

IN THE INDUSTRIAL COURT OF SWAZILAND

Held at Mbabane

Case No. 76/91

In the matter between:-

GILBERT DLAMINI

APPLICANT

and

SWAZILAND RAILWAYS

RESPONDENT

RULING

This is an application by the Applicant in which he seeks an order directing the Respondent to pay him

(1)	6 months wages as compensation	E 2760.00
(2)	1 month wages in lieu of notice	460.00
(3)	28 days additional notice	594.44
(4)	70 days severance pay	1486.10
(5)	17 days leave pay	360.91
(6)	Gratuity	3220.00
	TOTAL	E 8881.45

On the date of trial the parties informed the court that they had agreed to settle the matter out of court. They stated that they had a problem with the computation of the figures. They were agreed that the disagreement on the computation of the figures was not a dispute for the court.

The parties would now like the court to determine the question of gratuity, and how many days constitute a month or how a month should be calculated for the purpose of a monthly paid employee. It is the considered view of the court that the parties have not exhausted all opportunity open to them to secure a settlement. Rather they would want the court to determine

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the question of gratuity and thereafter how a month should be calculated for the purpose of determining the income of a monthly paid employee.

If this is truly the wish of the parties namely that they have settled the dispute out of court to determine the question of gratuity and how a month should be calculated for the purpose of determining the income of a monthly paid employee. If this is the decision of the parties then let them comply with Rule 9(1)(d) of the Industrial Court Rules.

The court at this stage will least indulge in this matter until all attempts to resolve this question have been made. The parties consent application is accordingly dismissed.

MARTIN S. BANDA

INDUSTRIAL COURT PRESIDENT