

1. MR. L.B.M. PHIRI V.NATIONAL PARKS DEPARTMENT INQUIRY NO. 5 OF 2015

5th June, 2015

Facts:

Mr. Lackson B.M Phiri, the Complainant, filed a complaint against National Parks and Wildlife, the Respondent, alleging that they omitted their duty in not paying him a subsistence allowance after working at Nkhotakota Game Reserve during a road construction project. The matter was referred to the Respondent for comments but to no avail so a public inquiry was held so that the matter could be resolved.

Mr. Lackson B.M. Phiri, was employed by the Respondent in 1983 as a Parks Wildlife Scout. In 2003, whilst stationed in Kasungu, he was sent to Nkhotakota to guard staff of Mota Construction Company that was constructing a road which passed through Nkhotakota Game Reserve. He worked there from 29th June, to 1st August, 2003. He was informed that his rate of allowances was K1, 000. He stated he was not entirely sure if this was a salary or an allowance. He was then presented with K1, 000 on 1st August, 2003 but he stated that he refused to receive it. He eventually received the money under protest and he wanted to know whether the K1, 000 was for his allowances. He stated that as far as he was aware, he was supposed to receive MK28, 000 for the time he worked in Nkhotakota.

The construction company stated they were paying their employees K600.00 on top of their salary as a motivating factor and stated the Complainant was not meant to receive a subsistence allowance. He was paid K2, 880 as a standard field allowance which was paid to him

monthly over and above his salary. So when he was reassigned to work elsewhere, they stated that nothing was meant to be affected.

Ombudsman's findings were as follows:

The administrative deficiencies observed were failing to take into account relevant factors. It was clear that the Complainant was authorized by his Responsible Officer to travel on duty from Kasungu to Nkhotakota. As he was spending time away from his normal place of work, he was entitled to be paid a subsistence allowance.

Remedy:

The Respondent was required to pay the Complainant his subsistence allowance for the time he spent away from his normal duty station.