

# INQUIRY BY THE OMBUDSMAN

IN THE MATTER

**BETWEEN**

**ANTHONY MWAKITALU.....COMPLAINANT**

**AND**

**MINISTRY OF EDUCATION, SCIENCE AND TECHNOLOGY.....RESPONDENT**

**INQUIRY NO: 06/2019**

**FILE NUMBER - OMB/MZ/C/267/2007**

## DETERMINATION

**CORAM**

<b>MARTHA CHIZUMA</b>	-	<b>OMBUDSMAN</b>
Anthony Mwakitalu	-	Complainant
Karonga DC	-	Present
Kasungu DEM	-	Kasungu DEM

## DETERMINATION

1. The Complainant lodged his claim with our office through a letter dated 17<sup>th</sup> October, 2007 claiming death gratuity for late Agness Eunes Mwakitalu. The matter was referred the Respondent for their comments through a letter dated 24<sup>th</sup> October, 2007
2. After several reminders, the Respondent gave their position in a letter dated 30<sup>th</sup> November, 2011 informing my office later on my that according to their records death gratuity was prepared on PSR 37 Form and sent to the deceased's district of origin, however, they did not provide any documents as proof of their allegations.
3. Having noted that the matter was far from being resolved, it was recommended for public inquiry which took place on 7<sup>th</sup> August, 2018. In attendance for the Respondents were representatives from Karonga District Commissioner and Kasungu District Education Manager (DEM).
4. In his evidence the Complainant stated that his daughter died in 2001 whilst working a teacher in Kasungu and since then the Respondents have not processed her death gratuity.
5. The deceased's brother tried to process the gratuity forms and submitted them to Kasungu DEM however, after waiting for a long time without receiving the money, the Complainant started following up with Kasungu DEM who advised him to follow up the matter with the Ministry headquarters. No documents were traced at headquarters.
6. After noting that he was not being assisted, he lodged a complaint at my Office who after they followed up with the Respondent were advised that the money was received by Acklas Mwakitalu. Later they found out that the money was for his compensation and not the deceased's money in question herein.
7. In response the Respondents' representative for Karonga DC stated that the deceased was indeed their employee who later on got transferred to Kasungu as such she was no longer under their jurisdiction. The only thing Karonga DC did was to verify the beneficiaries. Kasungu DEM was supposed to compile the forms and send them to Karonga DC.
8. Representative for Kasungu DEM stated that they did produce the forms but it seems that afterwards Karonga personnel sent the Forms to the Administrator General instead of sending to them. He further stated that they were willing to restart the process but they needed documents like death certificate, personal educational qualifications and GP1 Forms. However, the Complainant stated that he does not have any documents.
9. In light of the above, I directed that the Kasungu DEM should find the record of the deceased through her personal file and Karonga DC should help with death certificate within a week. I expected a written update on the process by 10<sup>th</sup> September, 2018 but to date I have not received any.
10. In view of the above I make the following directives:

- a) Karonga DC should provide Kasungu DEM with the deceased's death certificate by 29<sup>th</sup> May, 2019.
- b) Kasungu DEM should commence the process of payment of gratuity by completing necessary forms immediately after they receive the Death certificate.
- c) Kasungu DEM must update my office with each and every step they undertake towards resolution of this matter until payment is made.

#### 11. RIGHT OF REVIEW

Any party dissatisfied with this determination and with sufficient interest in the matter is at liberty to apply for review to the High Court in accordance with section 123(2) of the constitution within 90 days from the date of this determination.

Dated this 23<sup>RD</sup> Day of April, 2019

  
Martha Chizuma  
OMBUDSMAN