

1. Mr. Wilfred Moyo v. Malawi Defence Inquiry No. 1 of 2015

5th June, 2015

Facts:

Mr. Wilfred Moyo, the Complainant, filed a complaint against the Malawi Defence Force alleging that they deducted MK 253, 200.00 from his gratuity without justification. The matter was referred to the Respondent for comments but to no avail so a public inquiry was held so the matter could be resolved.

The Complainant was employed by the Respondent as a Dental Therapist at Kamuzu Barracks in Lilongwe on 1st March, 1989. In 2000, he secured a scholarship at Mzuzu University and proceeded to the University for a period of two years with no conditions attached. He returned to work and by this time had served the minimum requirement required for retirement. He applied for retirement and it was approved.

A few weeks later, he received a letter from the Deputy Chief of Staff with instructions to the Director of Finance and Personnel to deduct

1. Fees paid to Mzuzu University which they claimed they paid.
2. A general purpose advance of MK 42, 000.00.
3. His salary for the two years he was at Mzuzu University.

He wrote back stating that he did not owe any of the money they were alleging and stated that the Respondent went ahead and deducted the amount from his gratuity.

During the inquiry, the Respondent conceded and admitted wrongdoing in deducting from the Complainants gratuity. They also presented a cheque to the Complainant for the amount they had deducted.

Ombudsman's findings were as follows:

The administrative deficiency observed in this matter was that of failure to take relevant matters into account and delay. The Respondent did not pay for the Complainants school fees and he did not obtain an advance yet he was deducted for it. If the Respondent had bothered to look into the matter comprehensively, they would not have made the deductions they did. Further, once they realised they made a mistake in deducting from the Complainant, they delayed in reimbursing him which led to the Complainant seeking interest on the money they gave him.

Remedy:

The matter was resolved because the Complainant was paid the money he was deducted.