



WRIT OF SUMMONS

(Order 2 rule 3(1))

WRIT ISSUED FROM Accra 2023 SUIT No. 14/0061/2023

IN THE HIGH COURT OF JUSTICE

BETWEEN

MICHAEL APPIAH
KA 9 KOANS ESTATE
SATELITE - KUTUNSE

Plaintiff*

AND

ARB APEX BANK PLC
HEAD OFFICE
ACCRA.

Defendant*

(Plaintiff shall direct services)

To

AN ACTION having been commenced against you by the issue of this writ by the above- named Plaintiff, MICHAEL APPIAH

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.

ARB APEX BANK

AND TAKE NOTICE that in default of your so doing, judgment may be given in your absence without further notice to you.

Dated this 9th day of FEB. 2023.

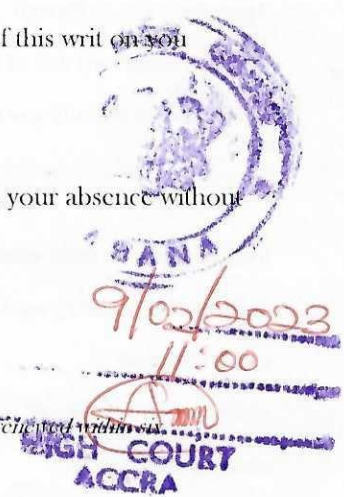
Chief Justice of Ghana **ANIN YEBOAH**

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).



STATEMENT OF CLAIM

The Plaintiff's claim is for:

- a. A Declaration that the termination of the Plaintiff's employment is unlawful and not founded in the law.
- b. An order directed at the Defendant to pay the Plaintiff's accumulated salary and entitlements for the period of termination till date of judgment.
- c. General damages for wrongful termination of Plaintiff's employment;
- d. Cost including litigation expenses; and
- e. Any other reliefs as this Honourable Court deems meet.

DATED AT ROSENTESIA LAW, ACCRA THIS 2ND DAY OF FEBRUARY, 2023.



Rosenberg Owusu Adokoh, *Esq.*
Solicitors for the Plaintiff
LICENCE NO. eGAR:00954/23
CHAMBERS RN: ePP00772/22

This writ was issued by Rosenberg Owusu Adokoh, *Esq.*

whose address for service is C90/5, HILL CRESCENT, RING ROAD CENTRAL, ACCRA

Agent for Plaintiff

Address Number and date of lawyer's current licence.

Lawyer for the plaintiff 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
(LABOUR DIVISION)
ACCRA A.D. 2023

9/02/2023
11:00 am/pm
Registrar
LABOUR COURT - 1 ACCRA, G R

SUIT NO:

**MICHAEL APPIAH
KA 9 KOANS ESTATE
SATELLITE - KUTUNSE.**

PLAINTIFF

VS.

**ARB APEX BANK PLC
HEAD OFFICE
ACCRA.**

DEFENDANT

(Plaintiff shall direct service)

STATEMENT OF CLAIM

1. The Plaintiff is a citizen of Ghana and hitherto an employee of the Defendant until the unlawful termination of his employment with the Defendant.
2. The Defendant is a bank incorporated under the laws of Ghana as a financial institution.
3. The Plaintiff says that he has been an employee of the Defendant for a combined period of almost 20 years, serving in various roles.
4. The Plaintiff avers that somewhere in the year 2021 when the position of Managing Director of the Defendant became vacant, he applied for the job, as did by the current Managing Director of the Defendant, Mr. Alex Kwasi Awuah.
5. The Plaintiff avers that upon the assumption of office as the Managing Director of the Defendant, Mr. Alex Kwasi Awuah evinced an intention to get rid of him from the employment of the Defendant.
6. The Plaintiff avers further that as part of the grand plan of Mr. Alex Kwasi Awuah to constructively dismiss the Plaintiff, he reorganised the Department the Plaintiff was heading into three (3) independent Units and two (2) different departments and assigned only one to the Plaintiff as the head which was outside of his core competence as an Information Technology Expert.

