

IN THE INDUSTRIAL RELATIONS COURT OF MALAWI

PRINCIPAL REGISTRY

MATTER NO. IRC 11 OF 2007

BETWEEN

KAMOWA.....APPLICANT

-and-

CLOVA CONSTRUCTIONRESPONDENT

CORAM: R. Zibelu Banda (Ms); Chairperson
Applicant; present
F Maulidi; representing the respondent
Chinkudzu; Official Interpreter

ORDER

Dismissing action for want of merit-Frivolous and vexatious action.

The matter was adjourned only for a written Order. Upon hearing the respondent and upon hearing the applicant the court was convinced that the matter lacked merit in law. The applicant was dismissed for absenteeism. He was absent from duty without any valid reason and authority. He claimed notice pay and severance allowance. The claim for absenteeism was not disputed as the applicant could not produce any authority either from a medical practitioner or from his supervisor. The applicant could therefore not claim notice pay or severance allowance as the termination was with immediate effect meaning summary dismissal in accordance with section 59 of the Employment Act 2000. The applicant was not entitled to severance allowance pursuant to section 35 (6) (b) of the Employment Act.

The court did not find any unfair practice on the part of the respondent. The respondent complied with sections 59 and 35 of the Employment Act 2000. The Court found the action frivolous and vexatious and an abuse of court process. Therefore the action was summarily dismissed in its entirety.

Made this 8th day of May 2007 at BLANTYRE.

Rachel Zibelu Banda
CHAIRPERSON.