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Dismissal suit: Anwar files grounds of appeal

KUALA LUMPUR, Thurs. - Datuk Seri Anwar Ibrahim today filed the grounds of appeal against the High Court's decision to strike out his suit which challenged his dismissal from the Cabinet.

The memorandum of appeal was filed through the legal firm of Karpal Singh & Co at the Court of Appeal registry. No hearing date has been fixed.

Among the grounds was that the High Court Judge Datuk Mohd Saari Yusof was wrong in concluding that the requirements of Article 43(5) of the Federal Constitution had been satisfied.

Article 43(5) states: "... Ministers other than the Prime Minister shall hold office during the pleasure of the Yang di-Pertuan Agong, unless the appointment of any Minister shall have been revoked by the Yang di-Pertuan Agong on the advice of the Prime Minister but any Minister may resign his office."

Anwar in his suit filed on Nov 13 last year had named Prime Minister Datuk Seri Dr Mahathir Mohamad and the Government as the first and second defendants respectively.

He had sought a declaration that his removal was unconstitutional and that his dismissal as from 5.30pm on Sept 2 last year, was null and void, inconsequential and of no effect.

Anwar, 51, had also sought a declaration that he was still a Minister, and had claimed costs and any other relief deemed fit and proper by the court.

In the memorandum, Anwar also said that the judge was wrong in not observing that the first respondent had, clearly, abused his power by revoking his (Anwar's) appointment as Minister and then informing the King.

He said the judge was wrong in not intervening to put right through the judicial process, what was a clear and manifest abuse of power by the first respondent and an affront to the Federal Constitution, the supreme law in the land.

Anwar said the judge was also wrong in not noting that he had been deprived of his position in the Cabinet by the first respondent unlawfully and not on the authority of a valid or legal power.

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