

THE REPUBLIC OF UGANDA
KYAMBOGO UNIVERSITY STAFF TRIBUNAL HOLDEN AT KYAMBOGO
APPEAL CASE NO. 01 OF 2019

(Appeal from a decision of the Appointments Board & Council of Kyambogo University confirmed on 9th January 2018)

REV. DR. GRACE LUBAALE.....APPELLANT

VERSUS

KYAMBOGO UNIVERSITY.....RESPONDENT

CORAM: **MR. ELIJAH MUWANGA WANTE, CHAIRPERSON**
 MR. ADAM TUSIIME MUGARURA, MEMBER
 MR. BRIGHT MUGISHA, MEMBER
 MS. NORAH NAMPOMBA, MEMBER
 DR. STEPHEN KASUMBA, MEMBER
 MR. MICHEAL ONGIRIANY, MEMBER

RULING OF THE TRIBUNAL

18.07.2019

INTRODUCTION

This is an appeal from the decision of the Appointments Board and the University Council wherein the Appellant was re-deployed to the Department of Development Studies in the Faculty of Arts and Social Sciences as Senior Lecturer in the Respondent University.

BRIEF BACKGROUND.

The facts of this appeal as derived from the Record of Appeal of the Appellant are;

- 1) The Appellant, Rev. Dr. Grace Lubaale, is employed as a Senior Lecturer in the Department of Development Studies under the Faculty of Arts & Social Sciences which he is opposed to.
- 2) On 16th March 2018, the University Council resolved to restructure the Department of Teacher Education and Development Studies and split it into four (4) new Departments during its 75th meeting in exercise of its powers under *Section 41 (e) of the Universities*

and Other Tertiary Institutions Act, 2003 (as amended). (Page 5 of the Record of Appeal)

- 3) On the 10th April, 2018 the Appellant wrote a letter to the Deputy Vice Chancellor (AA) forwarding the detailed operationalization of the University Council decision with effect from 1st July 2018. (Page 77 of the Record of Appeal)
- 4) In the same letter, the Appellant stated that the Department of Development Studies will be shifted to the Faculty of Arts & Social Sciences and the rest will stay in the Faculty of Education. (Page 78 of the Record of Appeal)
- 5) Consequently, the Department of Teacher Education & Development Studies was split into four (new) Departments, namely: Teacher Education and Extension; Curriculum Teaching Instructions and Media; Early Childhood Development and Development Studies as recommended by the members of the Faculty of Education under Minutes of the Special Departmental meeting held on 10th April, 2018 chaired by Dr. Grace Lubaale as Head of Department. (Page 79-81 of the Record of Appeal)
- 6) Following the said Restructuring, the Vice Chancellor in exercise of his powers under *Section 54 (2) of the Universities & Other Tertiary Institutions Act 2003 (as amended)* appointed Rev. Dr. Grace Lubaale the Acting Head of the Department of Development Studies, one of the newly established Departments. (Pages 18-19 of the record of Appeal)
- 7) Rev. Dr. Lubaale declined the appointment of Acting Head of Department for Development Studies. (Pages 20-21 of the Record of Appeal)
- 8) Rev. Dr. Lubaale requested to be regularized as Head of Department of Teacher Education & Extension by subsequently appealing to the Appointments Board.
- 9) On 9th January 2019, the decisions of the Appointments Board and Council on the appeal against appointment as acting Head of Department of Development Studies and the Recommendation Re-deploying the Appellant were communicated to him (Rev. Dr. Grace Lubaale). (Pages 1-4 of the Record of Appeal) which he was dissatisfied with, hence this appeal.

The Appellant appealed to this Tribunal on the following grounds;

1. ***That the Appointments Board and Council erred in law and fact when they upheld and approved the decision of the Vice Chancellor of 4th June 2018 of appointing the Appellant acting head of department of Development Studies and by implication deployed him as a Senior Lecturer in the new department which was irregular and***

not provided for anywhere in the Universities Act 2003 in view of his substantive appointment.

