

CIVIL ACTION NO. 17/98

NIRMALA DEO SURANGI - PLAINTIFF

AND

KELLY D.EMIU - 1ST DEFENDANT

ANGIE ITSIMAERA - 2ND DEFENDANT

SECRETARY FOR JUSTICE - 3RD DEFENDANT

HELD

1. The Plaintiff, without consent of Cabinet, may sue in contract for wrongful dismissal.
2. The Plaintiff requires Cabinet consent for claims of loss of reputation and mental stress, which are actions in tort. She is required to obtain the consent of Cabinet as provided in Section 3 of the Republic Proceedings Act 1972.
3. Employees of the Republic cannot be held answerable or liable for an alleged breach of contract made between an employer and a claimant.
4. A Statement of Claim must allege the Cause of Action and state the Facts upon which the Cause of Action is based as well as Claim the relief sought in respect of the wrong done. Order 15 rule 7 of the Civil Procedure Rules 1972 refers.
5. In an action for wrongful dismissal, the statement of Claim should always give particulars of the Employment agreement, it's date, the names of the parties and other relevant details.
6. Statement of Claim is grossly inadequate, certainly oppressive, impossible to plead to and the Court finds it scandalous and vexatious. It is an abuse of the process of Court and application to strike it out is granted.

FOR THE PLAINTIFF

- Mrs. Nirmala Deo Surangi
- Mr. Anthony D.Audoa

FOR THE DEFENDANTS

- Office of the Secretary for Justice