

IN THE INDUSTRIAL COURT OF SWAZILAND

HELD AT MBABANE

CASE NO. 80/90

In the Matter Between:-

TRYPHINAH SOKO

APPLICANT

and

ROYAL SWAZI SUN

RESPONDENT

RULING

This is an application by the Respondent in which it seeks that the Court grant an order joining the Labour Commissioner to be joined as an interested party to the proceedings pursuant to Rule 5(1) of the Industrial Court Rules of 1984.

The Applicant has not objected to this Application.

It is the ruling of this court that the Labour Commissioner be joined as a party to these proceedings in order for the court to be in a position to determine the preliminary objection that has been advanced by the Respondent namely that the granting of extension of time certificate issued pursuant to Section 50(3) of the Industrial Relations Act was improperly so issued.

It is ordered that the Labour Commissioner do present before court all documents and oral evidence that was received which enabled the Labour Commissioner to invoke the provisions of Section 50(3).

It is further ordered that the application of the Applicant and the plea of the Respondent be served upon the Labour Commissioner who shall within 14 days of service, of the last of the documents referred to in this paragraph namely

application and plea, file his Reply if any to these proceedings.

The parties shall be at liberty to lead oral testimony and submit into court such of the documents as they have touching on the question of Section 50(3) of the Industrial Relations Act. That is the question whether the decision of the Minister of Labour and Public Service to grant an extension of time was made fairly and equitably.

It is therefore ordered that this matter be adjourned for the purpose of the service of the Application and plea upon the Labour Commissioner and for him to Reply. It is further ordered that this matter be adjourned to a date to be agreed in court for the hearing of evidence on the preliminary objection.



MARTIN S. BANDA
INDUSTRIAL COURT PRESIDENT