2. *That the Appointments Board and Council erred in law and fact when they denied regularizing the Appellant's appointment as a substantive head of Teacher Education and Extension and instead communicated that his position as substantive Head of Department ceased to exist following the abolition of the department of Teacher Education and Development Studies which was irregular in accordance with the Universities Act, 2003.*
3. *That the Appointments Board and Council erred in law and fact when they denied regularizing the Appellant's appointment as a Senior Lecturer in the Department of Teacher Education and Extension and instead upheld and approved the Vice Chancellor's deployment which was irregular according to the Universities Act, 2003.*
4. *That the Appointments Board and Council erred in law and fact when they denied regularizing the Appellant's appointment as a Senior Lecturer in the department of Teacher Education and Extension and instead redeployed him in the newly created department of Development Studies which is irregular under the current circumstances because of ignoring his detailed presentation he made on 12th September and 18th December 2018.*
5. *That the Appointments Board and Council erred in law and fact when they failed to critically evaluate the Appellant's submission of 12th September and 18th December 2018 and evidence attached relating to his appointment as a substantive head of department and Senior Lecturer of Professional Education Studies.*

The Appellant prayed to this Tribunal to allow the appeal, set aside the decision of the Appointments Board dated 9th January 2019, quash the Vice Chancellor's letter of 4th June 2018, order regularizing the Appellant's appointment of 1st June 2018 to 31st March 2022, order reinstatement of the Appellant's substantive appointment, general and professional damages and costs of the appeal.

At the hearing of the appeal, the parties were ordered to file written submissions which the Tribunal has had the occasion of reading and considering in determination of this appeal.

Seven issues were raised for the Tribunal's resolution;

1. *Whether the Department of Teacher Education and Development Studies was abolished?*
2. *Whether the University Council erroneously referred to Teacher Education and Extension as a new Department?*
3. *Whether the Appointments Board and University Council approved non-existing decisions?*
4. *Whether the Respondent lawfully removed the Appellant from the office as substantive head of Department of Teacher Education and Development Studies?*
5. *Whether the Respondent lawfully redeployed the Appellant as Senior Lecturer to the new Department of Development Studies from Teacher Education and Development Studies?*
6. *Whether the Appellant possesses the pre-requisite requirements to be a Senior Lecturer in the Department of Teacher Education and Extension?*
7. *What remedies are available?*

This appeal shall be considered and resolved in the order of the issues as raised above.

REPRESENTATION

The Appellant was represented by Counsel Fredrick Ssemwanga while Ms. Ninsiima Clare, the Senior Legal Officer and Mr. Sam Herbert Mukwatiriri, the Legal Officer both appeared for the Respondent. The Appellant was present at the hearing of the appeal but there was no representative of the Respondent.

ANALYSIS.

ISSUE ONE

Whether the Department of Teacher Education and Development Studies was abolished?

Counsel for the Appellant submitted that the Department of Teacher Education and Development Studies was never abolished but instead restructured and cited *Section 41(e) of the Universities and Other Tertiary Institutions Act, 2003* which provides;

“The University Council shall, in relation to its functions;

(e) Establish faculties, departments, boards and courses of study and approve proposals for creation or establishment of Constituent colleges”.

Counsel for the Appellant submitted that the above implies that decisions to create and abolish any department ought to be taken lawfully by the University Council as the top organ of the University.

Counsel further submitted that the letter from the Director Human Resources dated 9th January 2019 that communicated the decision of the Appointments Board/ Council on the Appellant's appeal against his appointment as acting Head of Department of Development Studies and the recommendation redeploying him to the same department stated at page 3 that the Department of Teacher Education and Development Studies was abolished and therefore the Appellant's job as head of department ceased to exist.

Counsel submitted that, however, upon perusal of the 75th Minutes of the University Council meeting dated 15th and 16th March 2018, there was no evidence of any decision or resolution to the effect that the Department of Teacher Education and Extension was abolished.

Counsel submitted that this was misleading, illegal and ultra vires that the Department of Teacher Education and Development Studies was abolished by implication since Departments of the University are properly established by the University Council and all decisions of the University Council are taken by way of a resolution.

Counsel for the Respondent in response to Issues 1 and 2 jointly since they are interrelated and submitted that the two issues required an analysis of the legal, technical and procedural framework pertaining to the restructuring of the Department of Teacher Education & Development Studies and the resultant deployment and transfer of all staff of the abolished Department to the newly created Departments.

Counsel cited *Section 23(1) of the Universities and Other Tertiary Institutions Act, 2003* which established Kyambogo University as a body corporate and that it may do all such things as a body corporate may lawfully do.

Counsel further submitted that restructuring is a corporate management term for the act of re-organizing the legal, ownership, operational and other structures of an organization for the purpose of making it more profitable or better organized for its present needs.

Counsel contended that although the *Universities and Other Tertiary Institutions Act* does not specifically provide for restructuring, the fact that the University is clothed with status of a body

corporate gives the University a right to undertake such tasks as any corporate body would ordinarily undertake.

