

Court reinstates health ministry boss

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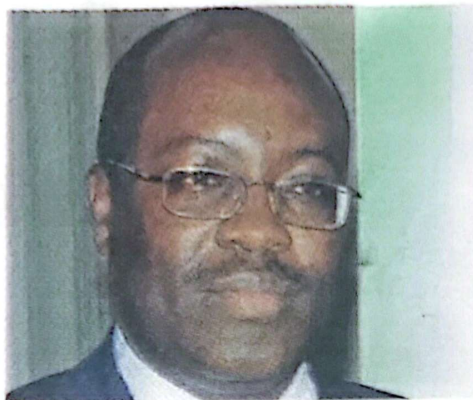
THE High Court in Kampala has ordered the Ministry of Health (MOH) to reinstate the acting Director of General Health Services (DGHS) Dr Anthony Kabanza Mbonye, who had been wrongly sacked.

Last year, the ministry's permanent secretary, Dr Diana Atwine, sacked Mbonye, basing on the recommendations of the Inspector General of Government (IGG), Justice Irene Mulyagonja, over his integrity.

Mulyagonja accused Mbonye, a professor of medicine, of conflict of interest when he determined the person specifications for the position of the DGHS, a position he was interested in and applied for.

According to the IGG, Mbonye reportedly interfered with the recruitment process that is mandated by the Health Service Commission (HSC), when he purportedly applied for the said position without informing his supervisor, the permanent secretary (PS).

IGG's probe followed a complaint by a whistleblower, accusing Mbonye of conflict of interest. According to the IGG, Mbonye was not fit to be



Mbonye

shortlisted for the position, insisting that he should have relinquished his current senior position before applying for the job of the director.

However, Justice Henrietta Wolayo on Thursday quashed the recommendations of the IGG and ruled that Mbonye qualified to be shortlisted for the position and that HSC did not err in shortlisting him.

"I direct that you go back to office and also vie for the position of DGHS, unless HSC defers the exercise, until disciplinary process is concluded," she stated.

According to Wolayo, Mbonye met all the conditions and academic requirements for the said position. The judge said each party will bear its own costs.

She also recommended that Mbonye shows cause why he

should not be submitted to the HSC for disciplinary action for acting in conflict of interest when he knowingly and actively participated in determining the person specifications for the position of DGHS, contrary to Public Service Code of Conduct and Ethics for the Uganda Public Office.

"While the IGG was entitled to make findings after investigations, the finding of conflict of interest is not conclusive as Mbonye is entitled to due process before the authority mandated to enforce the code," she noted.

Court documents indicate that in August 2016, the substantive PS was authorised to fill 255 positions at the ministry and that Mbonye carried out the duties of the PS, who was away, in consultation with the department of human resource to cause review of the job specifications of 12 positions, including that of DGHS to attract competition.

Mbonye says he is the most senior director in the health ministry, having worked there since 1996. Basing on this, Mbonye says he is entitled to act as DGHS and to handle duties of the PS, when he is away.

After the ruling, Mbonye said he would sue the Government for damages.