

Court clears Health ministry's Mbonye

Okayed. The IGG had accused Prof Anthony Mbonye of not having qualified to be shortlisted for the position of director of Health Services, but court ruled in his favour.

BY ANTHONY WESAKA
awesaka@ug.nationmedia.com

KAMPALA. The High Court in Kampala has ruled that there was no conclusive evidence to show that Prof Anthony Mbonye had conflict of interest when he applied for the job of director of Health Services in the Ministry of Health last year.

Prof Mbonye, who at the time was the acting director of Health Services, was accused of having caused the review of 12 positions, including his which he applied for with other candidates.

However, before the interviews could be conducted, the Inspector General of Government carried out a review of the process, citing a conflict of interest.

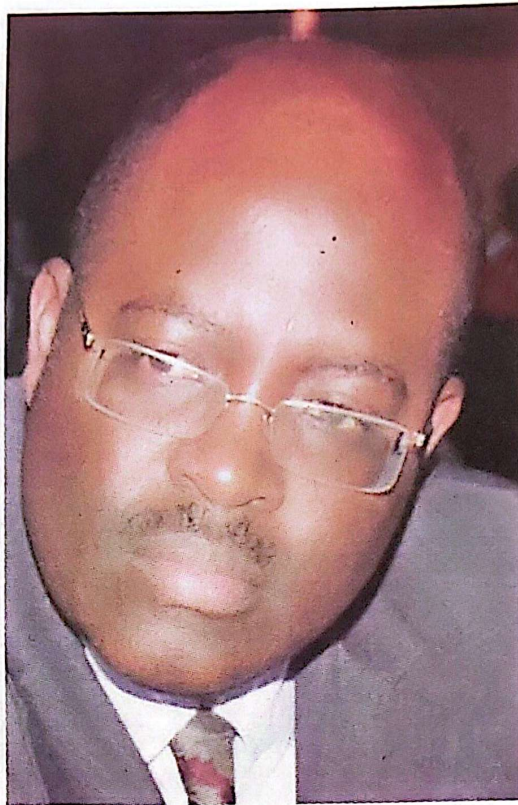
The IGG in a September 11, 2017 report indicated that Prof Mbonye applied for the position when he did not disclose his interest to the substantive Permanent Secretary.

Queries

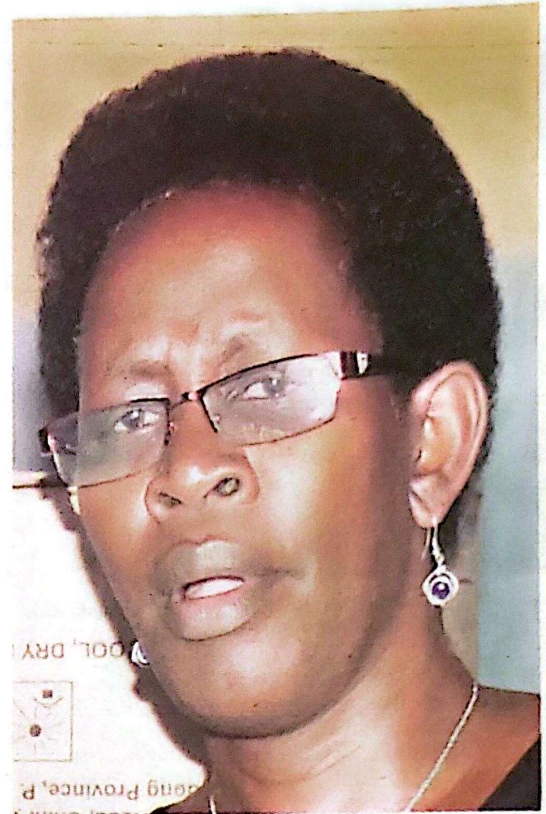
The IGG accused Prof Mbonye of not having qualified to be short listed for the position and that the Health Service Commission erred in shortlisting him.

Acting on the findings of the IGG, the Health Permanent Secretary, Ms Diana Atwine, wrote to Prof Mbonye directing him to relinquish his position as the acting director, prompting the latter to petition court.

In her ruling of yesterday, Justice Henrietta Wolayo, said: "While the IGG was entitled to make findings



Acting director of Health Services: Prof Anthony Mbonye



Health PS: Diana Atwine

after investigations, the finding that there was conflict of interest is not conclusive as Prof Mbonye is entitled to due process before the authority mandated to enforce the Code," ruled Justice Wolayo.

Ruling

On the allegation that Prof Mbonye did qualify to be on the shortlist, the judge ruled that it was premature on grounds that he had not undergone the disciplinary process before the Health Service

Commission, which body is authorised to enforce the code of conduct. "Having considered that Prof Mbonye has not been subjected to the appropriate disciplinary process which would have led to any of the sanctions stipulated by the Code of conduct, it is fair that he be allowed to sit interviews," ruled Justice Wolayo.

To that effect, Justice Wolayo quashed the recommendations that Prof Mbonye did not qualify to be shortlisted for the position and

the Health Service Commission erred in shortlisting him.

"Prof Mbonye will be allowed to sit interviews for the post of director health services unless the health service commission defers the exercise until disciplinary process is concluded," the judge directed.

Shortly after the ruling, Prof Mbonye said he would sue government seeking for damages after the court cleared him of any allegations of conflict of interest.