

COMMONWEALTH OF THE BAHAMAS

IN THE SUPREME COURT

2018/PUB/Con/00011

Public Law Division

BETWEEN

GEORGE S. SWEETING

First Plaintiff

AND

JEFFREY SHERMAN

Second Plaintiff

AND

THE PUBLIC SERVICE COMMISSION

First Defendant

AND

THE MINISTRY OF PUBLIC SERVICE

Second Defendant

Before Hon. Mr. Justice Ian R. Winder

Appearances: Maria Daxon for the Plaintiffs

Keith Cargill for the Defendants

RULING

WINDER, J

1. This is my brief decision on the Plaintiffs' application that I essentially give an interlocutory judgment in their favor. They seek an Order that they "are entitled to their pension [benefits] from the date of their initial retirement."
2. The Plaintiffs' case was brought by Originating Summons dated 18 April 2018 seeking the payment of pension benefits as well as gratuity.
3. The Plaintiffs' case in the interlocutory application is based principally upon this Court having granted an Order in the case of another prison officer in *Culbert Evans v the Public Service Commission PUB/Con 0006/2018* dated 10th May, 2019. The Plaintiffs allege that Culbert Evans is a similar case to theirs. The Plaintiffs say that upon the true construction of certain letters, the provisions of the Pension Act and the *Culbert Evans Order* they are entitled to their pensions from 5th September, 2010 and 3rd May, 2011 respectively.
4. Whilst I recognise there must be some similarities with the *Evans* case, I am reluctant to make a summary determination as there were some admissions made in *Evans* which have not been forthcoming in this case. An interlocutory decision here will not determine all of the issues in this case. I am also mindful that the trial of this matter is set for July of this year when a decision could be had following a full trial dealing with all issues including issues of limitation.
5. In the circumstances I decline to make an interlocutory or summary order in favour of the Plaintiffs at this stage. I make no order as to costs.

Dated the 11th day of February 2021



Ian R Winder

Justice