Counsel further submitted that indeed powers to manage the affairs of a Public University are given to the University Council which also delegates those powers to management through the Chief Executive Officer, the Vice-Chancellor (Vice Chancellor-Management Team).

On procedural framework, Counsel submitted that whereas the process leading to the said resolution of Council is not disputed, various actions undertaken to operationalize the said decision which included among others; The Establishment of four (4) new Departments, creation of new staffing structures and recommendations for re-deployment and transfer of existing staff which needed the Vice Chancellor to exercise his powers under *Section 54(2) of the Universities and Other Tertiary Institutions Act, 2003* to appoint acting heads is the one being disputed.

The Appellant disputed his being appointed as an acting head of the newly created Department of Development Studies in the Faculty of Arts and Social Sciences.

The Tribunal has carefully perused the authorities quoted and considered the submissions of both Counsel.

The words “abolition”, “split” and “re-structuring” are inter-related and mean more or less the same thing. Abolition and splitting can be part of a re-structuring process, therefore, the Director Human Resources used the word “abolished” in his communication to the Appellant. This was not fundamental as the end result is the same.

Counsel submitted that, however, upon perusal of the 75th Minutes of the University Council meeting dated 15th and 16th March 2018, there was no evidence of any decision or resolution to the effect that the Department of Teacher Education and Extension was abolished, however, on page 115 of the said Minutes under Minute 334.5 it is stated;

“Members APPROVED the above recommendations on the review of establishment of the Department of Teacher Education and Development Studies.”

Therefore for the Appellant to contend that there was no resolution is untrue and misleading.

It is worth noting that the process was kick started by a Departmental Committee chaired by the Appellant himself as Head of the Department and recommended for the split of the Department

into four new departments and shift Development Studies to the Faculty of Arts and Social Sciences.

The Appellant and his Department were therefore part of the decision making process to split or restructure the Department.

The recommendation by the Department in essence meant that the Department would cease to exist and the Appellant cannot therefore logically and realistically argue that the Department still exists as it was before the split.

The 1st Issue is therefore resolved in the negative. The Department of Teacher Education and Development Studies was re-structured and in essence was abolished and ceased to exist.

ISSUE TWO

Whether the University Council erroneously referred to Teacher Education and Extension as a new Department?

Counsel for the Appellant submitted that the Department of Teacher Education and Extension as a Department was established in 1986 at the formation of the Institute of Teacher Education Kyambogo (ITEK). It was further carried on in 2001 at the formation process of Kyambogo University.

Counsel further submitted that in 2003 it changed its name to Teacher Education and Development Studies to be more inclusive with addition of more sections.

However, it is worth noting that Counsel does not submit that with change comes different aspects, because it is not only inclusion of more sections but the structure changes with regard to the status quo in that different positions are created and others are done away with.

Counsel for the Respondent in answer to that issue submitted that it is imperative to note that at the time of the Appellant's appointment as substantive Head of Department, the structure in place provided for the Department of Teacher Education and Development Studies and not the Department of Teacher Education as purported.

Counsel further submitted that it was therefore not right for the Appellant and his lawyer to assert that there has always been a "Department" known as the Department of Teacher Education and Extension and that it was not among the newly established Departments.

In regard to the submissions of both Counsel, the Tribunal agrees with the submissions of the

Respondent's Counsel on this issue. The University Council did not erroneously refer to Teacher Education and Extension as a new department since it had been created out of the re-structuring of the Department of Teacher Education and Development Studies. The Council was right to refer to the same as a new department.

ISSUE THREE

Whether the Appointments Board and University Council approved non-existing decisions?

Counsel for the Appellant submitted on this issue that the Appellant having objected to the illegal removal from office, the Vice Chancellor realized the impropriety and errors in his actions and revoked the appointment of the Appellant in an acting capacity.

Counsel further submitted that the Vice Chancellor conceded and duly acknowledged the fact that the Appellant was still a substantive head of department despite the fact that he intentionally and in bad faith ignored to mention the name of the Department where the Appellant was substantive head.

Counsel submitted that thus the Appellant remaining a substantive head without any department to head which has caused him a lot of embarrassment, mental anguish and inconvenience.

Counsel for the Respondent responded by submitting that it is true that the University Council in making its decision did not pronounce itself on whether the Department of Teacher Education and Development Studies was being abolished or removed, however, the rules on statutory interpretation are clear to the effect that if an entity has power to establish then therein is incorporated the power to negate. ***Section 24 of the Interpretation Act Cap.3.***

Counsel also submitted that if therefore the University Council has power to establish Departments under ***Section 41 (e) of the Universities and Other Tertiary Institutions Act, 2003***, it goes without saying that it is also mandated to dissolve a Department.

