

IN THE HIGH COURT FOR ZAMBIA

COMP/IRCLK/22/2016

INDUSTRIAL RELATIONS DIVISION

HOLDEN AT LUSAKA



BETWEEN:

STEPHEN KATABANYA

COMPLAINANT

AND

ZAMBIA BREWERIES PLC

RESPONDENT

BEFORE: HON. JUDGE M. K. CHISUNKA

APPEARANCES:

For the Complainant : In Person.

For the Respondent: Mr. A. Tembo – Tembo Ngulube Associates.

J U D G M E N T

Legislation Referred to:

- 1. Industrial and Labour Relations Act, Chapter 269 of the Laws of Zambia.***

Introduction

1. The Complainant filed a Notice of Complaint on 28th January, 2016 against the Respondent seeking the following relief:
 - (a) Notice pay.
 - (b) Breach of contract.
 - (c) Any other benefits the Court may order.

Nature of the Complainant's claim

2. The Complainant's claim is that the Respondent terminated his services on 24th December, 2015 without notice and was therefore in breach of contract. That his contract was curtailed by the termination before he had served the full term of the contract.

Nature of Respondent's Defence

3. The Respondent, in its Answer filed on 11th March, 2016, denies liability and contends that the claim by the Complainant was baseless as his contract of service was lawfully terminated. The Respondent further contends that the Complainant was guilty of absenteeism and failed or neglected to respond to the charges against him and was paid all his dues after the termination of contract.

Facts not in Dispute

4. The following facts are not in dispute:

