IN THE HIGH COURT OF KIRIBATI
CIVIL JURISDICTION
HELD AT BETIO
REPUBLIC OF KIRIBATI

HIGH COURT CIVIL APPEAL 37 OF 2007

BETWEEN:

BERU ISLAND COUNCIL

APPELLANT

AND:

TABITI TANGIRA

RESPONDENT

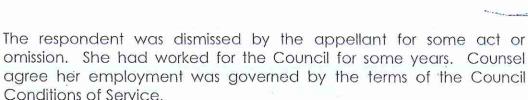
FOR THE APPELLANT: FOR THE RESPONDENT:

Mr Monoo Mweretaka Mr Mantaia Kaongotao

DATE OF HEARING:

14 OCTOBER 2009

JUDGMENT (Ex Tempore)



Termination

5. An employee may be terminated by giving him or her a letter of one month notice prior to his or her termination or by paying him one month's salary in lieu.

The respondent sued the appellant for wrongful dismissal. The magistrates decided in her favour and ordered that her wages from the date of dismissal, 12 November 2006 to date of their judgment be paid and she be reinstated.

This was far more than she was entitled to under the Conditions of Service. The Council was entitled to dismiss her on one month's notice or the payment of a month's salary in lieu: no more.



I am told she was being paid \$85.00 per fortnight not including KPF contribution or tax. That is approximately \$180.00 for a month. To this should be added interest. I allow interest at 5% for three years. Counsel agree to \$55.00 for interest.

The appeal is allowed: the judgment of the magistrates is quashed: in its place there will be judgment for the respondent for \$235.00.

THE HON ROBIN MILLHOUSE QC Chief Justice

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