Counsel further submitted that the decision to split the Department indirectly caused the decision to abolish. The former ceased to exist and that was the rationale behind Council's decision which the Appellant refuses to acknowledge as a decision.

In regard to the submissions of both Counsel, the Tribunal examined the communications between the Appellant and the Vice Chancellor dated 8th June 2018, 11th June 2018, 18th December 2017 and 29th June 2018.

1. The letter dated 8th June 2018 (Page 26 of the Record of Appeal) was written by the Appellant to the Vice Chancellor in which the Appellant informed the Vice Chancellor that he was already a substantive Head of the Department of Teacher Education and Development Studies for the next four years i.e. 1st April 2018- 31st March 2022.

However, the same Appellant is the author of a letter dated 10th April, 2018 addressed to the Deputy Vice Chancellor (AA) in which he was expressing gratefulness and thankfulness to the University Council for the decision taken to split the Department of Teacher Education into four Departments namely:

- i. Teacher Education & Extension
- ii. Development Studies
- iii. Early Childhood Development
- iv. Curriculum, Teaching & Media

It is therefore a contradiction and unrealistic for the Appellant and his Counsel to submit that Appointments Board and the University Council approved non-existing decisions. The decisions existed.

2. Letter dated 11th June 2018 (Page 27 of the Record of Appeal) is authored by the Appellant to the Vice Chancellor informing him of the creation of new departments and that Teacher Education & Development Studies will change its name to Teacher Education & Extension as earlier proposed and passed by the University Council.

The Appellant also informed the Vice Chancellor in the same letter that he will remain a staff member and the substantive Head of Teacher Education & Extension Department from 1st June 2018 to 31st March 2022 when his term of office would expire.

The Appellant requested the Vice Chancellor's office to issue him another appointment letter of Head of Teacher Education & Extension Department from 1st June 2018 to 31st March 2022.

The process of one becoming a head of Department is through elections by academic members of that particular department, *Section 54(1) of the Universities and Other Tertiary Institutions Act, 2003*. The Appellant had been elected Head by the academic staff of the Department of Teacher Education & Development Studies which was approved by the Appointments Board.

For the Appellant to argue that he would remain a staff member and the substantive Head of the Department of Teacher Education & Extension would be irregular and unlawful since the members in that department ought to elect him as provided under the said Act.

The Appellant's contention that the Appointments Board and Council erred in law and fact when they denied regularizing his appointment as a substantive head of the Department of Teacher Education and Extension and instead communicated that his position as substantive head of department ceased to exist following the abolition of the Department of Teacher Education and Development Studies would be irregular and contrary to **Section 54** of the said Act.

In our view, the Vice Chancellor was right to appoint the Appellant as acting head of the new department of Development Studies as he was exercising his powers under **Section 54(2) of the Universities and Other Tertiary Institutions Act, 2003**.

The Appellant and his counsel appear to accept the fact that the Department of Teacher Education & Development Studies no longer existed when they submitted that the Appellant's remaining a substantive head without any department to head had caused him a lot of embarrassment, mental anguish and inconvenience.

3. The letter of 18th December 2017 was the Appointment letter issued by the Vice Chancellor to the Appellant appointing him as head, Department of Teacher Education and Development Studies. The one of 29th June 2018 was written by the Vice Chancellor to the Appellant withdrawing the appointment as acting head of the Department of Development Studies.

It is the letter of 29th June 2018 which the Appellant bases on to submit that the Vice Chancellor conceded and duly acknowledged the fact that the Appellant was still a substantive head of department despite the fact that he intentionally and in bad faith ignored to mention the name of the Department where the Appellant was substantive head.

However, the Vice Chancellor's letter informed the Appellant of three things namely;

1. That the split of the Department of Teacher Education & Development Studies into four Departments of Teacher Education & Extension, Curriculum, Teaching Instructions & Media Studies, Early Childhood Development and Development Studies necessitated temporary deployment of acting Heads of Department to kick-start the new departments. The acting appointments took into account the specialty of staff concerned.

2. Since you are already substantively appointed Head of Department, the offer of acting appointment as Head of Department of Development Studies is hereby withdrawn with immediate effect.
3. You will accordingly retain your status as substantive Head of Department. However, please note that the Department of Teacher Education and Development Studies no longer exists following the split.

