

IN THE SUPREME COURT OF BELIZE, 2019 A.D.
CLAIM NO. 106 OF 2019

IN THE MATTER OF AN APPLICATION TO APPLY FOR JUDICIAL REVIEW

AND

IN THE MATTER OF A DECISION OF THE COMMISSIONER OF POLICE

BETWEEN

CPL#61 ELDON ARZU

APPLICANT

AND

THE COMMISSIONER OF POLICE

RESPONDENT

Before the Honourable Mr Justice Westmin R.A. James (Ag)
Date of Delivery: 10th May 2021

Appearances: Ms Nazira Myles and Ms Alberta Perez For the Applicant
Ms Agassi Finnegan and Ms Lavina Cuello for the Respondent

JUDGMENT

BACKGROUND

1. The Applicant applied for permission to file for Judicial Review by Application file on 11th April, 2019. By order dated 6th May 2019 Madam Justice Shona Griffith granted permission to the Applicant to file a Claim for Judicial Review in relation to his reassignment from the office of the Police Association, Belmopan to Planning and Performance Review and Inspection (PPRI) Unit. By Fixed Date Claim Form filed on the 23rd May 2019, the Applicant sought the following orders:

- i. An Order of certiorari quashing the Decision of the Defendant conveyed by way of letters to the Applicant dated 23rd January, 2019 whereby the Defendant reposted the Applicant from Welfare Office to Planning Performance Review and Inspection with immediate effect.*
- ii. A declaration that the decision of the Defendant was made in breach of the principals of natural justice, procedural fairness and due process.*
- iii. A declaration that the decision of the Defendant was unreasonable and an abuse of power.*
- iv. A declaration that the decision of the Defendant was bias causing real prejudice to the Applicant.*
- v. A declaration that the Defendant acted ultra vires the Police Act*
- vi. A declaration that the Defendant breached and/or frustrated the legitimate expectation of the Applicant by reneging on the representations made to the Applicant to continue to be assigned full time to the Belize Police Association Office during his tenure.*
- vii. An Order that the Applicant be immediately and fully reassigned full time to the Police Association as Chairman prior to his purported unlawful reposting.*
- viii. Further or in the alternative damages.*

Background Facts

2. The Applicant, Eldon Arzu, is a member of the Belize Police Department holding the rank of Corporal. He was also at the time a member of the Central Board and was elected as Chairman of the Belize Police Association (“**Association**”).
3. Section 34 (1) of the Police Act, Chap. 138 (the “**Act**”), authorized the establishment of the Association for the purpose of enabling members of the Police Department to consider and bring to the notice of the Commissioner and the Government all the matters affecting their welfare and efficiency, other than questions of discipline and promotion affecting individuals.
4. The Association acts through a Central Board which is elected annually and consists of seven members of whom no more than three shall be of identical rank in the Department at the time of election. Pursuant to rule 3(5)(a), the Chairman and Secretary of the Central Board are chosen from among its members and Rule

3(5)(b) empowers the Chairman to cast the deciding vote at a meeting of the Central Board at which he is present.

