

EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:
Employee
against

CASE NO.
UD816/2006

Employer

under

UNFAIR DISMISSALS ACTS, 1977 TO 2004

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms E. Daly B.L.
Members: Mr R. Prole
Mr. P. Trehy

heard this claim at Dublin on 26 February 2006

Representation:

Claimant:

Mr. Ross Maguire B.L., instructed by Mr David Hickey, of F. H.
O'Reilly Solicitors, North Circular Road, Phibsborough, Dublin 7

Respondent:

Ms Cathy Maguire B.L., instructed by Mr Michael Heneghan of The
Chief State Solicitor, Little Ship Street, Dublin 8

The determination of the Tribunal was as follows: -

Determination

The claimant's case fails for want of jurisdiction.

Reasons

The Tribunal rejects the claimant's submission that the time limit under the Unfair Dismissals Acts, 1977 to 2004 (which permits the institution of a claim within 6 months of the date of an alleged dismissal) extends the claimant's entitlement to bring him within the ambit of Unfair Dismissals Acts, 1977 to 2004.

Law leans against retrospection. On the salient date, which is the date of termination of the claimant's employment the 23rd February 2006, there was no entitlement for the claimant to seek relief under the Unfair Dismissals Acts, 1977 to 2004 by virtue of the operation of the Civil Service Regulation (Amendment) Act, 2005. No relief is activated by a subsequent legislative enactment in the absence of express provision permitting the same. The claim fails.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)