



**MINISTRY OF PUBLIC SERVICE, ADMINISTRATIVE
AND INSTITUTIONAL REFORMS**

21 December 2021

Ministry of Public Service, Administrative and Institutional Reforms
Circular Note No 66 of 2021
E/439/55/01 TF1

From: Secretary for Public Service

To: Supervising Officers-in-charge of Ministries/Departments

Remuneration and retiring benefits of officers
appointed in a temporary capacity

This Ministry has received representations from officers who have been appointed on temporary capacity and performing higher duties without any additional remuneration as their appointment are being challenged at the Public Bodies Appeal Tribunal and the Supreme Court.

2. This situation, whereby the temporary appointment of public officers is being extended due to representations lodged before the Public Bodies Appeal Tribunal or the Supreme Court by aggrieved parties, cuts across the service. Consequently, the officers concerned retain the salary of their substantive post while actually performing the duties of the higher grade for years without additional remuneration pending the determination of the appeal before the PBAT or Supreme Court. The prejudice caused to those officers is worsened when their colleagues ranked after them in the seniority list are being assigned duties against the payment of an acting/responsibility allowance as appropriate.

3. In a spirit of fairness and equity, the High Powered Committee has, at its meeting held on 15 November 2021, approved that:

- (i) an *ad hoc* allowance equivalent to three increments be granted to officers who have been appointed in a temporary capacity and whose salary overlaps with the initial salary of the higher post, for shouldering higher responsibilities as from the date of their temporary appointment, pending the determination of their cases before the PBAT or Judicial Review before the Supreme Court. In the event, the matter is set aside and the officers concerned are appointed in a substantive capacity, the allowance paid shall be deducted in the arrears of the salary payable to them as appropriate; and

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(ii) the retiring benefits of officers appointed in a temporary capacity and who have retired since 1 January 2016, on attaining the compulsory age limit and whose cases are still pending before the PBAT/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 that they have served for at least two years in the temporary capacity along the same lines as paragraph 13.40 of the 2021 PRB Report which provides for “... the retirement benefits of a public officer, who has been appointed to act in or has been assigned duties of a higher office by the appropriate Service Commission or through delegation of power conferred by the Public Service Commission and retires or is subsequently reverted to his substantive office, is computed on the prevailing pensionable emoluments of the office to which he was appointed to act or assigned duties provided that he has been performing the duties of the office for a continuous period of at least two years or an aggregate period of at least two years within a period of three years “.

4. Supervising Officers are requested to take appropriate action and ensure that officers whose temporary appointment is being challenged are duly compensated in the light of the foregoing decision of the High Powered Committee.



B. Boyramboli
Secretary for Public Service

Copy to: *Secretary to Cabinet and Head of the Civil Service*
Financial Secretary
Director, PRB
Secretary, High Powered Committee
Accountant General