5. On 22nd January 2012 the Applicant was selected as Chairman of the Association to replace the previous Chairman, Mr Hendrick Williams. Since 2012 and until 2019 the Applicant has been elected to the Central Board specifically as Chairman. At the time the Applicant worked at the Anti-Drug Unit.
6. By Statutory Instrument No. 1 of 2019, the Commissioner, with the approval of the Public Service Commission, amended the Rules which came into effect on 9th January, 2019 introduced a new rule 3(5)(c) which provided that *“(c) No member of the Police Department shall serve as Chairman for more than two terms.”*
7. On 9th January 2019 the Central Board re-elected the Applicant as a member of the Central Board and on 22nd January 2019 appointed the Applicant as Chairman.
8. The next date, the Respondent by letter dated 23rd January 2019, purported to repost the Applicant from the Welfare Office to the Planning Performance Review and inspection Unit (PPRI) with immediate effect. The letter went on to say that his salary and housing allowance will remain the same and authorized the Finance Officer to make the necessary adjustment and cost centre changes.
9. The Respondent sent a Memorandum dated 29th January 2019 to the Association instructing them to convene a meeting and choose a Chairman and Secretary. The Memo from the Respondent specified that the Applicant could not be appointed as Chairman for another term.
10. On 31st January 2019, the Applicant wrote back to the Respondent indicating after legal advice, the SI was not retroactive and the Applicant was lawfully appointed as Chairman and that decision was forwarded to the Respondent on 23rd January, 2019.
11. By letter dated 1st February, 2019, the Respondent wrote to the Applicant in his capacity as Chairman directing him to present assets of the Police Association for inspection by Monday 4th February 2019 including vehicles, financial accounts,

office equipment and all other moveable and immovable properties failing which disciplinary action would be taken against him.

12. By Memorandum dated 13th February, 2019, the Respondent directed that another meeting be held and that another Chairman other than the Applicant be elected.
13. The Respondent refused to recognise the Applicant as the Chairman sending out a Memorandum indicated that no work by the Applicant as Chairman of the Association is to be honoured.

Whether the Applicant had a legitimate expectation that as Chairman of the Association he will be posted full time at the Association's Office.

14. The Applicant contends that the transfer breached his legitimate expectation of a settled practice that as Chairman of the Association he would be assigned full time at the Association office. He cited *Council of Civil Service Unions and others v Minister for the Civil Service* [1984] 3 All E.R. 935 at page 943] to 944A, where Lord Fraser observed as follows:

"But even when a person claiming some benefit or privilege has no basic right to it, as a matter of private law, he may have a legitimate expectation of receiving the benefit or privilege, and if so, the courts will protect his expectation by judicial review as a matter of public lawLegitimate, or reasonable expectation may arise from either an express promise given on behalf of the public authority or from the existence of a regular practice which the Applicant can reasonably expect to continue."

15. In *R (Bibi) v Newham London Borough Council* [2001] EWCA Civ 607 para 466 Schienmann LJ saw three questions arising in legitimate expectation cases: *"The first question is to what has the public authority, whether by practice or by promise: committed itself: the second is whether the authority has acted or proposes to act unlawfully in relation to its commitment; the third is what the Court should do."*

16. In *R v North and East Devon Health Authority, ex part Coughlan* [2001] QB 213, the Court set out the three situations in which the doctrine of legitimate expectation can arise:

“i. Review on the basis of “wednesbury” unreasonableness. The court may find that a public authority should properly bear in mind its previous policy before deciding whether to change its course.

ii. Procedural legitimate expectation. The court may decide that the promise or practice induces a legitimate expectation of consultation before a decision is taken.

iii. substantive legitimate expectation. The Court may consider that a lawful promise or practice has induced a legitimate expectation of a substantive benefit. The Court will decide whether to frustrate the expectation is so unfair that to take a new and different course will amount to an abuse of power.”

17. In cases of substantive legitimate expectation, the following guidelines are applicable to establishing a substantive legitimate expectation:

i. The lawfulness of the promise;

ii. The requirement of fairness; and

iii. The nonexistence of any overriding interests for the change of Policy.

18. In a case for the frustration of a legitimate expectation. The initial burden lies on an Applicant to prove the legitimacy of his expectation. In *Francis Paponette and Ors v AG of T&T* [2010] UKPC 32, 37 Lord Dyson sets out the burden of proof of an applicant in the case of a promise at paragraph 37:

“...the applicant must prove the promise and that it was clear and unambiguous and devoid of relevant qualification. If he wishes to reinforce his case by saying that he relied on the promise to his detriment, then obviously he must prove that too. Once these elements have been provided by the applicant, however, the onus shifts to the authority to identify any overriding interest on which it relies to justify the frustration of the legitimate expectation. It will then be a matter for the court to weigh the requirements of fairness against that interest.”

