

IN THE INDUSTRIAL COURT OF SWAZILAND

HELD AT MBABANE

CASE NO. 151/91

In the matter of:-

LABOUR COMMISSIONER

APPLICANT

and

TAMBANKULU WORKERS

REPRESENTATIVES

1ST RESPONDENT

and

TAMBANKULU ESTATES

2ND RESPONDENT

RULING

In this application the Applicant seeks the courts determination of the dispute between the parties.

The Labour Commissioner tried to conciliate but without success and a certificate of unresolved dispute was issued.

The parties have now submitted that the Applicant should be phased out as the matter is essentially between the Respondents. It has further been submitted that the Respondents should be re-designated as Applicant and Respondent and that the first Respondent should be called upon to file a fresh application showing the particulars of claim then the second Respondent could be called upon to reply. This submission has been made pursuant to Rule 10 (b) of the Industrial Court Rules as read with Rule 58 of the High Court Rules.

While conceding that the matter before court is not identical with that envisaged under Rule 58 of the High Court Rules. The principle embodied in Rule 58(6)(c) is useful.

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It is the order of the court that the Labour Commissioner in the present proceedings be phased out. It is further ordered that Tambankulu Workers Representatives be the Applicants and Tambankulu Estates the Respondent.

It is ordered that the Applicant do file into court and serve its application upon the Respondent outlining the nature of its case within 14 days from the date hereof. The Respondent shall file and serve its reply upon the Applicant within 14 days of service of the Applicants application upon it. The Applicant may file a replication if any within 7 days thereafter. Matter be set down for hearing.

MARTIN S. BANDA

INDUSTRIAL COURT PRESIDENT

2/12/91