**IN THE SUPERIOR COURT OF JUDICATURE**

**IN THE HIGH COURT OF JUSTICE**

**GENERAL JURISDICTION**

**ACCRA – AD 2024**

 **SUIT NO.**

**BETWEEN**

**ROCKSON-NELSON ETSE K. DAFEAMEKPOR PLAINTIFF**

Atawanor Memorial House

Tongor-Tsanakpe South-Dayi

Volta Region

**AND.**

**Mr. Kwasi Kwaning-Bosompem DEFENDANT**

Sued in his capacity as the Controller and Accountant

General.

Controller and Accountant General’s Department

Ministries, Accra

**STATEMENT OF CLAIM**

1. The Plaintiff is a Ghanaian and the Member of Parliament for the South Dayi Constituency.
2. The Defendant is the current and serving Controller and Accountant General of the Republic of Ghana.
3. The Plaintiff says that the Controller and Accountant General is the Chief Accounting Officer of the Government and the chief advisor to the Minister of Finance and the Government in matters relating to accountancy.
4. The Plaintiff says that the Controller and Accountant General Department is a Civil Service Department under the Ministry of Finance.
5. The Plaintiff says that the Controller and Accountant General Department was established under the Civil Service Act,1960 (CA 5), which was subsequently repealed by the Civil Service Act, 1993 (PNDCL 327).
6. The Plaintiff says that the Controller and Accountant General Department represents the Accounting Class of the Civil Service.
7. The Plaintiff says that the 1992 Constitution and the Public Financial Management Act, 2016 (Act 921), provide the legal framework that governs the operations of the Controller and Accountant General Department.
8. The Plaintiff says that the Defendant is a civil servant.
9. The Plaintiff says that the Defendant purchased a nomination form on the 20th day of December, 2023 to contest in the upcoming New Patriotic Party parliamentary primaries to be held on the 27th day of January, 2024 at the Akim Swedru Constituency.
10. The Plaintiff says that the Defendant subsequently submitted his nomination form after having filled same thereby officially putting forward his name to contest in the upcoming New Patriotic Party’s parliamentary primaries to be held on the 27th day of January, 2024 at the Akim Swedru Constituency.
11. The Plaintiff says that the Defendant was subsequently vetted and approved by the vetting committee of the New Patriotic Party making the Defendant eligible to contest in the upcoming New Patriotic Party’s parliamentary primaries to be held on the 27th day of January, 2024 at the Akim Swedru Constituency.
12. The Plaintiff says that Defendant has failed to relinquish his position as the Controller and Accountant General although he has completed all the necessary process and formalities required to make him eligible to compete in the upcoming New Patriotic Party’s parliamentary primaries to be held on the 27th day of January, 2024 at the Akim Swedru Constituency.
13. The Plaintiff says that a civil servant is entitled to his views in political matters, and if so qualified, may vote at elections however any civil servant who wishes to contest in any political activity has to resign from the service.
14. The Plaintiff says that the Supreme Court has held in the case of **Civil and Local Government Staff Association of Ghana (CLOSSAG) v The Attorney-General and 2 Others** that on a true and proper interpretation of the constitution, a member of the Civil Service has a right to join any political party of his or her choice, however, such a person does not have the right to participate overtly in political party activities whilst still a member of the Civil Service or Local Government Service.
15. The Plaintiff says that the Supreme Court has held in the case of **Civil and Local Government Staff Association of Ghana (CLOSSAG) v The Attorney-General and 2 Others** that on a true and proper interpretation of the constitution, a member of the Civil Service does not have a right to contest for elections for political party office or hold political party office whilst still a member of the Civil Service or Local Government Service.
16. The Plaintiff says that the Supreme Court has held in the case of **Civil and Local Government Staff Association of Ghana (CLOSSAG) v The Attorney-General and 2 Others** that on a true and proper interpretation of the constitution, a member of the Civil Service does not have the right to remain a member of the Civil Service after his or her nomination by a political party or otherwise to contest for election as a member of parliament. Moreover, such a person shall resign from his or her office immediately his or her political activities become overt.
17. The Plaintiff says that the civil service is founded on principles of neutrality, impartiality and integrity.
18. The Plaintiff says that no civil servant should owe or be perceived to owe any allegiance to any political party.
19. The Plaintiff says that all efforts to get the Defendant to resign from his position as Controller and Accountant general has proved futile.
20. The Plaintiff says that unless compelled by this Honourable Court to resign, the Defendant will not do so.

**WHEREFORE**, the Plaintiff claims against the Defendant as follows:

1. A declaration that the Defendant is a civil servant and therefore cannot contest in the New Patriotic Party’s parliamentary primaries while holding office as the Controller and Accountant General.
2. A declaration that the Defendant as a civil servant can only contest in a political party’s parliamentary primaries if that civil servant has resigned from his position as a civil servant.
3. An Order of Interlocutory injunction restraining the Defendant from holding himself out as the Controller and Accountant General while he still maintains his candidacy to contest in the New Patriotic Party’s parliamentary primaries to be held on the 27th day of January, 2024.
4. An Order of Perpetual injunction restraining the Defendant from holding himself out as the Controller and Accountant General while he still maintains his candidacy to contest in the New Patriotic Party’s parliamentary primaries to be held on the 27th day of January, 2024.
5. An Order directing the Defendant to resign from his position as the Controller and Accountant General if the Defendant insists on contesting in the New Patriotic Party’s parliamentary primaries to be held on the 27th day of January, 2024.
6. Costs including legal fees.
7. Any other order(s) as this Honourable Court will deem just and fit to make.

**DATED AT ADDO, ADDO (LEGAL ATTORNEYS), ACCRA THIS DAY OF JANUARY, 2024**

 **Nii Kpakpo Samoa Addo**

 **Solicitor for the Plaintiff**

**Licence No: eGAR /01025/24**

**The Registrar**

**High Court**

**General Jurisdiction**

**Accra**

**AND COPY FOR SERVICE ON THE ABOVE-NAMED DEFENDANT.**