19. In a Ruling dated 7th December, 2020 in this matter, this Court held that the SI No. 1 of 2019 operated prospectively and only applies to the terms of office as Chairman subsequent to the making of the statutory instrument. Therefore, the Applicant was lawfully entitled to hold the office of Chairman in 2019. Therefore, the question remains, did the Applicant as Chairman of the Association have a legitimate expectation to be assigned full time at the Association's Office.

20. The Ministry of National Security Memorandum dated the 3rd February, 2013 to the Commissioner of Police spoke to this arrangement between the Chairman of the Association and the Police Department. It stated:

"The Ministry of National Security offers no objection for the newly elected President Cpl No. 61 Eldon Arzu to be assigned full time to the Belize Police Association for the duration of his tenure as President. Also, for the Association to be allowed to continue the [use] of the Police Training Academy Facility for their Association to carry out their administrative function."

21. This Memorandum was endorsed by the Commissioner of Police who signed the Memorandum from the Ministry of National Security and giving directions for its onward transmission. By Memorandum from the Commissioner of Police dated 13th February 2013 this was formally endorsed by the then Commissioner of Police who attached the Memorandum dated 3rd February and had same forwarded to the Commandant Police Training Academy and the Commander of the Anti-Drug Unit.

22. Since 2012/2013, the Chairman of the Association starting with the previous Chairman Hendrick Williams would write to the Commissioner of Police indicating who was elected as the Chairman of the Association and requested that person be "seconded" to the office of the Association which was located at #4 Police Training Academy. The President would retain their post and would be paid the relevant salary and allowances of their substantive post.

23. There was no evidence that this practice was stopped by the Respondent during the tenure of the Applicant. In correspondence by the Police Association this practice was termed 'secondment.' A lot was made by the Respondent in

submissions and in his Affidavit that the assignment of the Chairman of the Association could not be a secondment under the rules of the Public Service Regulations. It was the Police Association who used the word secondment not the Ministry of National Security. The Police Association in their correspondence used the term 'seconded' not in the technical sense but to describe the practice of assigning the Chairman to the Police Association's Office. The technical term for the arrangement of the Chairman of the Association being assigned to the Belize Police Association full time and retaining salary and payment under the Regulations was 'detachment' not 'secondment.' The arrangement was even accepted by all the witnesses including the Respondent, that the arrangement was one of detachment not secondment. Whether or not this practice was called secondment or was in fact detachment is not the question that the Court has to decide. What the Court has to determine was whether there was in fact a promise or practice as described by the Applicant upon which he could rely.

24. I indeed find as a matter of fact that there was this practice for the Chairman of the Association being assigned full time to the Association's Office. This practice was agreed to by the Ministry of National Security, the Commissioner of Police and the Chairman of the Association. It was practiced for 6 years and predated the Applicant. ACP Bartholomew Jones also testified that if an officer is detached then the officer would still receive the allowances from his original unit.

25. Having given careful consideration to the evidence of the Applicant and the Respondent. I find that there was a legitimate expectation that once the Applicant was Chairman of the Police Association that he would be assigned full time to the Association's office while retaining his salary and allowances from his substantive post. Until that practice was displaced with after the relevant notice and procedural fairness, the Applicant in this case was wrongfully prevented from being assigned full time to the Association's office.

Whether the Applicant's assignment to PPRI constitutes a transfer or reposting?

26. The transfer or reposting of a police officer is governed by the substantive and subsidiary laws of Belize but also by various policies, whether written and

unwritten and one such policy is that of the Career Management and Transfer Policy. The objective of the Career Management and Transfer Policy, Departmental Order 35 of 2000 dated 14th January 2013, was stated to be:

“A. To promote a workforce with enhanced skills, knowledge, experience and flexibility.