In effect the Vice Chancellor in his said letter withdrew the appointment of the Appellant as an acting Head of the newly created Department of Development Studies and informed the Appellant that he would retain his status of substantive Head of Department but not of the Department of Teacher Education and Development Studies which had been split and no longer existed.

Therefore, our conclusion on Issue 3 is that the University Council approved decisions that existed and had been deliberated upon by the relevant bodies of the University including the Appellant's former Department of Teacher Education and Development Studies.

ISSUE FOUR

Whether the Respondent lawfully removed the Appellant from the office as substantive head of Department of Teacher Education and Development Studies?

Counsel for the Appellant submitted that the *Universities and Other Tertiary Institutions Act, 2003* provides for the position of Head of Department. That under *Section 54(1) of the Act*, the Head of Department shall be elected by the academic members of that department and recommended to the Appointments Board for appointment.

Counsel further cited *Section 54(4)* of the same Act which provides that ***a Head of Department shall hold office for a period of 4 years and shall be eligible for re-election for one more consecutive term.*** That further under *Section 54(5)*, ***two thirds of the academic members of the department may make recommendations to the Vice Chancellor to be forwarded to the Appointments Board, to remove the Head of Department from office.***

Counsel further submitted that when the Respondent organized elections of Deans and Heads of Department of various Faculties and Departments in the University including the Department of Teacher Education and Development Studies, the Appellant was duly nominated and seconded to contest for the post, Head of Department Teacher Education and Development Studies, declared unopposed and appointed by the Appointments Board.

Counsel for the Respondent in reply to that issue submitted that it is not in dispute that the Appellant was elected as Head of Department by his constituency in accordance with *Section*

54(1) of the Universities and Other Tertiary Institutions Act, 2003, However, his rights vide the said election cannot prevail over the institution's powers as a corporate body to undertake necessary structural adjustments for the advancement of its functions.

In our view, Counsel for the Appellant's submissions that the Appellant was unlawfully removed from the office cannot be sustained in light of the relevant provisions of the Act and the facts of this case. The Appellant was elected Head of Department by the academic staff of the Department of Teacher Education and Development Studies and the same was split into four new Departments which meant that the members that elected him were no longer staff of the Department that had ceased to exist. The Appellant, if he wanted to still be Head of Department, he would have to seek election among the academic staff of the newly established Department where he was placed or transferred as provided in the Act.

To argue that members of staff never moved a motion as required by law to remove the Appellant from office as provided in *section 54(5) of the Act* is unrealistic since the Department of Teacher Education and Development Studies no longer exists and its academic staff were no longer in the same Department following the restructuring and re-deployment of staff.

Therefore Section *54 (5) of the Act* cited by Counsel for the Appellant was not applicable to the Appellant in the circumstances of this case. There was a restructuring which implied that the membership of staff changed, position held by the Appellant ceased to exist and assessment was done and staff placed where they were most suited.

The restructuring that occurred rendered the position of the Appellant as Head of Department of Teacher Education and Development Studies cease to exist and subsequently the Appellant had to be placed or transferred where he is most suited.

Therefore on the 4th Issue, the Appellant was lawfully removed from Head of Department of Teacher Education and Development Studies which no longer exists and transferred to the Department where he is most suited.

ISSUE FIVE

Whether the Respondent lawfully redeployed the Appellant as Senior Lecturer to the new Department of Development Studies for Teacher Education and Development Studies?

Counsel for the Appellant submitted that upon receipt of the University Council decision of 27th March 2018 to restructure the Department of Teacher Education and Development Studies, the

same department held a meeting on 10th April 2018 and placed the Appellant in the Department of Teacher Education and Extension. The Appellant chaired this meeting as Head of the Department.

Counsel further submitted that the Appellant as the Head of the Department, forwarded the decisions to the Dean of Education who declined to sign and forward the same to the next level or call a Faculty of Education board meeting for consideration.

However, counsel further submitted that on Wednesday 11th July 2018, the Appellant was informed by the secretary of the Dean that the Faculty of Education board was to be held on Friday 13th July 2018 to deploy staff of the former Department of Teacher Education and Development Studies.

In the circumstances, the Appellant cannot contend that the Dean of Education declined to sign and forward the same to the next level or call a Faculty of Education board meeting for consideration of the matter.

Counsel submitted that when the Appellant arrived on the 13th July 2018 at the Faculty of Education, he found the chair communicating and eventual staff deployment as per the Department recommendations and special change request of two staff. He further submitted that the Appellant was the only target to be deployed in the new Department of Development Studies since the Vice Chancellor had communicated the same already.

