

**LADISLAUS MPOFU**

**Versus**

**TREGER INDUSTRIES (PVT) LTD  
T/a MONARCH STEEL**

IN THE HIGH COURT OF ZIMBABWE  
CHIWESHE J  
BULAWAYO 18 MARCH AND 24 APRIL 2003

Plaintiff in person  
*J Moyo* for the defendant

Judgment

**CHIWESHE J:** In this matter the plaintiff sued the defendant company for payment of the sum of \$3 200 000,00 being damages arising from “the wrongful and unlawful” termination of the plaintiff’s contract of employment.

The action is ill advised for the following reasons. The defendant dismissed the plaintiff from its employ consequent upon a disciplinary hearing in terms of the applicable code of conduct. The decision has not been set aside either on appeal or on review. In other words its “wrongfulness or unlawfulness” has not been determined. There is therefore no basis upon which the plaintiff can seek the relief he seeks.

The plaintiff’s first port of call should have been an appeal to the Labour Relations Tribunal should he have been aggrieved by the decision on the merits. Alternatively he would have approached this court with an application for review if he felt that the proceedings leading to his dismissal were tainted with irregularities. Thereafter, assuming that he had obtained a ruling favourable to his cause, he would have contemplated an action such as the present.

From the papers it appears that the plaintiff’s main complaint is that the disciplinary proceedings were improperly conducted. That calls for review. The

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plaintiff who was not legally represented acknowledged receiving advice to that effect from the judge who presided over the pre-trial conference. He should have heeded that advice.

It was for these reasons that I dismissed the plaintiff's claim with costs.

*Calderwood, Bryce & Hendrie* respondent's legal practitioners