B. To manage the movement of police officers to ensure an equitable distribution of Human Resource with the necessary skills and experience throughout the Belize Police Department (BPD).

C. To provide an interesting and varied career for both existing and potential BPD officers so that people of high calibre are attracted to and are retained within the Organization.”

27. At paragraph 3 dealt with the points to be considered prior to transfer: It states:

A. The operational effectiveness of the BPD remains the paramount consideration

B. Although the need of the Department are paramount, the needs and preferences of individual officers must ALWAYS be taken into consideration.

C. The policy will NOT be used to address matters of discipline or serious under performance.

28. At Order 5, the policy made provision for ‘Transfer outside of policy’ which states as follows:

“Occasionally circumstances may arise when an immediate transfer will be necessary. Example:

(a) Urgent Welfare need

(b) Family Safety consideration

(c) Protection of officers

(d) In the best interest of the Department”

29. Order 6 of the Departmental Orders also made provision for the ‘Participation of officers.’ It is to be noted that this appears to be in relation to ‘the Annual Appraisal System’ which is in place in relation to the ‘Career Management and Transfer Policy’.

30. The Department Order also makes provision for decision making as part of a 'Career Management' transfer and provides as follows:

"6. Participation of officers

Consideration will be given to the timing of transfer as part of Career Management to make allowances for accommodation and schooling arrangements. The Department accepts the need for officers to be given reasonable advance notice of impending transfers to enable them to make necessary arrangements to settle their family. Thus, notice will be given during the months of January to March for transfers to take effect in July and August in that same calendar year."

31. Order 7 speaks to Transparency and provides that when an officer is being considered for a career management transfer his/her supervisor shall

- (1) Assist the officer in completing a Career Management Transfer Form*
- (2) Forward completed form to Formation/Branch Commander for comments*
- (3) Formation/Branch Commander to conduct interview with applicant*
- (4) Keep that officer informed of what is happening*

32. Order 13 specifically deals with Transfers as opposed to reposting. It states:

A transfer is different from a posting and comes with specific obligations before the department. A transfer of an individual can only occur from Formation to another. Unlike a posting, which is the reassignment of an officer from one branch, unit, station and or sub-station to another within the Formation. Posting also occurs when an officer is moved from a Formation and reassigned to a Sub Formation. Posting also occurs when an officer is moved from a Formation and reassigned to a Sub Formation...Where posting occurs, the officer(s) so affected are not entitled to a transfer grant but will be given such assistance as needed to facilitate movement for a smooth transition and will be in receipt of any allowance approved for that location.

33. Therefore, a reposting pursuant to Order 13 of the policy entails the reassignment of an officer from one branch to another within the same formation. A reposting does not require consultation or the payment of any transfer grant, nor does it

stipulate a time period within which it ought to be done. A transfer on the other hand, entails a move from one judicial district to another or one formation to another.

34. Transfers which fall within the 'Career Management and Transfer Policy' is a process involving clear 'objectives,' 'guiding principles' and 'considerations' that have been stated as being applicable. As described by Abel J in *Claim No 656 of 2018 Cpl 189 Vidal Cajun et al v The Commissioner of Police & Attorney General*, these seek to assist in regulating the balancing exercise which the Department would have to undertake in catering to the needs of the officer, who may be the subject of the transfer, and the needs of the Belize Police Department as a whole, while at the same time paying attention to the human resource management issues which may arise in the process of managing the whole exercise.
35. The power to transfer/repost is necessary to the discharge of the duty of the Commissioner of Police to effectively manage human resources. The Commissioner of Police, as a public authority however when exercising his powers to transfer/repost any officer, has a duty to act fairly, reasonably and lawfully, including by following whatever rules and guidelines that have been established such as are contained in the Police Rules or Departmental Orders promulgated under same. In exercising his power, the Commissioner of Police is also mandated by Section 110 D(5)(y) of the Constitution to exercise his powers in accordance performance standards of integrity, fairness and accountability.
36. The decision to transfer/repost is indeed amendable to judicial review but in order to preserve the remit of the Commissioner of Police, the grounds of review necessarily limited to review of the process by which the decision was arrived at, so as to enforce compliance with the procedural provisions. The court is not allowed to substitute its own decision.
37. Whether the Applicant was reposted or transferred depends on what was the status of the Applicant while he was the Chairman of the Police Association and his position with the Welfare Department and what would be his position when he no longer held that office.

