

THE ATTORNEY-GENERAL AND MIKE KAIRA

SUPREME COURT

MUZYAMBA, J.S.

7TH MARCH AND 7TH JUNE 2000

S.C.Z APPEAL NO. 93 OF 1999

Flynote

Contract Law - validity of letter - confirming appointment - whether letter constituted a contract of employment - question of ratification of appointment.

Headnote

On 20th February 1992, the then Minister of Communication and Transport offered the respondent a job as General Manager of ZamCargo Limited, which he accepted and was given a letter, addressed to the Managing Director of ZamCargo Mr. Yumbe. Upon reading the letter Mr. Yumbe gave the respondent an official car and assigned some security guards to him on 24th February the Deputy Minister of the aforementioned Ministry wrote a letter to Mr. Yumbe withdrawing the respondents appointment. The respondent then brought an action against the appellant and Zambia Privatisation Agency for judicial review. The High Court found in favour of the respondent and awarded him damages. On appeal it was argued for the appellant that the court below erred in holding that the letter of 19th February 1992 constituted a valid contract of service as it specifically stated that the appointment was subject to the Reconstitution and ratification of the Board.

Held:

The respondents appointment was subject to ratification by ZAMCARGO's Board of Directors. The appointment was not ratified as no board was constituted as stated in the letter. Appeal allowed.

For the Appellant R. O. Okafor, Principal State Advocate

For the Respondent In person

Judgment