

**IN THE HIGH COURT OF MALAWI  
PRINCIPAL REGISTRY**

**CIVIL CAUSE NO 101 OF 2001**

BETWEEN :

MARY MANGWIZA MANYUSA ..... PLAINTIFF

AND

POLICE SERVICE COMMISSION..... 1<sup>ST</sup>RESPONDENT

ATTORNEY GENERAL ..... 2<sup>ND</sup> RESPONDENT

**CORAM : M.A. TEMBO, ASSISTANT REGISTRAR**

Nyimba, Counsel for the plaintiff

Attorney General, Absent

**ORDER ON ASSESSMENT OF DAMAGES**

This is this Court's order on assessment of damages pursuant to a judgement of the High Court made by Justice Mkandawire on 6<sup>th</sup> November,2002. The plaintiff had been wrongfully prematurely retired and she sued the defendant claiming gratuity, pension that would have been dine to her on her normal retirement. She also claimed arrears in salary she would have been entitled to from the time she was prematurely retired up to the time

she was supposed to be retired properly. The notice of hearing of this assessment of damages was duly served on the defendant who chose not to make an appearance. That left the plaintiff's testimony totally unchallenged.

This Court heard the evidence of the plaintiff on the entitlements she would have had for the remaining 9 years she would have served had it not been for the wrongful premature retirement.

The entitlements are salary for the remaining period of service namely 9 years, gratuity, pension due and leave grant. These entitlements are due to the plaintiff in the circumstances as was clearly cussed in the Malawi Supreme Court of Appeal decision in the case of **Chawani v Attorney General MSCA** Civil Appeal Number 18 of 2000. The entitlements claimed by the plaintiff are therefore awarded to the plaintiff namely:-

Gratuity K415,624.67;

Pension K114,296.60;

Arrears in salary K2, 354,068.06 and

Leave Grant K22,500.00. This gives a total of K2,906,489.27. Should any tax fall due to be deducted on any part of this award such deduction shall be effected in line with the relevant tax statutes. Costs on this assessment are for the plaintiff.

Made in Chambers at Blantyre this ..... December,2003.

**M.A. Tembo**

**ASSISTANT REGISTRAR**