

**IN THE EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE
(CIVIL)**

SAINT LUCIA

CLAIM NO. SLUHCV2007/0646

BETWEEN:

WILTON EARLWIN BLEASDILLE

Claimant

and

ORGANISATION OF EASTERN CARIBBEAN STATES

Defendant

Appearances :

Mr. C. Malcolm and Ms. E. Lendor for Claimant

Mr. M. Maragh for Defendant

2008: May 29;
June 19.

JUDGMENT

- [1] **COTTLE, J.:** This is an application for leave to apply for judicial review. The applicant was employed by the Defendant on a three year contract. The period of employment commenced on July 1 2005.
- [2] On January 19 2007 the Defendant wrote to the applicant terminating his contract. Enclosed with the letter of termination was a cheque for terminal benefits along with a schedule showing how the amount was calculated.
- [3] On July 24 2007 the applicant sought leave for judicial review of the Defendant's decision to terminate his contract of employment. The contract of employment

was expressed to be governed by the Rules and Regulations of the Organisation of Eastern Caribbean States.

- [4] The applicant complains that his dismissal was flawed for several reasons.
- [5] Firstly, he says, the Director General, who signed the letter of termination, acted without due process and/or proper authority.
- [6] Further, her actions were in violation of the procedures established in the Rules and Regulations of the Organisation of Eastern Caribbean States.
- [7] The applicant contends that a Disciplinary panel should have been appointed, and he should have been afforded a chance to be heard and make representations with respect to his continued employment.
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- [8] There are several difficulties that the applicant must overcome before he can be granted leave.
- [9] The delay in making this application is a factor to be considered. Applicants for judicial review must act promptly. Failure to do so is almost always fatal. CPR 2000 part 56.13 sets out the factors the court looks at when considering whether to grant or refuse leave on the grounds of unreasonable delay by the applicant.
- [10] It is unclear from the affidavit of the claimant why it took him some 6 months to apply for judicial review.
- [11] An applicant for judicial review must also satisfy the court about the availability or non-availability of any alternative form of redress. If an alternative form of redress exists, the applicant must indicate why judicial review is the more appropriate remedy and why the alternative has not been pursued.

- [12] On my reading of the applicant's affidavit it appears that the applicant's complaint is that the respondents have breached his contract of employment. In his affidavit he deposes that he has exhausted all other remedies. Mr. Malcolm explains that this means that the applicant has not been able to have the internal appeal mechanisms of the respondent activated.
- [13] Mr. Maragh points out that there has been no explanation why the applicant is unable to bring an action in private law for breach of contract.
- [14] The case of **R. V. East Berkshire Ex Parte Walsh**¹ is cited in support of this proposition by Mr. Maragh. I find that case to be very apt to cover the present application.
- [15] I conclude that there is no need for the court at this stage to decide on the merits of the substantive claim. Should the applicant wish to do so he may bring an action in private law for breach of his employment contract. If he succeeds the court will grant him appropriate relief. He has alternative redress available to him.
- [16] The application for judicial review is refused. Under CPR 2000 part 56.13 (6) I make no order as to costs.

BRIAN S. COTTLE
HIGH COURT JUDGE

¹ [1984] 3 All ER 425