IN THE INDUSTRIAL COURT OF SWAZILAND

**ELD AT MBABANE** 

Case No. 165/91

In the Matter between:

SWAZILAND WAREHOUSE Applicant

AND

SWAZILAND COMMERCIAL AND

ALLIED WORKERS UNION Respondent

**RULING** 

In this Application the Respondent is asking the Court to interpret the order it made on the 28th November, 1991. On the 28th November 1991 this Court dismissed this matter pursuant to Rule 7 (13) (a) of the Industrial Court Rules on the grounds that the Applicant failed to appear before Court.

In this application for interpretation the Respondent has submitted that the Applicant has failed to pursue the matter to date leading to a stalemate. It has further been submitted on behalf of the Respondent that the Applicant initiated this application in Court merely to frustrate the Respondent and therefore the Respondent would now like the Court to direct the Applicant to grant the Respondent recognition.

On behalf of the Respondent it has been submitted that this matter was dismissed and that was the end of it. It has further been submitted that the Respondent is not asking for interpretation of the order it is asking the Court to order the Applicant to recognise the Respondent and that this issue is not before Court.

It has been submitted that the Respondent should make application before Court to be recognised. That there is nothing in the order dated 28th November 1991 to be clarified. That the Court should refuse the Respondents application as the order which was made by the Court is quite clear and does not need interpretation.

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We agree entirely with the Applicants submission. The order dated 28th November 1991 dismissed this application because the Applicant failed to attend court. Rule 7 (13) (a) of the Industrial Court Rules deals with a situation where an Applicant fails to appear and the Court discharged its power under this rule by dismissing the Application which was before it. The order is very clear and requires no interpretation.

What is also clear is that the Respondent would like the Court to order the Applicant to recognise it. . Unfortunately for the Respondent it cannot use an application for interpretation of an order as an avenue to ask the Court to grant relief which has not been applied for. The Respondent has not applied to Court for an order directing the Applicant to recognise it.

It is ordered that there is nothing in the order dated 28th November 1991 for the Court to interpret.

MARTIN S. BANDA

PRESIDENT INDUSTRIAL COURT