

IN THE SUPREME COURT OF ZAMBIA
HOLDEN AT NDOLA
(CIVIL JURISDICTION)

APPEAL NO. 44/2003

B E T W E E N:

HARRISON NYASULU

APPELLANT

AND

ZAMBIA CONSOLIDATED
COPER MINES LIMITED

RESPONDENT

CORAM: LEWANIKA, DCJ., MAMBILIMA, SILOMBA JJS
On 4th June, 2003 and 7th December, 2004

For the Appellant: In person

For the Respondent: P. CHAMUTANGI, Legal Counsel

JUDGMENT

LEWANIKA, DCJ, delivered the judgment of the court.

This is an appeal against the decision of the Industrial Relations Court dismissing the Appellant's complaint for wrongful and unfair dismissal and claiming for compensation or reinstatement.

The evidence on record was that the Appellant was employed by the Respondent as a supervisor, paymaster, cashier and among his duties was the supervision of cashiers who fell under him to ensure that they carried out

their duties properly and accounted for the money that they received. On 9th April, 1994 an auction sale was conducted of the Respondent's property. Various goods were sold and receipts issued by cashiers who fell under the supervision of the Appellant. The evidence was that the receipts were checked by the Appellant who appended his signature on them. A subsequent audit revealed that 15 receipts were missing and the sum of K490,000.00 could not be accounted for. The Appellant was charged with gross negligence and dismissed from employment on 3rd November, 1994. The Appellant was not happy with this decision as he blamed the loss on his supervisor the Administrative Accountant and the fraudulent actions of his subordinates, the cashiers. He instituted proceedings in the Industrial Relations Court. The trial court after analysing the evidence adduced before it found that the Respondent had followed the disciplinary procedures in charging the Appellant and that the Respondent was justified in dismissing the Appellant.

The Appellant in his grounds of appeal and heads of argument raises the same issues that he raised in the court below. In his grounds, the Appellant, is in essence attacking the findings of fact made by the court below and is inviting us to come to a different conclusion to that arrived at by the court below.

Section 97 of the Industrial and Labour Relations Act, provides as follows:-

97. Any person aggrieved by any award, declaration, decision or judgment of the court may appeal to the Supreme Court on any point of law or any point of mixed law and fact.

The grounds of appeal filed by the Appellant do not raise any point of law or of mixed law and fact and we are thus not able to entertain this appeal which we dismiss accordingly. However, owing to the circumstances of the Appellant, we make no order as to costs.

D.M. Lewanika
DEPUTY CHIEF JUSTICE

I.M.C. Mambilima
SUPREME COURT JUDGE

S.S. Silomba
SUPREME COURT JUDGE