

**IN THE INDUSTRIAL RELATIONS COURT OF MALAWI**

**PRINCIPAL REGISTRY**

**MATTER NO. IRC 269 OF 2004**

**BETWEEN**

**KAWETA..... APPLICANT**

**AND**

**ILLOVO SUGAR COMPANY LTD.....RESPONDENT**

**CORAM: Hon. R. Zibelu Banda (Ms) Chairperson**  
Nkuna of Counsel for the Respondent  
Applicant- present  
Chinkudzu; Official Interpreter

**JUDGMENT**

*Dismissal-Reason-Abscondment-Procedure-Right to be heard-Terminal benefits-Severance allowance.*

Upon hearing both parties to this case and upon going through the court record, the court finds that the applicant absconded from work. The applicant left his duty station without any authority. He did not report for duties for several days. The applicant did not produce any sick leave or medical certificate to show that he was absent due to illness as alleged in his evidence.

Abscondment from work is serious industrial misconduct entitling an employer to dismiss summarily, see section 59 of the Employment Act. Where an employee is dismissed summarily or absconds and is nowhere to be seen he is not entitled to notice pay or severance allowance, see sections 59 (2) and 35 (6)(b) of the Employment Act. This action is therefore dismissed in its entirety.

Any party aggrieved by this decision is at liberty to appeal to the High Court within 30 days from the date of this ruling. Appeal lies on matters of law and jurisdiction only, see section 65 (2) Labour Relations Act 1996.

**Pronounced in Open Court this 8<sup>th</sup> day of December 2005 at BLANTYRE.**

**R Zibelu Banda (Ms.)**  
**CHAIPERSON.**