

Former MBC CEO bemoans court ruling

Bright Malopa, former CEO at state owned broadcaster, Malawi Broadcasting Corporation (MBC), bemoaned a court ruling last week, where about 300 members of staff of the broadcaster have lost a case over merger of television and radio sections that led to loss of jobs.



By Gregory Gondwe: @Kalipochi 18 Jun 2012

The High Court in Blantyre on Tuesday 12 June 2012, dismissed an application for judicial review on the merger of MBC and Television Malawi (TVM).

Presiding judge Justice Healy Potani dismissed the application in his draft ruling describing it as "incompetent". Potani ruled that the issues raised are purely employment matters suitable for the Industrial Relations Court.

"The matter in its entirety, that is both on the relevant law and the facts, tends to show that while the applicants may be entitled to complain about the effect of the merger on the respective employments with the first respondent [MBC], they have no standing to question the procedure leading to the merger," he said.

Involves private law rights

The judge concluded that the matter in respect of the applicants seeking judicial review is purely an employment one involving private law rights with no trappings of public law.

"... and therefore ought not to be entertained," he declared.

In reaction to the ruling over the application where the employees of MBC and TVM who were either redeployed or dismissed during the merger had taken to court early this year, Malopa said he was saddened.

"Few people misled innocent colleagues into banking their hopes on something which could not work," said Malopa who said on another hand he is happy that his name and that of executive management has been cleared.

"As CEO at the time, I tried my best to secure a deal with government," Malopa told *The Nation* in an interview last week without elaborating what the deal was all about.

The judge agreed with arguments from the defendants who included MBC and the attorney general and minister of statutory corporation, who through their lawyer, Victor Jere, contested that the merger issues were not amenable to judicial review as the applicants had no interest in it.

Employees say the procedure was illegal

The employees argued through their lawyer Bob Chimkango, that the process was procedurally illegal but Justice Potani could not only dismiss it but ruled that the costs that the whole process has incurred will have to be met by the applicants.

He also said all orders which were obtained by the applicants basing on the proceedings in this matter have also been set aside and as a result all the employees who were reinstated by the court pending the outcome of this matter are effectively fired again or remain redeployed.

The affected employees have not been getting their monthly salaries since the reinstatement in December.

In an interview with Bizcommunity, some of the affected employees said they are disappointed that they are fighting a long battle.

"I feel like the whole media fraternity in the country is glossing over our plight and to them it is business as usual; we have fought this and lost and even now no media body is saying anything," he moaned.

In August last year, government restructured the MBC staff structure and this resulted into others suffering demotion, dismissal or redeployed to other government departments but with their salaries slashed by more than half.

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