

APANDI: DR M HAD NEGATIVE VIEWS OF ME

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Former A-G claims he was unlawfully removed by the then prime minister

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TAN Sri Mohamed Apandi Ali claimed that his removal from his position as the attorney-general (A-G) two years ago was driven by former prime minister Tun Dr Mahathir Mohamad's hatred and negative perception of him.

He said this in response to the statement of defence filed by Dr Mahathir and the government, who were named as the defendants in Apandi's RM2.2 million suit over his termination as A-G, which he claimed was unlawful.

The plaintiff, who was a Federal Court judge before being appointed A-G in 2015, filed the statement in reply through Messrs Shukor Baljit & Partners on Nov 25.

In his reply, Apandi claimed that he would adduce evidence that Dr Mahathir had formed venomous and negative views against him and was driven to remove him from the A-G position in any event.

He claimed that, imbued with such determination, he was unconstitutionally and unlawfully terminated by Dr Mahathir.

Apandi further contended that the Yang Di-Pertuan Agong's role was not considered in his sacking, which led to a constitutional failure for the process of his termination as A-G.

"The plaintiff will lead evidence to establish that the Yang Di-Pertuan Agong's role and satisfaction or pleasure were not taken into account, brushed aside by the first defendant (Dr Mahathir) at all material times, and hence, there is a constitu-

tional failure in the process of termination of the plaintiff's position as the A-G for the Federation," the statement in reply said.

He also claimed that Dr Mahathir's position, as stated in the latter's statement of defence, was not only untenable in law, but also suffered from a cloistered reading of the provisions of the Federal Constitution.

Apandi's lawyer, Datuk Baljit Singh Sidhu, said yesterday the matter had been fixed for case management on Dec 11.

"We will file a discovery application for certain documents."

Dr Mahathir had, in his statement of defence, brushed off allegations of abuse of power in the termination of Apandi from service in 2018, claiming that the termination of the latter's contract as A-G was in accordance with legal provisions and a letter by the Judicial and Legal Service Commission dated July 27, 2015.

According to the contract, the expiration of Apandi's appointment was on June 4, 2018.

On Oct 13, Apandi filed the suit to seek a declaration that his termination as A-G was unlawful.

In his statement of claim, Apandi is seeking a declaration that the first defendant

had committed a misfeasance and misconduct in public office, and a declaration that the first defendant had caused and induced the breach of contract between him and the government of Malaysia.

He also wants a declaration that there was a failure to comply with Article 145 of the Federal Constitution over his termination, and a declaration that his termination as A-G was not in accordance with the law and hence, unlawful.

Apandi is seeking special damages in the sum of RM2,233,599.36, general damages, exemplary and/or punitive damages, costs and other reliefs deemed fit by the court.



Tan Sri Mohamed Apandi Ali