

THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA AT KAMPALA
CIVIL SUIT NO. 515 OF 2003

WAAKO SIMON PETER ::::::::::::::::::::::::::::::: PLAINTIFF

VERSUS

UGANDA POSTA LTD (POSTA UGANDA::::::::::::: DEFENDANT

BEFORE: THE HON. MR. JUSTICE R.O. OKUMU WENGI

JUDGMENT:

This is a suit to claim special and general damages arising out of employment. It is the plaintiff's case that he was a driver of the defendant but was summarily dismissed allegedly for carrying unreceipted or unticketed passengers in the course of his duties. The plaintiff denies responsibility for the incident which he says was a matter for the conductor for the omnibus. In the suit he claims that his dismissal was unlawful and he lost prospective income to the time of his retirement as well as terminal benefits. The suit proceeded in the absence of the defendant or his counsel having filed a written statement of defence. The plaintiff who was his only witness presented six (6) exhibits to court as follows:-

1. Appointment letter dated 29/7/1993 exhibit P.1
2. work assignment (Exhibit P2) dated 30/9/1997
3. Letter of suspension dated 6/3/2003 (Exhibit P.3).

4. Dismissal letter of 14/3/2003 (Exhibit P.4)
5. Pension computation of 15th May 2003 (Exhibit P.5)
6. Salary slip for “50 February 2003” (Exhibit P.6)

He told court:-

“I was dismissed instantly. I was first verbally told so. After two days I got a letter of suspension and again later on I was dismissed... effective from the date of suspension.... I tried several times to Human Resources Manager about 4 times. Then I went to Managing Director who asked me to write an explanation. I did it but Human Resources Manager to whom I was referred was not moved. He never accepted the letter saying he had dismissed me and that was all.”

He then narrated his losses.

“I lost my pension amounting to shs. 2,979,218 as I was nearing pension... I was contributing 5% of my salary... my salary at point of dismissal was shs.410,960/= . I should have retired in 32 months. The total loss is shs.10.8 million for 32 months. The witness also asked court for transport and general damages. From the evidence before me (and the defendant has not come to court) it is clear that the plaintiff was dismissed hurriedly instantly and this is not proper. Accordingly I would hold that his dismissal was improper and wrongful and that he is entitled to terminal benefits as follows:-

1. One months salary in lieu of notice that is shs. 300,405.00.
2. Transport claim to Nawaikoke of Shs. 610,000.00.
3. Pension of shs. 2,979,218.

4. General damages of shs. 1 million.
5. Interest on total sum of shs. 4,889,723 at 10% from date of filing till payment in full.
6. Costs of this suit.

R.O. Okumu Wengi

JUDGE

12/11/2003.

18/11/2003

Bashaija for plaintiff

Defendant absent.

Court: Judgment read.

G. Namundi

DEPUTY REGISTRAR.