

Deputy directors of public prosecution win decade-long salary battle

The Citizen - 15 Oct 2019

Courts 15.10.2019 07:29 pm Deputy directors of public prosecution win decade-long salary battle
News24 Wire Image: iStock In effect, it meant they would receive the salary increase and that affected DDPPs would receive pay backdated to 2007. Past and present deputy directors of public prosecutions (DDPPs) will finally receive their increases and benefits after a decade-long battle. Handing down judgment in the North Gauteng High Court in Pretoria on Tuesday, Judge Corrie van der Westhuizen ordered the National Prosecuting Authority (NPA) to comply with its contractual obligations relating to salary structures for DDPPs and chief prosecutors (CP). Through the Public Servants Association (PSA), DDPPs and CPs went to court, arguing that unions and the government agreed in 2007 that they would be entitled to the benefits of an improved salary dispensation, which was gazetted in 2010, for legal professionals working in the justice sector. However, DDPPs and CPs were left out in the cold because they were seen as part of senior management. It led to a situation in which junior and senior prosecutors earned the same as or more than DDPPs and CPs. However, in his judgment on Thursday, Van der Westhuizen found that all DDPPs were, in fact, "prosecutors who would have been appointed as such in terms of the provisions of Section 16 of the Act (National Prosecuting Authority Act)". "Further in that regard, it is common cause that all DDPPs and CPs who were appointed as prosecutors, moved through the ranks, until being appointed as a DDPP or CP," Van der Westhuizen added. Van der Westhuizen said all the DDPPs on whose behalf the application was brought, confirmed that more than 80% of their work involved litigation and less than 20% was administrative. The judgment means all DDPPs and CPs would fall under a new salary model, occupation specific dispensation (OSD) on level LP10. In effect, it meant they would receive the salary increase and that affected DDPPs would receive pay backdated to 2007. In line with a government notice approved in 2014, former National Director of Public Prosecutions (NDPP) Mxolisi Nxasana undertook in 2015 to improve salaries. However, this decision was reversed by his successor, Shaun Abrahams. Van der Westhuizen said: "That decision, to put the implementation of the OSD LP10 by the predecessors of Adv Abrahams on hold, was clearly arbitrarily taken." "In any event, the implementation of the OSD LP10 cannot summarily be ignored, unless the required process to suspend such decision of implementation has followed to its finality. This has not happened. The original decision stands until set aside." Van der Westhuizen ordered the NPA to comply with the government notice of 2010 and ordered it to pay costs. When the PSA took the case to court, new NDPP Shamila Batohi reportedly went against a decision by Justice Minister Michael Masutha to oppose the application. Former DDPP in Pretoria, advocate Retha Meintjes, welcomed the judgment. "We are totally elated," Meintjes said. News24 has asked the NPA for comment which will be added once received. For more news your way, download The Citizen's app for iOS and Android. BACK TO CITIZEN BACK TO PREMIUMJOIN PREMIUM...