

IN THE INDUSTRIAL RELATIONS COURT OF MALAWI

PRINCIPAL REGISTRY

MATTER NO. IRC 46 OF 2005

BETWEEN

NTWANA.....APPLICANT

-and-

SOUTHERN BOTTLERS LTD.....RESPONDENT

CORAM: R. Zibelu Banda (Ms); Chairperson
Kalichero; Personnel Manager for Respondent
Applicant; present
Nyabanga; Official Interpreter

ORDER

*Dismissal-Procedure-Hearing-Membership of hearing panel-Union representative-
Applicant heard- Hearing fair-Frivolous and vexatious action-Dismissed.*

The matter was adjourned only for a written Order. Upon hearing the applicant and upon hearing the respondent the Court found that the applicant was invited to a hearing. He was heard in the presence of a properly constituted forum including a union representative. After the case was heard, the Applicant was asked to leave the interview room so that the matters could be deliberated. The applicant found this unfair. The Court however found that this was normal procedure. The applicant was heard, he asked questions for clarification. He was represented by a union representative who attended the deliberations and was part of the team that recommended the applicant's termination.

The court did not find any unfair practice on the part of the respondent. The respondent complied with section 57 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.

Pronounced in Open Court this 7th day of May 2007 at BLANTYRE.

R Zibelu Banda (Ms.)
CHAIRPERSON.