

IN THE INDUSTRIAL COURT OF SWAZILAND

HELD AT MBABANE

CASE NO. 126/98

In the matter between:

LUKE MAKHULU KHUMALO                      APPLICANT

And

SWAZILAND MEAT INDUSTRIES              RESPONDENT

CORAM:

NDERI NDUMA                                      : PRESIDENT

JOSIAH YENDE                                    : MEMBER

NICHOLAS MANANA                             : MEMBER

FOR THE APPLICANT                            : MR. S. BHEMBE

FOR THE RESPONDENT                         : MISS B. MVUBU

RULING

(14.10. 99)

The Respondent objects to this application on the grounds that the Applicant did not report a dispute to the Commissioner of Labour within 6 months from the date the issue which gave rise to the dispute first arose in terms of Section 57 (3) of the Industrial Relations Act of 1996.

It is common cause that the Applicant was dismissed on the 31 st December, 1994. The Applicant confirms in his replication that he reported the dispute on the 23rd December, 1997.

It is also not in issue that a certificate of extension of time to lodge the dispute had been granted and issued by the Commissioner of Labour extending the period during which the matter could be reported to him from six months to twenty seven (27) months calculated as from the 31st December, 1994.

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The period of extension of 27 months as calculated from the 31st December, 1994 expired on the 31st March 1997. Accordingly, as at 23rd December, 1997 when the Applicant reported the dispute, the extended time had lapsed. It did not cure the defect it was directed at.

In terms of Rule 3 (2) of the Rules of this court, we lack jurisdiction to entertain this Application and the objection in Limine is upheld therefore.

There will be no order as to costs.

NDERI NDUMA

PRESIDENT - INDUSTRIAL COURT