

IN THE PUBLIC SERVICE DISCIPLINARY TRIBUNAL
AT SUVA

PSDT CASE No. 05 of 2024

BETWEEN : THE PUBLIC SERVICE COMMISSION

EMPLOYER

AND : ATELAITE ROKOSUKA

EMPLOYEE

Appearances

For the Employer : Mr. Bauleka (Attorney General's Chamber)
For the Employee : Mr. J. Cakau (Vosarogo Lawyers)
Date of Ruling : 12 December 2025

RULING ON SANCTION

BACKGROUND

1. In the substantive matter before the Tribunal, the Public Service Commission, ("**Employer**") had raised two (2) allegations of misconduct against Ms. Atelaite Rokosuka ("**Ms. Rokosuka**").
2. The allegations are reproduced herein below for context:

Charge 1

MISCONDUCT: Contrary to sections 6(1) and (2) of the Civil Service Act 1999.

PARTICULARS: Atelaite Rokosuka failed to discharge your duties with care and diligence when you failed to take heed of the legal advice rendered from the Solicitor-General's Office and critically consult the relevant ministries and departments and follow due process before entering into an

agreement with Infinite Power Clean Energy (Fiji) Pte Limited, on behalf of the Fiji Government.

Charge 2

MISCONDUCT: Contrary to sections 114) of the Civil Service Act 1999.

PARTICULARS: Atelaita Rokosuka failed to comply with an Applicable Act and subordinate legislation when you failed to adhere to Procurement Regulations 2019 and ensure proper due process was followed in the execution of the agreement between the Ministry of Fisheries and Forestry and Infinite Power Clean Energy (Fiji) Pte Limited, dated 24 November 2023.

3. The hearing of the matter was held on 10 April 2025, 11 April 2025, 16 April 2025 and 07 May 2025. Both parties called witnesses, tendered some documents, and filed written submissions thereafter.
4. On 19 September 2025, the Tribunal delivered its unanimous opinion that the Ministry had proven both allegations against Ms. Rokosuka on the balance of probabilities.
5. After delivering its opinion, the Tribunal invited both counsel to file submissions addressing the issue of possible sanctions.
6. For the Ministry, this was an opportunity to draw attention to the aggravating features of Ms. Rokosuka's conduct, and to highlight any disciplinary record which the Tribunal might consider in its deliberations. Conversely, for Ms. Rokosuka, this was a chance to raise points in mitigation.

SUBMISSIONS

Employer

7. Ms. Rokosuka is the incumbent Permanent Secretary for the Ministry of Fisheries and Forestry ("**Ministry**"). Since joining the Ministry many years ago, she has risen steadily through the ranks, culminating in her appointment to the pinnacle of public

service as Permanent Secretary. The submissions advanced on her behalf may be summarized as follows:

- (i) she was a career Civil servant.
- (ii) she was appointed to her current position in June 2023 for a period of three years and has maintained an unblemished record of service within the Ministry.
- (iii) she has openly acknowledged that she acted in breach of the Civil Service Code of Conduct, thereby demonstrating genuine remorse for her lack of judgement.
- (iv) her conduct, though flawed, was motivated by a desire to serve the Ministry.
- (v) she derived no personal gain from the contract with Infinite Power Clean Energy (Fiji) Pte Limited.
- (vi) there was no loss to the government as the contract was terminated a few days after it was signed.
- (vii) she has suffered financially and emotionally during her period of suspension and withholding of pay.

Employer

8. The submission of the Ministry is summarized as follows:

- (i) Ms. Rokosuka did breach the Code of Conduct.
- (ii) as Permanent Secretary, Ms. Rokosuka holds a privileged and trusted role as the Ministry's most senior public officer. She is the designated Chief Accounting Officer, charged with oversight of both financial and operational matters. Any wanton breach of these responsibilities is regarded with utmost seriousness and should not be condoned, lest it conveys an improper signal to the wider Civil Service.
- (iii) she acted against several legal advice from the Solicitor General's office and failed to consult relevant stakeholders.
- (iv) the loss to the government was unquantified as the agreement with the company was terminated.
- (v) the breach is serious given the high office she held.

