

IN THE INDUSTRIAL COURT OF SWAZILAND

HELP AT MBABANE

CASE NO. 136/99

In the matter between:

PATRICK PHATHAPHATHA NXUMALO

APPLICANT

and

AFINTA MOTOR CORPORATION (PTY) LTD

RESPONDENT

CORAM

KENNETH NKAMBULE:

JUDGE

DAN MANGO:

MEMBER

GILBERT NDZINISA:

MEMBER

Khoza/B. Magagula:

For Applicant

JUDGEMENT

30/6/2000

Applicant, Patrick Phathaphatha Nxumalo, was employed by AFINTA MOTOR CORPORATION as a salesman in 1997, As a salesman, applicant was paid a commission of E1,000- (one thousand Emalangeni) per unit sold by him.

During February 1998, respondent represented by its area manager Mr. Gavin Van Der Burgh set up a special target commission in terms of which each salesman who sold three cars or more per month would be entitled to a commission or bonus of E10,000- (ten thousand Emalangeni).

In March 1998 applicant duly met the target by selling three units. Notwithstanding numerous demands to pay the sum of E10,000- applicant was entitled to as per agreement, respondent failed to pay.

The matter was reported to the Labour Commissioner according to law. The matter could not be resolved as respondent failed to attend the conciliation meetings.

Even during trial there was no appearance for respondent. An application was made by the applicant that the matter proceed exparte. The application was granted. The

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applicant testified in support of the application.

The evidence by applicant remains uncontroverted. The applicant has proved that he was an employee of the company and that the company owes him a sum of E10,000- as commission and/or bonus earned during the month of March, 1998.

Respondent is ordered to pay a sum of E10,000- to applicant on or before the 4th day of July, 2000. Members concur.

K/P. NKAMBULE

JUDGE - INDUSTRIAL COURT