

**New AG: Abdul Gani removed lawfully**  
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Newly appointed Attorney-General Mohamed Apandi Ali said the removal of his predecessor Abdul Gani Patail had been carried out in accordance with the Federal Constitution.

Mohamed Apandi, in his first official statement as AG, said Article 145(6) does not apply as it is a saving provision which only applies to the attorney-general from 1959 to 1963, which was Cecil M Sheridan.

"In the interest of administration of justice, it is important that the public is not misled into thinking otherwise.

"Under the existing Article 145(5) the attorney-general holds office during the pleasure of the Yang di-Pertuan Agong.

"Hence the mode of removal referred to in Clause (6) of Article 145 of the Federal Constitution is not applicable to an attorney-general appointed after Sept 16, 1963," said Apandi, who is a former Federal Court judge.

Despite referring to Abdul Gani's removal as a form of 'termination', Mohamed Apandi stressed that Abdul Gani was not 'dismissed'.

"In any case, Abdul Gani has neither been dismissed from nor reduced in rank in the Judicial and Legal Service," said Mohamed Apandi.

**'Health reasons'**

Yesterday, Chief Secretary to the government Ali Hamsa said Abdul Gani will continue to serve as a Judicial and Legal Service officer until his mandatory retirement on Oct 6 this year.

Ali Hamsa had claimed that Abdul Gani was removed due to health reasons, but the latter appeared surprised by his removal when he was contacted by the press.

Apandi further also cited Article 132 Clause (4) (b) of the Federal Constitution expressly provides that Part X of the constitution that includes Article 135, does not apply to the office of the AG.

"Hence, there is no issue of non-compliance with the constitutional safeguards on dismissal and reduction in rank contained in Article 135 of the Federal Constitution," said the newly minted AG.

A constitutional lawyer had told Malaysiakini yesterday that Gani could institute a legal

challenge on his removal after claiming he did not know he was withdrawn from leading the Attorney General Chambers, by asking the courts to interpret Article 145 (5) and (6).

There are also mixed views over the interpretation of the two above clauses.

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