

SOLOMON



WRIT OF SUMMONS

(Order 2 rule 3(1))

WRIT ISSUED FROM ACCRA 11/01/2024

GI 10314/2024 SUIT No.....

IN THE HIGH COURT OF JUSTICE

ACCRA

BETWEEN

ROCKSON-NELSON ETSE K. DAFEAMEKPOR
Atawanor Memorial House
Tongor-Tsanakpe South-Dayi
Volta Region.

PLAINTIFF

AND

Mr. Kwasi Kwaning-Bosompem
Sued in his capacity as the Controller and Accountant
General.
Controller and Accountant General's Department
Ministries, Accra
To

DEFENDANT

AN ACTION having been commenced against you by the issue of this writ by the above-named Plaintiff, ROCKSON-NELSON ETSE K. DAFEAMEKPOR

YOU ARE HEREBY COMMANDED that within EIGHT DAYS after service of this writ on you inclusive of the day of service you do cause an appearance to be entered for you. Mr. Kwasi Kwaning-Bosompem AND TAKE NOTICE that in default of your so doing, judgment may be given in your absence without further notice to you. Mr. Kwasi Kwaning-Bosompem

Dated this 11th day of January, 2024. Chief Justice of Ghana

G. SACKY TORKORNOO (MBS)

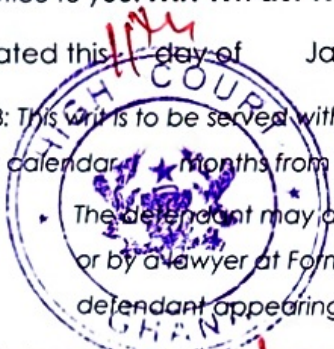
NB: This writ is to be served within twelve calendar months from the date of issue unless, it is renewed within six calendar months from the date of that renewal.

The defendant may appear hereto by filing a notice of appearance either personally or by a lawyer at Form 5 at the Registry of the Court of issue of the writ at ACCRA. A defendant appearing personally may, if he desire give notice of appearance by post.

*State name, place of residence or business address of plaintiff if known (not P.O. Box number).

*State name, place of residence or business address of defendant (not P.O. Box number).

FORM J.



Handwritten signatures and stamps at the bottom of the page.

STATEMENT OF CLAIM

The Plaintiff claim against the Defendant as follows:

- a) 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.
- b) 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.
- c) 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.
- d) 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.
- e) 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.
- f) Costs including legal fees

This writ was issued by **NII KPAKPO SAMOA ADDO ESQ.**

Whose address for service is **ADDO-ADDO [LEGAL ATTORNEYS]**

NO. 34 TEMA MOTORWAY, SPINTEX ROAD, NEXT TO CEMIX GHANA LTD., ACCRA, ADDO, ADDO (LEGAL ATTORNEYS)

Agent for **THE PLAINTIFFS**

Address Number and date of lawyer's current licence. eGAR **01025/24**

Lawyer for the plaintiff **NII KPAKPO SAMOA ADDO ESQ** who resides at **ACCRA**

Indorsement to be made within 3 days after service

This writ was served by me at
on the defendant

on the _____ day of _____

endorsed the _____ day of _____

Signed.....

Address.....

NOTE: If the plaintiff's claim is for a liquidated demand only, further proceedings will be stayed if within the time limited for appearance the defendant pays the amount claimed to the plaintiff, his lawyer or his agent or into court as provided for in Order 2 rule 3(2).

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
GENERAL JURISDICTION
ACCRA – AD 2024



BETWEEN

ROCKSON-NELSON ETSE K. DAFEAMEKPOR

Atawanor Memorial House
Tongor-Tsanakpe South-Dayi
Volta Region

PLAINTIFF

AND

Mr. Kwasi Kwaning-Bosompem

Sued in his capacity as the Controller and Accountant
General.
Controller and Accountant General's Department
Ministries, Accra

DEFENDANT

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:

- a) 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.
- b) 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.
- c) 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.
- d) 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.
- e) 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.
- f) Costs including legal fees.

g) Any other order(s) as this Honourable Court will deem just and fit to make.

DATED AT ADDO, ADDO (LEGAL ATTORNEYS), ACCRA THIS 10TH 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 FOR SERVICE ON THE ABOVE-NAMED DEFENDANT.