

Dr M ignored Agong's role in sacking Apandi as AG, claims court filing

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Then prime minister Dr Mahathir Mohamad had ignored the role of the Yang di-Pertuan Agong in the removal of Mohamed Apandi Ali as Attorney-General (AG), a court filing alleged.

The reply court filing was made by Apandi in response to a Statement of Defence by Mahathir and the government against the former's suit challenging the sacking.

Apandi's lawyers from the firm Messrs Shukor Baljit & Partners filed the reply at the High Court Registry in Kuala Lumpur on Oct 26.

Among the main issues raised by the suit was whether the consent of the Agong is required for a person's removal from the post of Attorney-General, per the provisions of the Federal Constitution.

“Further, the plaintiff (Apani) will lead evidence to establish that the Yang di-Pertuan Agong’s role and satisfaction and or pleasure was not taken into account and or brushed aside by the first defendant (Mahathir) at all material times and hence there is a constitutional failure in the process of termination of the plaintiff’s position as the Attorney-General for the Federation,” claimed the court document sighted by Malaysiakini.

On Oct 13, Apani filed the legal action over his alleged unlawful termination as AG by the then Pakatan Harapan federal administration a short while after the 14th General Election (GE14) in mid-2018.

On Nov 12, defendants Mahathir and the government filed their Statement of Defence, claiming that the termination of Apani’s contract as AG was valid in law, as well as alleging there had been no abuse of power by Mahathir in the termination.

In response to the two defendants’ contention that the termination was legally valid and that Mahathir had not abused his power, Apani claimed these were “bald statements callously made from misapprehension of facts and/or are at variance with facts and evidence which the defendants are fully cognisance of”.

The plaintiff also alleged that Mahathir had formed a “venomous” view against

him prior to the latter's purported invalid termination as AG.

"The plaintiff avers and will contend and will lead evidence that the first defendant had formed a venomous and thus negative view against the plaintiff and was driven to remove the plaintiff in any event from the position as the Attorney-General and, imbued with that determination, the plaintiff was unconstitutionally and unlawfully terminated," Apandi claimed through the reply.

When contacted by Malaysiakini today, Apandi's counsel Baljit Singh Sidhu confirmed the filing of the reply.

The lawyer explained that his client will file a discovery application to compel the two defendants to reveal crucial documents relevant to the suit.

Baljit added that following e-review (online) case management of the matter with the High Court in Kuala Lumpur today, the court has fixed the next case management on Dec 11.

"The next date of Dec 11 is for us to file a discovery application for purposes of certain documents," he said.

Under civil litigation, a plaintiff may file a discovery application to obtain documents relevant to their legal action, but which are in the possession or custody of the defendant.

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