

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 274 OF 2001

**BETWEEN
AND**

**WINDELL SOLOMON
THE COLLECTOR OF CUSTOMS**

**PLAINTIFF
DEFENDANT**

**EX-PARTE APPLICATION FOR LEAVE
TO APPLY FOR JUDICIAL REVIEW**

To the Clerk of the Court, Law Courts, George Town, Grand Cayman	
Name, address and Description of applicant	Mr. Windell Solomon, Senior Customs Officer, George Town, Grand Cayman
Judgment, order, decision or other proceeding in respect of which relief is sought	Decision of The Collector of Customs to suspend him from duties as of the 16th day of March 2001 at half pay as communicated to the Plaintiff on or about the 16th day of March 2001
<u>Relief Sought</u>	
<ol style="list-style-type: none"> 1. An Order for Certiorari to remove into this Honourable Court and quash the decision of The Collector of Customs to suspend the Plaintiff on half pay from his duties as a Senior Customs Officer as of the 16th day of March 2001 as being a decision that was ultra vires and/or unreasonable in all the circumstances. 2. A Declaration that the said Windell Solomon is entitled to continue in his job as Senior Customs Officer without any loss of pay. 3. An Order for Mandamus directed to The Collector of Customs requiring him to reinstate the Plaintiff as a Senior Customs Officer. 4. Damages. 5. Costs. 	
Name and address of Applicant's attorneys, or, if no attorneys acting, the address for service of the applicant	Samson Murray Jackson Attorneys-at-Law The Ground Floor (West Wing) Sigma Building Smith/Hospital Roads George Town, Grand Cayman
Signed <u>Samson Murray Jackson</u> Samson Murray Jackson	Dated May 11, 2001

GROUND ON WHICH RELIEF IS SOUGHT

The factual background to this applications for leave for Judicial Review of the decision of The Collector of Customs to interdict the Plaintiff

from his job as Senior Customs Officer and place him on half pay as of the 16th day of March 2001 is contained in the Affidavit of the said Windell Solomon that is filed with this application and in support of it and this Affidavit will be relied on in support of the application on the following grounds:-

- 1. The decision to interdict the Applicant from his job as a Senior Customs Officer is unlawful and irrational, and unreasonable within the Wednesbury principles.**
- 2. The decision is ultra vires the provisions of the Public Service Commission Regulations.**
- 3. The decision is without foundation in Law or fact.**
- 4. The Collector of Customs in interdicting the Plaintiff from his job as a Senior Customs Officer acted unlawfully, unreasonably and irrationally in that no proceedings for his dismissal were being taken and no criminal proceedings were or are being instituted against him.**
- 5. That this is a case in which it would be just and convenient for this Honourable Court to grant a declaration that the Applicant is entitled to be reinstated at full pay as a Senior Customs Officer.**
- 6. That as a consequence of the decision of The Collector of Customs the Applicant has been injured in his reputation, has sustained an appreciable loss of income and he therefore claims damages against the Defendant.**

NOTE:

Pursuant to Order 53 R3(3) and in view of the tremendous adverse consequences for the Applicant of Defendant's decision an oral hearing from Counsel for the Applicant is requested before the application is considered and determined by this Honourable Court.