

IN THE INDUSTRIAL COURT OF SWAZILAND

HELD AT MBABANE

CASE NO. 49/2002

In the matter between:

MICHAEL MASEKO

APPLICANT

and

THE PRINCIPAL SECRETARY

MINISTRY OF WORKS

1st RESPONDENT

THE SWAZILAND GOVERNMENT

2nd RESPONDENT

THE ACCOUNTANT GENERAL

3rd RESPONDENT

THE ATTORNEY-GENERAL

4th RESPONDENT

CORAM:

NDERINDUMA:

PRESIDENT

JOSIAH YENDE:

MEMBER

NICHOLAS MANANA:

MEMBER

FOR APPLICANT:

S. MOTSA

FOR RESPONDENT:

Z. MATSE

JUDGEMENT

26/04/02

The Application for an interim order interdicting the Respondent pending an agreement on the Applicant's retirement package is misconceived.

The court order dated the 28th February, 2002 was to the effect that the Applicant be paid gratuity and other applicable benefits since he had already attained the retirement age.

These benefits are computed in terms of the relevant laws and regulations and there is no provision for agreement as to the manner in which the benefits are computed.

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The Respondents have failed to establish a clear right to the relief sought. This is a preliquisite for granting an interdict.

In the result the Application is dismissed with costs.

The Members Agree.

NDERI NDZIMA

JUDGE PRESIDENT - INDUSTRIAL COURT