

# The State, on the application of Blantyre City Council v The Ombudsman

## Summary

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| <b>Court:</b>            | High Court of Malawi  |
| <b>Registry:</b>         | Civil Division  |
| <b>Bench:</b>            | Honourable Justice Allan Hans Muhome  |
| <b>Cause Number:</b>     | Civil Cause Number 132 of 2024  |
| <b>Date of Judgment:</b> | April 30, 2025  |
| <b>Bar:</b>              | For the Claimant: Mr. Mphatso Matandika and Ms. Aisha Lourenco<br>For the Defendant: Mr. Yamikani Kamoto and Mr. Heznor Kuseli. |

The Applicant, Blantyre City Council, sought leave from the High Court to apply for judicial review out of time. The dispute originated from a complaint lodged with the Ombudsman by an employee of the Applicant, Dennis Maunda, regarding unfair labour practices. Following an inquiry, the Ombudsman issued a determination on 23 April 2019, directing the Applicant to pay a difference in salaries by 30 September 2019. The Applicant was advised of its right to apply for a review to the High Court within 90 days, as per section 123(2) of the

Constitution. The Applicant failed to do so and filed the current application for judicial review six years later.

The Court considered the Applicant's reasons for the delay, which included seeking legal opinions and parallel proceedings in the Industrial Relations Court. The Court, however, deemed these reasons "invalid", citing a previous case where a six-month delay was considered inordinate, the Court found the six-year delay in this instance to be "frivolous".

The application for permission to apply for judicial review out of time was denied on the grounds of inordinate delay. The Court ordered the Applicant to comply with the Ombudsman's determination within three months of the date of the ruling. The Court further ordered that each party should bear their own costs