

IN THE HIGH COURT OF MALAWI
PRINCIPAL REGISTRY
CIVIL APPEAL NUMBER 6 OF 2006
(Being IRC Matter No. IRC 189 of 2001)

BETWEEN

OWEN CHAGOMERANA

AND OTHERS APPELLANTS

AND

PACKAGING INDUSTRIES (MALAWI) LTD RESPONDENT

CORAM : HON JUSTICE M. C. C. MKANDAWIRE

Appellants present, unrepresented

Mr. Tandwe, for Respondent

Mr. Nsomba, official Interpreter

Mkandawire J

JUDGMENT

This is an appeal following the assessment order by the Registrar of the Industrial Relations Court made on the 12th of October, 2004. That assessment order was made pursuant to the order of the then Chairperson of the Industrial Relations Court through his judgment delivered on the 3rd of August, 2004 at Limbe. In that judgment, the appellants were the victorious parties after a very long trial in the Industrial Relations Court.

The basis for this appeal is that the sums of compensation awarded to the appellants are on the low side.

As I have said it time without numbers, it is important to remember that an appeal from the Industrial Relations Court to the High Court can only be on matters of Law or jurisdiction. This is very clear in section 65(2) of the Labour Relations Act.

In looking at this appeal, I first have to address my mind forwards that legal imperative.

From what I can discern from the grounds of appeal, there is not mentioned even in a single line any matter of law. The appellants just seem to be aggrieved that the figures are low without any reference to any law as to why they say they are low.

With due respect to the appellants, I do not see any point of law or jurisdiction that is in issue in this appeal. Moreover, when I look at the reasoning of the Registrar in his very elaborate ruling or order, he was very generous to these appellants. He even took into account the issue of devaluation of the Kwacha from the date of dismissal up to the day when the judgment was made. To that end, he added 50% as compensation for devaluation.

The Appellants should also bear in mind that they were dismissed before Employment Act 2000 came into force. The Registrar could therefore not have applied the provisions of this Act retrospectively. What the Registrar did was to look at similar cases which had occurred before the new Employment Act and find an equitable figure. I take it that the Registrar was very generous indeed that even if the matter herein was worth entertaining, I could not have tampered with his compensation order. All in all, the fundamental point that is worth remembering on this appeal is that the appeal is not merited because there is no matter of law or jurisdiction that is raised pursuant to section 65 (2) of the Labour Relations Act. I therefore dismiss it.

As for the issue of costs; it greatly exercised my mind. I know that the issue of costs is at the discretion of the court. I therefore using any last sense of justice order that each partly should meet its own costs.

DELIVERED in open court this 31st day of October, 2006 at Blantyre.

M. C. C. Mkandawire

JUDGE