

Mohamed Apandi seeks restitution, damages over termination

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KUALA LUMPUR, Oct 1 -- Tan Sri Mohamed Apandi Ali has sent a letter of demand to the Attorney General's Chambers (AGC) yesterday demanding restitution and unspecified damages over his termination as Attorney-General (AG) two years ago, which he claims as unlawful.

The letter, dated Sept 30 via law firm Messrs Shukor Baljit & Partners, had been served to the AGC yesterday.

Mohamed Apandi's lawyer, Datuk Baljit Singh confirmed this matter when contacted today.

In the letter, the former AG demands the AGC to respond to his claim of restitution and unspecified damages within seven days of the date of the issuance of the letter, failing which he would commence legal proceedings for an appropriate remedy including exemplary or punitive damages as well as costs.

Mohamed Apandi claimed that his termination was orchestrated and decided by the then Prime Minister.

He said he was appointed as the AG on July 27, 2015, with the consent of the Yang di-Pertuan Agong for a period of three years until July 26, 2018 and the consent was given pursuant to the advice given by the Prime Minister at that time in a letter dated July 27, 2015.

Mohamed Apandi said the appointment could only be terminated pursuant to Article 145 (5) of the Federal Constitution.

He claimed that on April 6, 2018, the Chief Secretary to the Government had notified him that Yang di-Pertuan Agong had on March 30, 2018 consented to his reappointment with effect on July 27, 2018, which he accepted through a letter dated May 7, 2018.

However, on June 5, the same year, he was notified by the Chief Secretary that the Yang di-Pertuan Agong had consented to his termination of his appointment as the AG and contended that he was never furnished with any document evidencing the royal consent.

He claimed that his termination was orchestrated and decided by the then Prime Minister who had “arrogated to himself the power of termination unlawfully”.

Mohamed Apandi, who was formerly a Federal Court judge, claimed that the then Prime Minister had abused his position and misconducted himself as a public officer and committed the tort of misfeasance in public office.

He further claimed that the then Prime Minister’s conduct was with intent on breach of contract, between the Malaysian Government and himself.

Mohamed Apandi categorically stated that his termination was unlawful, null and void.

As a result, he said he suffered losses and damages including the loss of earnings, allowances and other benefits from July 27, 2018 until July 26, 2021.

On May 2018, it was reported that the Prime Minister Tun Dr Mahathir Mohamad had said Mohamed Apandi was given 30 days unrecorded leave from May 15, 2018.

Kelantan-born Mohamed Apandi was appointed as AG replacing Tan Sri Abdul Gani Patail whose tenure was terminated due to health reasons.

On June 2018, Tan Sri Tommy Thomas was appointed as the AG replacing Mohamed Apandi, however, Thomas resigned as AG on Feb 28, this year, following the fall of the Pakatan Harapan government.

Former Federal Court Judge Tan Sri Idrus Harun, had, on March 6, 2020, been appointed as the new AG.

Mohamed Apandi, when asked on why he took the action after two years of his termination, said he had no real reason to do so.

“But it took me two years to ponder over the possible issues involved and the narratives leading to my dismissal,” he told Bernama via WhatsApp.

“Just exercising my legal rights against an abuse of position and power by the former PM, Dr Mahathir, in removing me as the AG without valid reasons, after an extension of my tenure as AG was given (with the consent of the King),” he said.

Pursuant to Section 6(1)(a) of the Limitation Act 1953 (Limitation Act), actions in contract and tort shall not be brought after the expiration of six years from the date on which the cause of action accrued. The six-year limitation period applies notwithstanding when the plaintiff discovers the damages.

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