38. The Respondent contends that the Applicant was stationed at the Welfare Department and so therefore was in the Belmopan District and since the Applicant wasn't seconded then he was reposted in the same district. If this is to be accepted by the Court, it would only mean that the Applicant was transferred to the Welfare Department in Belmopan District. The evidence shows that the Applicant was not transferred to the Welfare Department, the Welfare Department only housed the Association's office. The Applicant was released to the Association full time while retaining his post with ANU.
39. The Court's view that the Applicant was not transferred to the Welfare Department is fortified by the fact that there was no evidence that the Applicant was ever formally transferred from his substantive post in ANU to the Welfare Department. The Respondent admitted in cross examination that there was no record that he was attached to the Welfare Department. Moreover, he retained the Cost Centre number for the ANU and all the allowances that he was entitled to under the ANU was still given to him. The Applicant would have been given the Welfare Department's Cost Centre Code if he was transferred to Welfare Department. Further, the Respondent admits that the Applicant's substantive post is still the ANU and he is just detached to the PPRI. This is even more confirmation that the Applicant was not transferred to the Welfare Department. Moreover, if the Respondent submit that the Claimant was posted to Welfare Department that is an acknowledgment that there was an arrangement that the Chairman of the Association was to be posted full time at the Association's Office.
40. What therefore would be the position when the Chairman of the Association no longer held the post of Chairman. It is clear in my mind that the Applicant would go back to their substantive post. Put another way, if the Applicant was not reassigned by the Respondent when he did or reassigned in the normal course, the Applicant would clearly have reverted to his substantive position since he would not remain at the Welfare Department which only housed the office. Once` the Applicant reverted to his substantive position at the ANU it's from this Department that he will be either transferred or reposted.

41. Therefore, if as contended by the Respondent that as a result of the SI the Applicant no longer held the position of Chairman, any reassignment by the Respondent of the Applicant to PPRI would have constituted a transfer under the Transfer Policy. The Respondent having not complied with the Transfer Policy was acting outside of the Policy and acted procedurally improper.

42. The Respondent submitted that the Court should accept the dicta of case of Justice Shona Griffith in *Claim No. 14 of 2018 WCPL 625 Debbie Reynolds v AG of Belize* where she said:

“Upon close examination, it is not that the Regulations afforded the Applicant a right not to be transferred without hearing, they instead afforded the Applicant a transfer within a predictable and certain administrative framework. 19. Considering her case at its highest, it is not that the Applicant would have been able to resist the transfer, instead the Applicant would have been entitled to a certain timeframe within which to prepare or make other arrangements to put herself in order.”

43. Learned Counsel for the Respondent neglected to continue on for the rest of the dicta. Justice Griffith went on to say:

“As a result, the Court must consider that even if the Applicant were to be successful upon the conclusion of a hearing, the relief available upon judicial review is discretionary and is directed towards the decision making process. This Court cannot in the final analysis resolve the issue of the transfer in the Applicant’s favour. The process can be struck down by the Court but the Respondents could nonetheless simply transfer the Applicant once more, within the administrative framework that they ought to have employed. All this is said not to say that the Applicant would not be served by the grant of permission to review the transfer.”

