



REPUBLIC OF MALAWI

INQUIRY BY THE OMBUDSMAN

IN THE MATTER

BETWEEN

EZIKIEL MTAMBO.....COMPLAINANT

AND

MINISTRY OF HEALTH.....RESPONDENT

INQUIRY NO.: 21/2019

FILE NUMBER - OMB/MZ/C/54/2008

DETERMINATION

CORAM:

| | | |
|------------------------|---|--------------------|
| MARTHA CHIZUMA | - | OMBUDSMAN |
| Ezekiel Mtambo | - | Complainant |
| Barton Katantha- CHRMO | - | for the Respondent |
| Agness Mononga- PHRMO | - | for the Respondent |
| Sophie Mloka- SHRMO | - | for the Respondent |

DETERMINATION

1. The Complainant lodged this claim against the Respondents Ministry of Health claiming salary arrears. The letter of complaint was received by our Mzuzu office on 2nd February, 2008.
2. When the matter was referred to the Respondents the Chitipa District Health Officer wrote the Respondent Ministry through their letter dated 25th September, 2009 explaining how the arrears arose and how far the Ministry had gone towards the resolution of the matter.
3. The evidence on the file suggests that the Chitipa District Health Officer was not forthcoming with response after the office had conducted several on spot investigations. Thus when the matter was recommended for inquiry which took place on 11th February, 2019. In attendance for the Respondents was Mr. Katantha the Chief Human Resource Management Officer, Agness Mononga the Principal Human Resource Management Officer and Sophie Mloka the Senior Human Resource Management Officer.
4. In his evidence the Complainant stated that he was employed by the Respondents in February, 1990 as a watchman at Kapenda Health Centre in Chitipa district. He was later on promoted to Grade 1.
5. On 30th March, 2006 he was invited to come to Chitipa DHO where he was told that he was due for retirement. He disputed that and told them that there is a circular which revised the retirement age from 55 to 60 years. However the Respondents insisted that they would remove him from the pay roll.
6. The Complainant wrote a letter to the Respondents' headquarters complaining about the issue who in writing told him that he will be due to retire in 10 years' time and that he should continue working. The Respondents' Chitipa DHO also invited the Complainant at their office where they advised him to continue working.
7. The Complainant continued working until 1st June, 2007 but was not being paid any salary. He was just being told to continue working.
8. He wrote another letter to headquarters office but still he was not assisted. Thus when he lodged this complaint at my Mzuzu Office.
9. The Chitipa DHO then told the Complainant to stop asking them about his arrears since he had lodged a complaint at my office. The Complainant was told to just wait for his pension and arrears which later on the Respondents only paid him pension but not salary arrears.
10. The Respondents admitted to the Complainant's claim and further stated that it is Chitipa DHO who are supposed to pay the Complainant's arrears. He further stated that it was just unfortunate that Chitipa DHO was not present during the inquiry.
11. Following the above at the end of the inquiry I directed that the Respondents must pay the Complainant the 12 months' unpaid salary. I noticed that the Complainant was at Grade 1 at the time he was retiring which is the current Grade O.
12. In view of this I make the following directives;

- a) The Respondents do pay the Complainant 12 months' unpaid salary at the rate of a present Grade O officer at the Respondents' Ministry. This is to ensure that the Complainant gets value for money.
- b) The payment should be made by 30th May, 2019.

13. 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 hereof.

DATED THIS 11TH DAY OF FEBRUARY, 2019



Martha Chizuma
OMBUDSMAN