Thank you.