44. This case is authority for the proposition that judicial review is a discretionary remedy and depending on the circumstances would not be granted if it was of no practical effect. She clearly stated later in that paragraph that if the transfer was in breach of the policy the decision to transfer could be struck down. Her view was that in that circumstance, the Commissioner of Police could just do the transfer

over, the right way. I therefore do not take this case as authority for prohibiting a Court from declaring that a transfer in breach of the Transfer Policy and quashing the decision if the circumstance would justify. To accept the submission of the Respondent would mean that the Policy is of no use as the Respondent would be able to do whatever he wanted in breach of the policy and the Court is unable to stop it or even make a declaration that its void. This clearly can't be the intention of Justice Griffith. In the present case, the Applicant would lose benefits and allowances and his prospect of promotion was not the same so therefore I do not believe that a quashing order or even a declaration in the present case would be of no practical effect. Further, as seen below bad faith can set aside any decision of a public authority.

45. I therefore hold that the Respondent in the reassignment of the Applicant for career purposes did not act in accordance with the Career and Transfer Policy. The Applicant was not advised of his transfer in April/May for transfer in July/August, was not consulted in relation to the benefits for him and the department, heard on his career needs and opportunities.

46. I therefore find that the reposting was null and void and of no effect.

Bad faith

47. The Respondent as Commissioner of Police is under the law allowed to deploy officers and manpower resources to achieve what in his discretion is the right mix of skills, and competencies to improve general performance in the service for the benefit of the public.

48. This is however subject to a further limitation. A substantive decision to transfer may be open to review on the grounds of bad faith or abuse of power. The Commissioner of Police's remit is necessarily wide and the Court will not interfere with an administrative decision unless there is compelling evidence of bad faith or unless an abuse of power has been established.

49. Counsel for the Applicants submitted that the Respondent's decision was made in bad faith and ought therefore to be a nullity for the following reasons:

- i. The members of the Board were directed by the Commissioner to elect a new Chairman and directed by the Commissioner that the Applicant was not to be appointed Chairman.
- ii. The Respondent's refused to honour the Applicant as the Chairman.
- iii. The Respondent's support and approval of a press release which was unfavourable to the Applicant;
- iv. The Respondent expressed discontent with the language in which the Applicant words his letters.
- v. Bartholomew Hones works directly under the Commissioner of the Police as the Department's Legal Advisor and the Commander of the Compliance Branch who is answerable to the Commissioner of Police; and
- vi. The Respondent used his powers to transfer the Applicant as a punitive measure;

50. In response, Counsel for the Respondent submitted that there was no evidence of bad faith or improper purpose and that there must be cogent evidence to support these grounds. There is support for this contention in the case of *R (On the application of Amraf Training Plc) v Development of Education and Employment [2001] EWCA Civ 914 at 21*.

51. Moreover, Counsel for the Respondent submitted that the use of the power to reassign and him working under Bartholomew Jones was not evidence of bad faith. Counsel for the Respondent also submitted that there was no discipline of the Applicant and the reposting did not evidence bad faith.

52. As set out in my judgment in *Claim No 43/2021 Ian Haylock v PM & AG* fundamental to the legitimacy of public decision making is the principle that official decisions should not be infected with improper motives such as fraud or dishonesty, malice, personal self-interest or bad faith. These motives which have the effect of distorting or unfairly biasing the decision maker's approach to the subject of the decision automatically cause the decision to be taken for an improper

purpose and thus take it outside the permissible parameters of the power.¹ This ground should not lightly be alleged and it is difficult to prove.²

53. A power is exercised fraudulently if it is intended to be exercised for an improper purpose to achieve an object other than that which is being sought. The intention may instead be the promotion of another public interest or a private interest. This is the essence of the Applicant's argument on this issue. Bad faith has been defined in an Australian case of *SCA v Minister of Immigration (2002) FCAFC 397 at [19]* to be a lack of an honest or genuine attempt to undertake the task. *Daihatsu Australia Pty Ltd v Federal Commission of Australia (2001) 184 A.L.R. 576* it was held that bad faith is a serious allegation which carries a heavy burden of proof. A decision based on malice usually involves some personal animosity.

