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Summons filed to set aside suit

KUALA LUMPUR, Fri. - The Attorney-General's Chambers has applied to set aside Datuk Seri Anwar Ibrahim's suit against Prime Minister Datuk Seri Dr Mahathir Mohamad, challenging his dismissal from the Cabinet.

The Chambers, in a statement today, said Anwar's dismissal as Deputy Prime Minister and Finance Minister on Sept 2, had been consented to by the Yang di-Pertuan Agong.

It said there was therefore no reasonable cause of action and the suit was scandalous, frivolous and vexatious, and an abuse of the process of court.

The statement, signed by the A-G's special assistant Shamsuddin Hassan, also said the summons in chambers to set aside Anwar's suit was filed on Dec 1. It is fixed for hearing on Jan 25.

Anwar had filed a suit on Nov 13 through Karpal Singh & Co, seeking a declaration that his removal was unconstitutional.

He claimed the King had only been informed of his dismissal, but under the Federal Constitution, it was only the King who can revoke the appointment of Ministers.

According to the A-G's statement, two affidavits in support had been filed - one by the King's private secretary Ja'apar Wahab and the other by Chief Secretary to the Government Tan Sri Abdul Halim Ali.

The affidavits state that Anwar's dismissal was consented to by the King who caused the Federal Ministers (Amendment) Order 1998 to drop Anwar's name from the schedule.

The amendment also replaced Anwar's name with that of the Prime Minister for the post of Finance Minister.

"This is an action which should clearly be struck out," the statement said.

Karpal said as the court had fixed Dec 10 for hearing of the suit, he would apply for this summons to be heard on the same date instead of Jan 25.

He also said Anwar had expressed an interest to be present, and would apply for an adjournment in his criminal trial to enable him to do so.

Anwar is currently facing five charges of sodomy and five counts of corrupt practices.

Hearing on four counts of corrupt practices began in the High Court on Nov 2 and continues.

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