



**JUDICIARY
IN THE HIGH COURT OF MALAWI
PRINCIPAL REGISTRY
CIVIL APPEAL NO. 29 OF 2015
(BEING MATTER NO. IRC 133 OF 2014)**



BETWEEN:

MALAWI POSTS CORPORATION APPELLANT

-AND-

FEXTER E. KAMBILIYA RESPONDENT

CORAM: THE HONOURABLE JUSTICE KENYATTA NYIRENDA

Mr. Chakwawa, of Counsel, for the Appellant

Mr. Chirwa, of Counsel, for the Respondent

Ms. Annie Mpasu, Court Clerk

JUDGEMENT

Kenyatta Nyirenda, J.

The background facts in the present appeal case are of the simplest. On 9th August 2012, the Appellant put up an internal advertisement for the position of a Systems Administrator at Grade 5. The Respondent applied for the position, was shortlisted and attended interviews. On 2nd October 2012, the Respondent received written communication that he was successful in the interviews and he was offered the position. However, the position was down-graded from M5 to M6 without any explanation other than that management had so directed.

The Respondent raised a query in writing through letters dated 28th March 2013 and 3rd February 2014 to which he did not get satisfactory responses. He then brought a case against the Appellant in the Industrial Relations Court (lower court) claiming that he be offered the M5 Grade that he had applied for, that he be paid the arrears that he would have earned if he had been placed in M5 Grade and that he be compensated for unfair labour practices.