54. I think it is fair to say that the evidence elicited under cross-examination raised questions in my mind as to the intention of the Commissioner of Police's decision;

- i. The Respondent passed the SI with the view that the Applicant would be prevented from serving another term as Chairman;
- ii. The Respondent admitted that he did not think that the Applicant should act as Chairman of the Association;
- iii. The Commissioner put on hold any promotion of the Applicant;
- iv. The Respondent sent out a Memo stipulating nothing done by the Applicant as Chairman would be honoured;
- v. The Respondent wrote to the Association's bankers to put a hold on their accounts;
- vi. The Commissioner wanted the Applicant to fix his tone in his letters before he could be promoted;
- vii. The heavy involvement of the Respondent in the affairs of the Association;
- viii. The stopping of the Applicant's allowances even after the letter indicated that he was to retain all his benefits;

¹ See De Smith's Judicial Review 8th Edition para 5-096.

² *Daihatsu Australia Pty Ltd v Federal Commission of Australia (2001) 184 A.L.R. 576* (Finn J at 587); See Fordham, Judicial Review Handbook (3rd ed.) p.751

- ix. The First Respondent took into consideration improper factors, thus his decision was influenced by an extraneous and impermissible purpose: *R v Lewisham London Borough Council, ex p Shell* [1988] 1 All ER 938, Per Neill LJ

55. It became very obvious to this Court that the relationship between the Applicant and the Respondent was not a good one and the Respondent clearly had some bad feelings towards the Applicant to put it mildly. The Respondent admitted he felt disrespected by the Applicant as a result of the wording of his letters. The Respondent's involvement in the Association's business and the Applicant's Chairmanship was not in the least appropriate. The Respondent went as far as telling the Association who not to appoint, writing to the banks of the Association to stop their finances and allowing members of the Association to make disparaging remarks with implications of financial impropriety in a press conference. Whether the Applicant could have been Chairman after the passage of SI 1 of 2019, was an issue for the Association and its membership which the Respondent was not a part. Even if the Respondent was concerned about whether the Claimant could be Chairman there were appropriate legal avenues for the Respondent to take.

56. The Respondent went as far as to issuing a memo to indicate that nothing done by the Applicant would be honoured by the Department. The Respondent did not stop there he reassigned the Applicant with immediate effect not even properly consulting with the Applicant who was the Chairman of the Association and Respondent's action could be seen as interference in the Association's affairs. The Respondent sought to deny the Claimant allowances that he was entitled to. The Respondent's preoccupation with the Applicant could only lead to one conclusion that many of the Respondent's actions towards the Applicant had irrelevant considerations attached to it. Therefore, on a totality of the all the evidence I am persuaded that the actions of the Respondent were to prevent the Applicant from holding the office of Chairman and his action in reassigning the Claimant was a part of that goal. It was clear to this Court that the Respondent let his ill feelings towards the Applicant cloud some of his judgment in this matter.

57. I therefore grant the following orders:

- (a) *The Respondent breached the legitimate expectation of the Applicant by reneging on the representations made to the Applicant to continue to be assigned full time to the Belize Police Association Office during his tenure as Chairman;*
- (b) *The decision of the Respondent was made in breach of the principals of natural justice, procedural fairness and due process;*
- (c) *The decision of the Respondent was biased and took into account irrelevant considerations;*
- (d) *The Decision of the Respondent conveyed by way of letters to the Applicant dated 23rd January, 2019 whereby the Respondent reposted the Applicant from Welfare Office to Planning Performance Review and Inspection with immediate effect is quashed;*
- (e) *The Applicant be immediately and fully reassigned full time to the ANU with all his benefits and allowances.*
- (f) *Costs to be agreed or assessed.*

/s/Wjames

Westmin R.A. James

Justice of the Supreme Court (Ag)