SANCTION

9. Regulation 22 (1) of the **Civil Service (General) Regulations 1999** (reproduced verbatim below) outlines the range of sanctions which the Tribunal may impose:

"22 (1) If a disciplinary action is instituted against an employee, then the Public Service Disciplinary Tribunal upon being satisfied that the employee has breached the Civil Service Code of Conduct, may direct the permanent secretary to implement one or more of the following penalties-

- (i) terminate the employees employment;
- (ii) demote the employee, provided that the disciplinary charge is related to performance and the employee had a good performance record at a lower level prior to promotion;
- (iii) transfer or redeploy the employee to other duties, provided that the disciplinary charges relate to the specific location of the employee;
- (iv) defer a merit increase in remuneration for the employee for a specified period;
- (v) reduce the level of the employee's remuneration, provided that the reduction is within the salary or classification of the position occupied;
- (vi) impose a penalty of not more than 10% of the employee's annual salary;
- (vii) reprimand the employee;
- (viii) forfeit all or part of the employee's remuneration which was withheld during the period of suspension from duty."

10. As the Tribunal had noted in **Public Service Commission v Rokosuka** [2024] FJPSDT 5; PSDT 05 of 2024 (13 December 2024), the definition of the term "employee" in section 3 of the Civil Service Act 1999, read together with Regulation 23 sub-regulations (4) and (5) of the Civil Service (General Regulations) 1999, and section 120 (9) of the Constitution, would strongly suggest that the above sanctions are applicable also in a disciplinary case brought by the PSC against a Permanent Secretary - therefore, the phrase "**may direct the**

permanent secretary" as they appear in Regulation 22 (1) must be interpreted with the necessary substitutions to give effect to that broader application.

11. The Tribunal takes the following into account:

- i. this is the first ever disciplinary case recorded against Ms. Rokosuka after twenty-nine (29) years of active service.
- ii. there was no loss occurred to the government
- iii. given her incumbent role and years of experience there is a high degree of culpability.
- (iv) there is a gross breach of trust;
- (v) no remuneration has been received by Ms. Rokosuka since October 2024; and
- (vi) Ms. Rokosuka's public image has most possibly been tarnished.

12. As Chief Accounting Officer, Ms. Rokosuka is responsible for the financial and operational affairs of her Ministry. In this role, she is expected to meet the highest standards of accountability. Any breach of these standards is taken very seriously, as condoning such conduct would send the wrong message to the wider Civil Service.

13. The Tribunal further notes that the definition of procurement in the Procurement Regulations 2010 is drafted in wide terms, encompassing both preliminary agreements that anticipate further negotiation and those agreements where the parties have concluded all substantive negotiations and obligations are fixed. Ms. Rokosuka has consistently submitted that the Agreement in question was not final and that issues remained to be resolved. This, coupled with the fact that the Public Service Commission has not quantified the actual potential loss to the Government, should weigh strongly in mitigation.

4. In determining the appropriate sanction, the Tribunal must be guided by the principles of proportionality, and is duty bound to ensure that any penalty imposed is fair, balanced, and commensurate with the gravity of the misconduct.
15. The Tribunal did consider two specific options from the range of sanctions set out in Regulation 22 (1) of the **Civil Service (General) Regulations 1999**.
16. The Tribunal may, as a first option, recommend the termination of Ms. Rokosuka's employment, accompanied by a reasoned explanation setting out the grounds for such action.
17. The second option is to recommend that Ms. Rokosuka be reprimanded and be required to forfeit, in whole or in part, the remuneration withheld during her suspension.
18. Given the particulars of the breaches in question in this case, and the fact that Ms. Rokosuka has no previous disciplinary record in the civil service, and after considering the mitigation submitted on her behalf, and mindful of the principles of proportionality, the Tribunal is of the view that the second sanction would be the appropriate one to impose on Ms Rokosuka in this case.

DIRECTIONS

19. Pursuant to Regulation 22 (1) and (2) of the **Civil Service (General) Regulations 1999** - the Tribunal recommends that the Public Service Commission:
 - (a) should, in writing, publicly reprimand Ms. Rokosuka that her misconduct is denounced;

- (b) that the salary that was withheld from M. Pokosuka throughout her period of suspension up to the date of this decision, is wholly forfeited; and
- (c) Ms. Rokosuka is to resume work seven (7) days from the date of this decision, that is, **19 December 2025**, however any salary calculation is to begin from **15 December 2025**.

20. The Tribunal so orders.



Signed _____

Mr. Anare Tuilevuka

[Chairman - Public Service Disciplinary Tribunal]

Date: 12th December 2025

Signed _____

Ms. Deepika Prakash

[Member - Public Service Disciplinary Tribunal]



Date: 12th December 2025

Signed _____

J. N. L. Savou

Mr. Jeremaia N.L Savou

[Member - Public Service Disciplinary Tribunal]

Date: 12th December 2025