



REPUBLIC OF MALAWI

# INQUIRY BY THE OMBUDSMAN

IN THE MATTER

**BETWEEN**

PAUL MATOLA.....COMPLAINANT

**AND**

STATE HOUSE.....RESPONDENT

**INQUIRY NO: 72/2017**

**FILE NUMBER - BT-C-86-2007**

## DETERMINATION

CORAM

- MARTHA CHIZUMA - OMBUDSMAN
- Paula Maluwa - Complainant
- Hudson Malinkhwa - HR Officer for State House

## DETERMINATION

1. We received a complaint dated 6th March, 2007 from the Complainant alleging that State House, the Respondent unfairly dismissed him. We forwarded the complaint to the Respondent for their comments and they responded that have reconsidered his complaint and will thus replace the complainant's dismissal with retirement on public interest with a possibility of pension. But a year went without the Complainant's terminal benefits being processed. We wrote the Responded again for an update without any response. Thus the matter was scheduled for public inquiry which took place on 20<sup>th</sup> January, 2017.
2. The Complainant testified that he was employed in 1976 and dismissed in 2006 but later on in 2010, after he had lodged a complaint with this office, the Respondent informed him that they had changed his dismissal to retirement.
3. He avers that thereafter the Respondent made him sign some forms in order to process his terminal benefits however since that time nothing to that effect has happened.
4. The Respondent in response stated that they managed to get his file and it shows that he filled in the forms. That the mistake they made was that they took it upon themselves to process the pension instead of just giving it to him as is the normal procedure. Therefore they will give him the documentation so that he can start the process.
5. In view of the foregoing this matter is practically concluded as the final steps are to be now to be undertaken by the complainant and not the Respondent, therefore I will close the file on that basis.

### **6. RIGHT OF REVIEW**

Any Party dissatisfied by this determination and with sufficient interest in the matter has a right 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 4<sup>th</sup> Day of October 2018



Martha Chizuma

**INQUIRY BY THE OMBUDSMAN**

**OMBUDSMAN**

**IN THE MATTER**

**BETWEEN**

**STATE HOUSE**

**COMPLAINANT**

**AND**

**STATE HOUSE**

**RESPONDENT**

**INQUIRY NO: 72/2017**

**FILE NUMBER - ST-C-85-2007**

**DETERMINATION**

**BY**

**MARTHA CHIZUMA**

**OMBUDSMAN**

**DAVID MASHAYI**

**COMMISSIONER**

**MICHAEL MASHAYI**

**THE CHIEF CLERK STATE HOUSE**