

INDUSTRIAL COURT OF MALAYSIA

CASE NO: 2/4-195/06

BETWEEN

ENCIK NORISUMI WASHIZAKI

AND

SANSHO GIKEN (M) SDN BHD

AWARD NO: 389 OF 2009

Before : **Y.A. PUAN MARIAH @ MALIAH BT AHMAD**
- Chairman

Venue : Industrial Court 2
Kuala Lumpur

Date of Reference : 24.11.2005

Date of Mention : 6.3.2006, 24.5.2006, 26.6.2006, 3.8.2006
3.9.2007, 23.11.2007, 13.8.2008, 6.5.2008,
9.7.2008, 11.8.2008, 10.9.2008.

Date of hearing : 13.10.2008, 14.10.2008, 31.3.2009, 1.4.2009, 2.4.2009,
3.4.2009

Representation : Encik Teh Hong Jet of
Messrs Tan Kim Siong & Teh Hong Jet
Counsel for the Claimant

: Cik Josephine LK Chow of
Messrs Josephine LK Chow & Co
Counsel for the Respondent

REFERENCE:

This is a ministerial reference made under Section 20(3) of the Industrial Relations Act, 1967 arising out of the dismissal of **Encik Norisumi Washizaki** (hereinafter referred to as the “Claimant”) Blok No. 150-14-4, Villa Flora, Taman Tun Dr Ismail, 60000 KUALA LUMPUR @ Tetuan Tan Kim Siong & Teh Hong Jet, Entrance 5, Suite 1026, 10th Floor, Blok A, Damansara Intan, No.1, Jalan SS 20/27, 47400 PETALING JAYA, Selangor Darul Ehsan by **Sansho Giken (M) Sdn Bhd** (hereinafter referred to as the “Respondent”) Lot No. 85B, Rawang Intergrated Industrial Park, 48000 RAWANG, Selangor Darul Ehsan on 30th November 2003.

AWARD

1. Encik Norisumi Washizaki claimed that he was dismissed from his employment by Sansho Giken (M) Sdn Bhd (the Respondent) on 30th November 2003 without just cause or excuse. The Honourable Minister had issued a reference dated 24th November 2005 for a decision. The reference was received by the Court on 16th January 2006. The Industrial Relation Department received the Claimant’s complaint on 20th January 2004.
2. The case was first mentioned on 6th March 2006.

3. Hearing of the case proceeded on 13th October 2008 and the Respondent had called one witness. The case was adjourned to 31st March 2009 for continuation. However on 31st March 2009, in the presence of Mr. Teh Hong Jet counsel for the Claimant and Ms Josephine L.K. Chow counsel for the Respondent, the Court was advised that the parties have come to an amicable settlement of the matter.

4. The parties have mutually agreed to the consent award based on the following terms:-

- “1. Without admission of liability, the Company shall pay to the Claimant the sum of RM100,000.00 being full and final settlement of the above case.
2. The settlement sum has been deposited with the Claimant’s Solicitors. Messrs Tan Kim Siong & Teh Hong Jet.
3. The Company shall withdraw all civil suit actions taken against the Claimant in Malaysia with no order as to cost and without liberty to file afresh.

4. The Company has withdrawn all civil suit actions taken against the Claimant with no order as to cost and without liberty to file afresh.
5. Both parties confirm that there is no legal action taken against each other in Japan.
6. Following this settlement, the parties shall not make any other claims or initiate any civil suits against each other, including against Sansho Giken, Japan or the Claimant in relation to the Claimant's employment with Sansho Giken (M) Sdn Bhd and / or Sansho Giken Co. Ltd Japan, in any jurisdiction whatsoever, whether in Malaysia or Japan."

Dated 31st of March 2009.

Claimant's Solicitors

t.t.xx
**Messrs Tan Kim Siong &
Teh Heng Jet
Teh Hong Jet**

Company's Solicitations

t.t.xx
**Messrs Josephine L.K. Chow & Co
Josephine Ng**

5. The Respondent's counsel Ms Josephine L.K. Chow and the Claimant's counsel Mr Teh Hong Jet confirmed the above terms.

6. Accordingly, this Court now hands down the Award of this case on the above terms.

HANDED DOWN THIS 2nd DAY OF APRIL 2009

**(MARIAH @ MALIAH BT AHMAD)
CHAIRMAN
INDUSTRIAL COURT MALAYSIA
KUALA LUMPUR**