

IN THE INDUSTRIAL COURT OF SWAZILAND

HELD AT MBABANE THIS THE 7TH DAY OF JUNE, 1994

BEFORE THE HONOURABLE

MR. SAMSON BANDA, PRESIDENT OF THE INDUSTRIAL COURT SITTING WITH
TWO MEMBERS.

CASE NO. 6/94

In the matter between:

PHILIP DLAMINI & 19 OTHERS Applicant

and SWAZILAND GOVERNMENT (C.T.A.) Respondent

BEING: AN APPLICATION BY THE RESPONDENT ASKING THE COURT TO DISMISS THE
APPLICATION STATING THAT IT IS IMPROPERLY BEFORE COURT.

WHEREUPON: AFTER HEARING BOTH COUNCILS MR. P. R. DUNSEITH FOR THE APPLICANTS
AND MR. J. MAGAGULA FOR THE RESPONDENT.

ORDER

HAVING HEARD THE EVIDENCE OF THE APPLICANTS AND THE WITNESSES for the
Respondent. D.W.2. clearly stated that he saw the Report of Dispute at the C.T.A. and this was also
confirmed by P.W.2 who was at the relevant time working at the C.T.A. as a Secretary. In view of such
unchallenged evidence that was at the disposal of the Respondent, we wonder why the Respondent
initiated this action and revised this Point in Limine at all.

On the evidence before us we are satisfied that the Report of Dispute was indeed served upon the
Respondent at the relevant time. The Respondent's Point of Law or Point in Limine is hereby
dismissed.

The Applicants have applied for costs of this days proceedings and the Respondent said it cannot
resist an order of costs.

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We do not agree with the Applicant's Attorney and same is now conceded by the Respondent's
Attorney that the Respondent in this action acted frivolously, vexatiously and with deliberate delay in
these proceedings. We feel it is an ideal case in which the Provisions of Section 11 of the Industrial
Relations Act have been discharged. We condemn the Respondent in costs for this matter, that is the
action raised on the Points in Limine.

BY ORDER OF THE COURT Given under my hand and seal of the Court this 7th Day of June, 1994.

REGISTRAR INDUSTRIAL COURT