7. The Plaintiff says that being mindful of the grand scheme of the Managing Director to frustrate him in his employment, he paid little attention to the unfortunate happenings in the Defendant, and rather concentrated on his work, albeit not in his core area or specialization.
8. Yet again, in furtherance of the grand scheme to cause his employment termination with the Defendant, the Managing Director of the Defendant in October 2022 requested for an explanation in relation to cash imbalance at Cocoa House Branch of the Defendant in April 2022, and cash shortage detected at the Bulk Cash Unit at Accra Branch in July 2022, to which the Plaintiff provided cogent response, which explanation was in line with the corporate culture and operations manual of the Defendant.
9. The Plaintiff avers that although he provided the Defendant a cogent explanation the latter inexplicably said the explanation was not satisfactory, oblivious of the fact that issues of that nature are handle internally by the various branch/department without it even getting to his knowledge.
10. The Plaintiff says that as part of the grand scheme of the Managing Director to sack him from the employment of the Defendant, the Managing Director strangely referred the matter to the Board of Directors and the Board commissioned an ad hoc committee which Mr Alex Kwasi Awuah was a member to review the matter which ordinarily does not warrant such escalation but did that as a means of pursuing his grand agenda.
11. The Plaintiff states that at the ad hoc committee he provided the necessary explanation and even elaborated on several aspects of his role in the Defendant to the committee, which among others is to the effect that cash shortages are handled at the branch and does not come to his attention. Following which the members of the committee were convinced and even thanked him for enlightening them.
12. The Plaintiff says that, as a consequent of the successful meeting held with the ad hoc committee, it came to him as a great shock when the Managing Director of the Defendant wrote to him that the ad hoc committee had found him guilty of negligence and as such the board at its meeting held on 9th December 2022 directed that his appointment should be terminated with immediate effect. Hence, on 13th December 2022, Mr Alex Awuah wrote to the Plaintiff to terminate his employment with the Defendant with immediate effect.
13. The Plaintiff says that the Defendant was aware of the Plaintiff's critical medical condition and that the Managing Director knew the Plaintiff was on sick leave as he was recuperating from a dreadful medical procedure from an ailment which could have ended his life.

14. The above notwithstanding, the Defendant on the very day the Plaintiff resumed work from his sick leave, the Managing Director had a letter handed to him after close of work, which letter indicated that his employment with Defendant, where he had spent almost 20 years of his working life, has been terminated.
15. The Plaintiff contends that a careful review of the Defendant's policies on the subject in issue will lead to a different conclusion from the hurried conclusion reached by the Defendant under the instructions of the Managing Director, Mr. Alex Kwasi Awuah, all in an effort to force his exit from the Defendant.
16. The Plaintiff asserts that he is not privy to any report finding him guilty of any offence or crime upon which the Managing Director claimed the Board decided to terminate his employment with the Defendant.
17. The Plaintiff avers that the Defendant's Managing Director contrary to settled practice desired that the issue of the cash imbalance and shortage at the branch should have been escalated to him by the Plaintiff.
18. The Plaintiff contend that the issue of the cash shortage or imbalance at the branch, coupled with the Managing Director request for the escalation of the matter to him although issues of such nature ordinarily are not escalated to the Managing Director was a ruse to feed into the grand scheme of pushing him out and as such the termination of his employment was contrary to Plaintiff's condition of service and unlawful.
19. The Plaintiff contends further that the reasons proffered by the Defendant for terminating his employment is unfounded and same lacks substance.
20. The Plaintiff states that Defendant is aware that the Plaintiff has spent almost the better part of his working life in the employment of the Defendant, hence, the termination of his employment which is unlawful exposes the Plaintiff to danger and grave injustice.
21. The Plaintiff further states that the Defendant is also aware of his current precarious health situation and the decision to unlawfully terminate his employment is to cut his source of income to cater for his medical bills
22. The Plaintiff says that the Defendant ought to have provided him, since there is a precedent, with other options of exiting the company if the Defendant wanted him to exit the Defendant, to which he would have been ready to consider.
23. The Plaintiff says that all effort by him to resolve the issue amicably with the Defendant has proved futile, including his Solicitor's letter, dated the 22nd of December 2022.

24. In the circumstances, the Defendant has evinced a clear intention to overreach the Plaintiff by unlawfully terminating his employment; and unless this Honourable Court intervenes, grave injustice shall be occasioned to the Plaintiff by the Defendant.

WHEREFORE the Plaintiff claims against the Defendant as follows:

- a. A declaration that the termination of the Plaintiff's employment is unlawful and not founded in law.
- b. An order directed at the Defendant to pay the Plaintiff's accumulated salary and entitlements for the period of termination till date of judgment.
- c. General Damages for wrongful termination of Plaintiff's employment.
- d. Cost including litigation expenses; and
- e. Any other relief(s) as this Honorable Court deems meet.

DATED AT ROSENTEZIA LAW, ACCRA THIS 2ND DAY OF FEBRUARY, 2023



Rosenberg Owusu Adokoh *Esq.*

ROSENTEZIA LAW

Solicitors for the Plaintiff

eGAR: 00954/23

CHAMBERS RN: ePP00772/22

ROSENTEZIA LAW

P. O. BOX YK 97, KANDA-ACCRA

TEL: 0303943733

Email: info@rosentesialaw.com

The Registrar
High Court (Labour Division)
Accra

AND FOR SERVICE ON THE DEFENDANT