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'The PM is not a public officer'

Dr M's suit against Najib struck out in landmark High Court ruling

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KUALA LUMPUR: In a landmark judgment, the High Court has ruled that the Prime Minister is not a public officer in public office.

It held that the premier is also not in public services as defined under the Federal Constitution but "a member of administration".

High Court judge Abu Bakar Jais made this observation in allowing an application by Datuk Seri Najib Tun Razak to strike out a lawsuit against him for misfeasance in public office.

Najib succeeded in striking out a lawsuit by Tun Dr Mahathir Mohamad and two others against him for alleged wrongful exercise of authority in public office.

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plaintiffs to pay Najib RM30,000 in legal costs.

Speaking to reporters after the proceedings in chambers yesterday, Najib's lawyer Datuk Mohd Hafarizam Harun said it was a land-

mark judgment.

"The court agreed that the Prime Minister, Minister, Deputy Minister and political secretaries are not in public services or public officers but members of administration," said Mohd Hafarizam yesterday.

In a written judgment to the media later, Justice Abu Bakar said the suit was obviously "unsustainable".

"There is actually no reasonable cause of action and as a whole, on the facts and laws, the claim is frivolous and vexatious.

"It is fundamental to appreciate that a suit can only stand based on the law that is applicable.

"Our laws, no matter how unreasonable they may be perceived, do not permit the plaintiff's suit," added Justice Abu Bakar.

The defence team, led by Tan Sri

Cecil Abraham, had argued that Najib is a member of the administration and that Article 160 (2) of the Constitution excludes members of the administration to be in the public service.

Lead counsel for the plaintiffs Mohamed Haniff Khatri Abdulla said his clients would file an appeal.

In the lawsuit filed in March last year, the plaintiffs wanted the High Court to order Najib to pay RM2.6bil in exemplary damages to the Government.

Dr Mahathir, former Batu Kawan Umno division deputy head Datuk Seri Khairuddin Abu Hassan and former Langkawi Wanita Umno member Anina Saadudin also wanted Najib to pay RM42mil in aggravated damages.

In an immediate response, Anina said she would support the appeal.

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