

IN THE INDUSTRIAL RELATIONS COURT OF MALAWI

PRINCIPAL REGISTRY

MATTER NO. IRC 178 OF 2007

BETWEEN

MASANJALA.....APPLICANT

-and-

ILLOVO SUGAR (MALAWI) LTD.....RESPONDENT

CORAM: R. Zibelu Banda, Chairperson

Chikwana; Assistant Human Resources Manager for Respondent

Applicant; present

Andersen; Visiting Judge from Denmark Labour Court (Observer)

Gowa; Official Interpreter

RULING

*Limitation period-Employment Act 2000-Claim for unfair dismissal-Section 62
Employment Act-Dismissed-Statute barred.*

Upon hearing the applicant and upon hearing the respondent's witness; the Court found that the applicant had a dispute regarding unfair dismissal. The cause of action arose in May 2006. The applicant lodged his complaint at the Labour Office on 8 December 2006. The matter was referred to this court in 2007, almost a year after the cause of action arose. The Court found this delay too inordinate under the circumstances and dismissed the action on the basis that it was statute barred.

The Employment Act in section 62 provides that disputes of unfair dismissal must be lodged with the District Labour Officer for conciliation, mediation and arbitration within 90 days of the dispute. The unresolved matter must then be referred to this court within 30 days by the Labour Officer. In this case the matter took well over the limitation period and therefore it is dismissed for being statute barred.

Any party aggrieved by this decision has the right of appeal to the High Court within 30 days of this decision. Appeal lies only on matters of law and jurisdiction and not facts: Section 65 (2) of the Labour Relations Act.

Pronounced this 17th day of July 2007 at **CHIKWAWA.**

Rachel Zibelu Banda.

CHAIRPERSON.