Counsel for the Respondent submitted on this issue that transfer and re-deployment of staff is provided for as a University policy and is covered under *Chapter Six of Kyambogo University Human Resource Manual, 2014 as amended*.

In particular, Counsel cited *Clause 6.2.4* of the Manual which provides that employees may be transferred from one Department to another for career development or operational and structural reasons. *Clause 6.1.2* further provides that transfers enable the University to deploy employees to areas they can best contribute and meet staffing requirements and changing priorities of the University.

Counsel further submitted that the mandate to deploy staff is delegated to the Appointments Board by the University Council as envisaged under *Section 50(3) of the Universities and Other Tertiary Institutions Act*. The Section stipulates that *‘the Appointments Board shall except*

where provided otherwise be responsible to the University Council for the appointment, promotion, removal from service and discipline of all staff of the University'

Counsel submitted that the Appointments Board did not simply deploy the Appellant but considered his academic qualifications and experience whereby the Board observed that he possessed a Bachelor of Arts with Education with competencies to teach Economics and Religious Education, he had a Masters of Arts in Development Studies and was a Doctor of Philosophy in Development Studies as can be inferred from *Minute 543.3 of the 111th Meeting of the Appointments Board held on 18th December 2018.*

In regard to the above issue, the Tribunal agrees with Counsel for the Respondent that the Appointments Board has powers to re-deploy members of staff under *Section 50(3) of the Universities and Other Tertiary Institutions Act* and the Board followed the proper procedure in this case. The appellant's substantive appointment with the Respondent is that of a Senior Lecturer and not as a Head of Department.

Further validation was done by the Appointments Board and there was interface with the staff that were affected by the restructuring. The Appellant also interfaced with the Board which established that all his academic qualifications were in the field of Development Studies. The Appellant was therefore accorded the right of hearing when he interfaced with the Board and the decision taken was not arbitrary.

On the issue of quorum or composition of the Appointments Board, the Appellant never raised this issue or objection when he appeared before the Board. In the case of *Dr. Peter Okello vs. Kyambogo University and Anor. Misc. Application No.23 of 2017* Hon Justice Ssekaana Musa said that *"the applicant, a senior staff of the institution who was also aware that the said persons were not members of the appointments board but decided to keep quiet about it with a view of taking benefit of it, but when it never worked in his favour he decides to challenge. He does not state that he objected to the presence of the said persons on the appointments board whom he was fully aware that they were not members to him."* Similarly, in the instant case, the Appellant as a senior staff who knew or ought to have known the composition of the Board but kept quiet about it and did not object to the same cannot now turn around and challenge it at this stage. He is estopped.

Our conclusion on this issue is therefore that the Appellant was lawfully re-deployed as Senior Lecturer to the new Department of Development Studies.

ISSUE SIX

Whether the Appellant possesses the pre-requisite requirements to be a Senior Lecturer in the Department of Teacher Education and Extension?

The Tribunal finds on this issue that the mandate to determine who qualifies for a particular post and whether the Appellant had pre-requisite requirements for the post of Senior Lecturer in the Department of Teacher Education and Extension is vested in the Appointments Board under ***Section 50(3) & 52(2) Section 50(3) of the Universities and Other Tertiary Institutions Act.***

Section 50(3) provides;

The Appointments Board shall, except where provided otherwise under this Act, be responsible to the University Council for the appointment, promotion, removal from service and discipline of all officers and staff of the academic and administrative service of the University, as may be determined by the University Council.

Section 52(2) provides;

All members of staff shall be subject to the general authority of, and responsible to the University Council and the Vice Chancellor through the immediate relevant authority and, except where it is otherwise provided, be deemed to be on full-time service.

In view of the above provisions of the law, the Staff Tribunal would be interfering with or usurping the administrative affairs and powers of the Appointments Board and this is not proper.

ISSUE SEVEN


What remedies are available?

Having resolved all the above mentioned issues against the Appellant, the Appellant is not entitled to any remedies.

In the Result;

- 1) The entire appeal is dismissed for lack of merit.
- 2) Each party shall bear its own costs
- 3) The interim orders made earlier by this Tribunal based on this Appeal are hereby lifted.

Dated at Kyambogo this 18th day of July 2019.



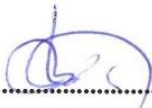
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MR. ELIJAH MUWANGA WANTE, CHAIRPERSON



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MR. ADAM TUSIIME MUGARURA, MEMBER



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DR. STEPHEN KASUMBA, MEMBER