

FIJI SERVICE COMMISSIONS AND PUBLIC SERVICE
(AMENDMENT) (NO. 2) DECREE 1987 (NO. 24)

IN exercise of the powers vested in me as Commander and Head of the Fiji Military Government, I hereby make the following decree:

1. This Decree may be cited as the Fiji Service Commissions and Public Service (Amendment) (No. 2) Decree 1987.

2. The Fiji Service Commissions and Public Service (Amendment) Decree 1987 is amended by inserting the following section after section 5:

"5A—(1) Notwithstanding the provisions of any other law, no action shall be brought in any court by any person who, having held any office or position in the Public Service of the Fiji Military Government, has resigned or retired from that office or has been compulsorily retired, dismissed or otherwise terminated therefrom by the Public Service Commission for whatsoever reason, in respect of that resignation, retirement, dismissal or termination.

(2) For the avoidance of doubt but without limiting the generality of that subsection it is hereby declared that any such person referred to in subsection (1) is by this section precluded from bringing any action seeking any relief whatsoever in respect of his loss of office or loss of expectation or advantages or benefits arising therefrom.

(3) For the purposes of this section—

"action" means any proceedings in a court of law or before a tribunal and includes any proceedings by way of judicial review;

"court" means any court of law or tribunal which but for this section would have jurisdiction to hear the action;

"law" means any written law and the principles of the common law and equity;

"relief" means any remedy or relief, whether in law or in equity, which the court but for this section would have power to grant and without limiting the generality of the foregoing includes any compensation, damages, declaration, injunction, order, or prerogative writ."

3. This Decree shall be deemed to have come into force on the 25th September 1987.

Dated this 1st day of December 1987.

BRIGADIER-GENERAL SITIVENI LIGAMAMADA RABUKA, O.B.E., (Mil.)
Commander and Head of the Fiji Military Government

SCHEDULE 1

"The Constitution yet to be adopted"

For Purpose of Identification Only

(To be added as and when the President by decree provides).