IN THE SUPERIOR COURT OF JUDICATURE
IN THE COURT OF APPEAL
ACCRA-GHANA

CORAM: *Ofoe, JA. (PRESIDING)*
               Sowah, J.A
               Kwofie, J.A.

SUIT NO:
H1/187/2019

11th May, 2022

David Apasera & 42 Others _____   *Plaintiffs/Appellants*

   Vrs.

*1.   **Attorney General***   =

*2.   **Ministry of Finance***   *Defendants/Respondents*

JUDGMENT

OFOE, **J.A.:**

Plaintiffs' claims were for lump sum payments and accrued monthly pensions with interest thereon from January 2009, and an order directed at the defendants to pay all monthly pensions accruing from February, 2016 to date of final payment. The reliefs were premised on a purported recommendation by the Chinery Hesse Committee for Article 71 office holders between 2005 and 2008.

The defendants challenged the constitutionality of the said recommendation hence this court referred the question "whether on the combined reading of the constitutional

provisions i.e. Articles 71 (3), 98 (1), 114 and 295 it was constitutional for the Chinery Hesse Committee to have recommended payment of pension to the plaintiffs."

The Supreme Court in a Ruling dated 3rd December, 2020 has answered the question as follows:

"That on the combined reading of Articles 71 (3), 98 (1) 114 and 295 of the 1992 constitution, it was unconstitutional for the Chinery Hesse Committee to have recommended payment of pension to the plaintiffs"

There being no other or further issues for determination in the appeal before us, this court in line with the direction of the Supreme court to carry out their answer as determined in their Ruling of 3rd December, 2020 accordingly hereby dismisses the appeal filed on 12th October 2018 against the judgment of the High Court coram Gifty Dekyem J. and dated 26th July 2018 as being without merit.

(Sgd.)
VICTOR D. OFOE
[JUSTICE OF APPEAL]

Sowah, (J.A.)   *I agree*   *(Sgd.)*
CECILIA H. SOWAH
[JUSTICE OF APPEAL]

Kwofie, (J.A.)   *I also agree*   *(Sgd.)*
HENRY KWOFIE
[JUSTICE OF APPEAL]

COUNSEL:

- Ms. Akawari-Linuru Atindem (SA) for Defendants/Respondents
- Counsel for Plaintiffs/Appellants absent