

The Respondent did not reinstate the Salary of the Applicant nor did it pay him the arrear salary for the 27 days worked (as per agreement). The justification for non payment was that the Applicant has not resumed work to-date.

We have referred the matter to oral evidence to determine if the Applicant has reported to work since the recording of the consent order by the court.

Upon hearing the Applicant's evidence and that of a witness of the Respondent Mr. Mpiwa Joseph Matsenjwa, the court is not satisfied that the Applicant has resumed work so as to entitle him to a salary in terms of the agreement of the parties. The Respondent on the other hand has failed to initiate any disciplinary measures against the Respondent for absence from duty. Consequently the Applicant remains an employee to date.

This being the case we have found it in the interest of justice to issue further orders in respect of this matter as follows:

1. **That the Respondent pays the Applicant the arrear salary of 27 days on or before the 30th November 2005.**
2. **That the Applicant report to his duty station with effect from Monday the 21st November 2005.**
3. **That the Respondent maintain a Register of attendance for the Applicant with effect from that date (21st November 2005)**
4. **That upon satisfaction of the Applicant's attendance to his work station, the Respondent re-activate his salary forthwith and in any event not later than the 30th November 2005.**

That necessary disciplinary measures be initiated in the event the Applicant is absent from work for more than 3 working says without a lawful reason with effect from the 21st November 2005.

The contempt proceedings against the 1st and 2nd Respondents are hereby dismissed.

NDERI NDUMA

JUDGE PRESIDENT- INDUSTRIAL COURT