Ganizani Chimbalanga v Ecobank Malawi Limited

Summary

Court:	Industrial Relations Court
Bench:	His Hon Kapaswiche, Deputy Chairperson
Cause Number:	I.R.C. 195 of 2024
Date of Judgment:	July 08, 2025
Bar:	W. Mukhondia, Counsel for Applicant C. Machika, Counsel for Respondent

The Applicant commenced an action in the Industrial Relations Court, Mzuzu Registry, against the Respondent, seeking a declaration that his dismissal was unlawful and unfair, and claiming damages for unfair dismissal and unfair labour practices, including severance pay, notice pay, terminal benefits, and reimbursement of legal fees.

The Applicant was employed by the Respondent bank and was promoted to Customer Service Manager. He became a whistleblower when he reported fraudulent transactions to the bank's Compliance Department in September 2021. The bank suspended him on 6 June 2022 and scheduled a disciplinary

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hearing for 7 July 2022 on charges of negligence and incompetence. The Applicant contended that he was not given sufficient time to prepare nor provided with the audit report that formed the basis of the allegations. He was subsequently dismissed on 5 August 2022 on the same charges. The Applicant appealed the decision, but the appeal was never heard, which he argued was a breach of the Respondent's own terms and conditions of service. The Respondent denied the claim, arguing that the dismissal was for a valid reason related to new fraudulent transactions in May and June 2022, which they claimed the Applicant failed to prevent due to his negligence and incompetence. The Respondent's witness, the Head of Human Resources, also confirmed that he signed the notice of disciplinary hearing and sat on the disciplinary panel that tried the Applicant.

The Court had to decide whether the dismissal was for a valid reason and if a fair procedure was followed. The Court found that the dismissal was unfair. It was satisfied that the Applicant was a whistleblower and that the bank's failure to provide him with the audit report and other relevant documents before the disciplinary hearing constituted a breach of natural justice and rendered the process unfair.

The Applicant's action was allowed. The Court held that the Respondent had failed to provide a valid reason for the dismissal and that the procedure was not fair. It found that the bank's failure to furnish the Applicant with the audit report and other necessary documents before the hearing was a grave procedural error. The Court ordered the Respondent to pay the Applicant most of the reliefs sought, but some of the reliefs, including the reimbursement of legal fees, were turned down.

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