

From: Vincent A Degaetano
Sent: 17 June 2024 11:38
To: Vella Matthew at MEYR
Cc: CEDUC; Magro Josephine D at MEYR; Grima Clifton at MEYR; Cassar Oreste 1 at OPM; Joseph Zammit Mc Keon
Subject: FW: Case No CEDUC-24-4612
Attachments: To the Hon. Dr De Gaetano - CEDUC-24-4612 dtd 14.06.2024.pdf
Categories: Related to Salesforce

Dear Mr Vella,

Thank you for your letter of the 14th instant, attached. However, I do not understand entirely what is being done or is intended to be done. While you state that the Ministry acknowledges the principle of legitimate expectation, you then refer to “seeking direction to determine the most appropriate course of action”. I take this to mean that the Ministry has not yet decided to give effect to my recommendation, to wit to put [redacted] in the same position as the 175 odd other persons who are still receiving the allowance because they started receiving it before the blanket decision was taken.

For the avoidance of doubt, may I please underscore two points. The first is that an identical situation to that of [redacted] (CEDUC-24-4612) obtained in the case of [redacted] (CEDUC-22-2985). In the latter case, the Final Opinion was delivered on the 3rd of April 2023 and, in view of the inaction in connection with the recommendation in *that* case, the said Final Opinion was sent to Mr Speaker to be laid on the Table of the House on the 29th of May 2023. So, the issue and question of “direction” and “appropriate course of action” has in effect been pending since April of last year.

The second point is that this Office at no stage suggested, whether in the latest case or in that of [redacted], that the 175 other teachers should not continue to receive the allowance. In fact, in both Final Opinions it was specifically stated: “All these 175 + teachers have been regularly paid this allowance after having applied for it, and the application was approved by the Education Division. The point of regular application and approval by the Education Division is being emphasised to underscore that none of these teachers should be considered in any way to be at fault for being in receipt of the allowance in question since they followed proper procedure.”

Unless I have further clarifications before the end of the week from your end or from Mr Oresta Cassar (in copy of this email) I shall have no option but to proceed to the next stage delineated in Article 22(4) of the Ombudsman Act.

Yours sincerely,

Vincent A. De Gaetano
Commissioner for Education
Office of the Parliamentary Ombudsman




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