

# Makerere University tribunal revokes accountant's dismissal

By Sarah Mazirwe and Mercy Okorom

Makerere University Staff Appeals Tribunal has annulled the dismissal of Perez Arinaitwe, a former accountant in the directorate of finance.

The tribunal chairperson, Justice John Patrick Mashongo Tabaro, said the accusations against Arinaitwe lacked appropriate evidence.

"The appellant (Arinaitwe) was not given a fair hearing and the evidence adduced at the trial was not enough to pin him on all four counts preferred against him. In light of this, we conclude that the penalty was inappropriate," Tabaro said.

Arinaitwe was among the 45 staff the University Appointments Board suspended in December last year and dismissed in January, 2019.

He had been accused of absenteeism, insubordination, persistent late coming, forgery and falsifying documents.

The tribunal ruled that Arinaitwe be reinstated to the university service and be paid his full salaries from the time he was dismissed.

The tribunal also demanded that the university should produce a report of compliance within three months.

Arinaitwe's dismissal came after his supervisor asked the acting director of human resources to take disciplinary action against him (Arinaitwe) on December 20, 2017.

The tribunal ruled that determining administrative cases requires only a substantial amount of evidence from which a reasonable person may reach a conclusion, which in this case was not provided by the appointments board.

The tribunal found that the two letters of evidence which were adduced by the university at the hearing, **did not** meet the university's own criteria to serve as warnings.

"The dismissal from university service was not an appropriate sanction against the appellant," Tabaro said.

The tribunal ruled that the dismissal by the appointments board violates Section 66 of the Employment Act, which requires that a decision to dismiss an employee must be made after allowing the employee an opportunity to make representations; and reasonable time within which to make such representations.

Tabaro said dismissal from employment has diverse consequences, including loss of opportunity, dignity and the means with which to support oneself and one's family.

"The employer suffers indirectly due to the impact this may have on other employees. It should, therefore, never be reached in a rushed manner," Tabaro said.

Arinaitwe, who says he was relieved upon hearing the ruling, expects the university to act according to the tribunal's ruling.



Arinaitwe