

Lawyer: SS Appointment Cannot be Disputed
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SHAH ALAM, Jan 6 (Bernama) -- The appointment of Mohd Khusrin Munawi as the new Selangor state secretary (SS) by the Public Service Commission cannot be disputed as the commission's rights are enshrined in the state constitution, said a lawyer.

Former Selangor Prosecution Unit head Salehuddin Saidin said the appointment need not be referred to the menteri besar as Clause 1 and 2 of Article 52 stipulated that it must be done by a relevant commission, and the appointee must be a Muslim and Malay.

Commenting on the conflict over the appointment of Mohd Kusrin, he said the PSC had the right to appoint the state secretary from among federal warrant officers, namely administrative and diplomatic officers and top-ranking government officers (Jusa A).

"The PSC is the relevant commission. While not denying the existence of the state civil service commission, it is not the relevant commission for the appointment. Thus, the state civil service commission cannot nominate an officer from the service for the post.

"So what had happened is that the PSC had nominated three names and presented them to the chief executive, that is the Sultan of Selangor as enshrined under Article 50 which states that the executive authority of the state shall be His Highness," he told a news conference here today.

Salehuddin said the Sultan of Selangor was also advised by the state legal officer on the need to adhere to the appointment procedures. He said the dispute arose due to misconceptions and misunderstanding that the chief executive was the chief minister.

Execution of executive power was in the hands of the menteri besar and state executive council as the administrative executives, but the executive power originated from the Sultan, he said.

He said as such, according to convention on the appointment of the state secretary, the PSC must submit the nominees to the chief executive, that is the Sultan of Selangor to get his consent.

Likewise, the appointment of the state financial officer and state legal adviser must follow the same procedures as enshrined under the state constitution, he added.

"So the Sultan had chosen a name (which was submitted to him) and the appointment was made by the PSC. So the question that the state secretary was appointed by the Sultan of Selangor does not arise," he said.

On the swearing of allegiance to the Sultan of Selangor by Mohd Khusrin at Istana Bukit Kayangan today, Salehuddin said the new state secretary should also take the oath of secrecy before the menteri besar as enshrined in Clause 3 of Article 52 of the state constitution. However, he said, the law did not indicate that power of appointment was vested with the menteri besar.

He said the state secretary should attend state executive council meetings but he must take the oath of secrecy first and no time frame was given under the constitution for him to do so, but normally the state secretary should attend the meeting.

"To me, when the appointment is made, the procedures should be followed through for the oath of secrecy to be held before the MB. It should be a formality, he (the state secretary) has rights under the law. So he should be given the space to take the oath," he said.

The Private Secretary to the Sultan of Selangor, Datuk Mohamad Munir Bani was also present.

Meanwhile, Mohamad Munir said all statements issued by the Selangor palace regarding Mohd Khusrin's appointment were done on the instructions of the Sultan.

He said press statements issued were first checked by Sultan Sharafuddin Idris Shah before they were released to the media. He said the Sultan also received a copy of each statement that was released to the media.

"As such, the statement made by Selangor Menteri Besar Tan Sri Abdul Khalid Ibrahim that I have been issuing statements on behalf of the palace on my own accord are not accurate," he said, adding the Sultan had also stated that the palace could not be dragged into politics or interfere in political issues as the palace was apolitical.

He also said the palace wanted a good working relationship with all parties concerned and was not against the MB or finding fault in him concerning the matter (appointment of the new SS).

He also expressed regret that there were certain quarters labelling him a tool of Umno and the Barisan Nasional and reiterated that as a government officer, he was neutral and professional and discharged his duties as such.

(Bernama)

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