

IN THE HIGH COURT OF FIJI
AT SUVA
CIVIL JURISDICTION

CIVIL ACTION No. 534 of 2008

BETWEEN:

JIOJI KOTOBALAVU of 17 Kaka Street, Samabula, Suva

PLAINTIFF

AND:

THE PUBLIC SERVICE COMMISSION an interim service
commission continued in existence under section 142(c) of the
Constitution

FIRST DEFENDANT

AND:

INTERIM PRIME MINISTER in his capacity as interim Prime
Minister and chairperson of Cabinet

SECOND DEFENDANT

AND:

INTERIM MINISTER OF PUBLIC SERVICE also responsible for
the Public Service Commission

AND:

INTERIM ATTORNEY-GENERAL

FOURTH DEFENDANT

Appearances:

Mr Q. Bale for the Plaintiff

Mr E. Tuiroma with Ms S. Waqainabete and Ms S. Serulagilagi for the Defendants


Date of Hearing: 17 July 2008

Date of Orders: 21 July 2008

Orders

1. Further to grant of the Defendants/Applicants' application for consolidation made by orders in the present proceeding and the five other proceedings on 18 July 2008, this proceeding will be consolidated in accordance with Order 2.

2. Further to Order 1, consolidation of this proceeding is ordered as follows, consistent with the Court's judgment in Civil Action No. 297 of 2007S, *Isireli Koyamaibole v. Public Service Commission, Interim Prime Minister, Interim Minister of Public Service and Interim Attorney-General*, on 21 July 2008:
 - (A) Action No. 297 of 2007S (Isireli Koyamaibole); Civil Action No. 406 of 2007S (Alumita Molidrau Taganesia); Civil Action No. 468 of 2007S (Luke Vidiri Ratuuvuki) – these three having had their employment contracts terminated under Promulgation of the President in January 2007
 - (B) Civil Action No. 534 of 2007S (Jioji Kotobalavu); Civil Action No. 438 of 2007S (Anare Jale); Civil Action No. 535 of 2007S (Paula Uluinaceva) – these three having had their employment contracts terminated by the Acting President/Interim Prime Minister in December 2006.
3. Counsel are to undertake to ensure that all steps are taken expeditiously so that the six proceedings referred to in Orders 1 and 2 are prepared for trial so that they may be heard as soon as practicable after the decision in *Laisenia Qarase, Ratu Naiqama Lalabalavu, Ro Teimumu Kepa, Ratu Suliana Matanitobua, Aid Sivia Qoro and Josefa Vosanibola; and Ratu Apenisa Kalokalo Loki and Peceli Kinivuwai v. Josia Voreque Bainimarama, The Republic of Fiji Military Forces, The State of the Republic of the Fiji Islands and the Attorney General of the Interim Regime* (HC Action No. 60 of 2007S) (*Qarase case*) and *Republic of the Fiji Islands and Attorney-General v. Laisenia Qarase, presently of Mavana Village, Vanuabalavu, Lau, former Prime Minister and Josefa Vosanibola, former Minister for Home Affairs* HCCA No. 398 of 2007S) (*Republic and A-G v. Qarase and Vosanibola*).
4. To that end, the five matters consolidated by these Orders will proceed before the Master in accordance with the timetable already set by him, namely the dates in August 2008 remain fixed as dates upon which the parties should appear before him.
5. Liberty to apply.


Jocelyne A. Scott
Judge
Suva
21 July 2008

