

**Complaint No. 381/2554: Unfair practice – a case of being unfairly treated out of spite by the Executives**

The complainant and his party complained that he and his party were civil servants, being teachers affiliated to a school under jurisdiction of Phasi Charoen District Office, Bangkok Metropolitan Administration. The complainant and his party claimed that they had been unfairly treated by their director as follows:

1. The school gave financial reward to the complainant and party for the year 2010 unfairly and illegally gave order to change method for paying financial reward for the year 2010.
2. Phasi Charoen District Office's Education Section gave order to change method for paying monthly salaries specifically to the complainant and party not in accordance with Ministry of Finance's Regulation on the Request for Withdrawal and Payment of Monthly Salaries, Yearly Salaries, Gratuity and Pension, Position Money, Additional Money and Other Money of the Same Type B.E. 2550 (2007) and in a way that it was unfair discrimination.
3. Consideration about raising monthly salaries of the complainant and party was not in accordance with rules and conditions provided in the Teacher Civil Service and Education Personnel Act B.E. 2547 (2004) and was unfair treatment.
4. Bangkok Metropolitan Administration issued an order moving the complainant to another school in the way that was not in accordance with the Teacher Civil Service and Education Personnel Act B.E. 2547 and was unfair treatment.
5. Phasi Charoen District Office issued an order appointing a committee to conduct disciplinary investigation for a non-severe case against the complainant and party – an act that was not in line with rules and methods provided in the Teacher Civil Service and Education Personnel Act B.E. 2547.

The NHRCT considered facts obtained from checking related laws and had a view that the case of financial reward for the year 2010, the case of salary raising for the complainant and

party, the case of the complainant being moved by Bangkok Metropolitan Administration to another school, and the case of Phasi Charoen District Office appointing a committee to conduct disciplinary investigation for a non-severe case against the complainant and party were matters of internal administration within an agency. If the complainant and party disagreed with results of their chief's consideration or order, they have a right to complain to the authority to consider their complaint or appeal against the order directly to those who have authority to consider an appeal according to the Teacher Civil Service and Education Personnel Act B.E. 2547 or the Administrative Procedure Act B.E. 2539 (1996), depending on each case. They can also use their right to sue in the Administrative Court according to rules and conditions provided in the Act on Establishment of Administrative Court and Administrative Court Procedure B.E. 2542 (1999). Because of these reasons, the NHRCT decided to end this case.

As for the case that an order by Phasi Charoen District Office's Education Section to change the method for paying salaries specifically to the complainant and party being not in accordance with Ministry of Finance's Regulation on the Request for Withdrawal and Payment of Monthly Salaries, Yearly Salaries, Gratuity and Pension, Position Money, Additional Money and Other Money of the Same Type B.E. 2550, the NHRCT decided to propose policy recommendations to Bangkok Metropolitan Administration as the agency of original affiliation to reiterate to government agencies under its jurisdiction and suggestions to Phasi Charoen District Office's Education Section as follows:

1. Government agencies are asked to use the methods for paying monthly salaries to civil servants and other persons affiliated to them strictly according to provisions in the Royal Decree on Payment of Monthly Salaries, Yearly Salaries, Gratuity, Pension and Other Money of the Same Type B.E. 2535 (1992), Ministry of Finance's Regulation on the Request for Withdrawal and Payment of Monthly Salaries, Yearly Salaries, Gratuity and Pension, Position Money, Additional Money and Other Money of the Same Type B.E. 2550, regulations of the Bangkok Metropolitan

Administration, and Ministry of Finance's letter on rules and methods for payment of civil servants' monthly salaries.

2. Even if government agencies could choose to use any one method for payment of monthly salaries to personnel under their command according to Ministry of Finance's Regulation on the Request for Withdrawal and Payment of Monthly Salaries, Yearly Salaries and Other Money of the Same Type B.E. 2533 (1990) and Ministry of Finance's Regulation on the Request for Withdrawal and Payment of Monthly Salaries, Yearly Salaries, Gratuity and Pension, Position Money, Additional Money and Other Money of the Same Type B.E. 2550, it is appropriate for government agencies to act towards all personnel under their command with the same method throughout the system, taking into consideration the principle of equality under law, to make it consistent with the Constitution of the Kingdom of Thailand B.E. 2550 and to prevent unfair discrimination against specific individual person which could not be done.

Office of the NHRCT is required to monitor results of actions.

Agencies involved later informed the NHRCT about results of their actions as follows:

**Bangkok Metropolitan Administration** sent a letter to inform that Bangkok Metropolitan Administration had informed all agencies affiliated to it about the results of the NHRCT's consideration of the complaint and ordered all agencies affiliated to it to reiterate to their personnel to act strictly according to laws, provisions, regulations and various letters of order related to request for withdrawal and payment of monthly salaries, so that request for withdrawal and payment of monthly salaries would be in order, correct and fair.

**Phasi Charoen District Office** sent a letter to inform the NHRCT that Phasi Charoen District Office had reiterated to its Education Section to use methods to request for withdrawal and payment of money salaries to government officials and employees of Bangkok Metropolitan Administration, including all government officials who were teachers and education personnel, strictly according to the Royal Decree on Payment of Monthly

Salaries, Yearly Salaries, Gratuity, Pension and Other Money of the Same Type B.E. 2535 (1992), Ministry of Finance's Regulation on the Request for Withdrawal and Payment of Monthly Salaries, Yearly Salaries, Gratuity and Pension, Position Money, Additional Money and Other Money of the Same Type B.E. 2550, regulations of the Bangkok Metropolitan Administration, and Ministry of Finance's letter on rules and methods for payment of civil servants' monthly salaries.