



IN THE INDUSTRIAL COURT OF ESWATINI

Case No. 403/17

In the matter between:

SIMILE DLAMINI

1st Applicant

NOLWAZI BHEMBE

2nd Applicant

HAPPY MAVUSO

3rd Applicant

THANDA KHUMALO

4th Applicant

And

NDZ CONSULTING COMPANY

Respondent

Neutral citation: Simile Dlamini and 3 Others v NDZ Consulting Company
(403/2017) [2018] SZIC 64 (10 July 2018)

Coram: **NSIBANDE S. JP**

(Sitting with Nominated Members of the Court Mr N. Manana
and Mr M. Dlamini)

Heard: 19 March 2018

Delivered: 10th July 2018

RULING

- [1] The Applicants seek an order that their matter be referred to arbitration by CMAC in accordance with **Section 85(2) of the Industrial Relations Act 2000 as amended.**
- [2] The applicants are from in number and claim a total of E106 174.01 on the basis that they were substantively and procedurally unfairly dismissed. They claim that there was no proof of the commission of the offence they were said to have committed and also they were not allowed to cross-examine the witnesses.
- [3] The respondent appeared and stated that as much as they are not opposed to the matter they felt the matter was not ready for referral as the applicants had not made the matter trial ready. No opposing papers were filed.
- [4] It appears to me that the applicants are entitled in terms of **Rule 18(3) of the Industrial Court Rules** to bring this application after the delivery of the

Reply (by the respondent), particularly since there is no real opposition to the matter.

[5] In applicants seek the quicker and less cumbersome process offered by arbitration at CMAC for the reason that the claim made by each applicant are not substantial and the issues raised are not complicated and novel.

[6] It appears to me that the matter is a straight forward and in the absence of opposition, there is no reason, why the matter should not be referred to arbitrator by CMAC.

- (i) In the circumstances it is ordered that the matter be referred to arbitrator by CMAC.**
- (ii) There is no order as to costs.**

The members agree.



S. NSIBANDE

PRESIDENT OF THE INDUSTRIAL COURT

For the Applicants:

Mr V. Magagula

For the Respondent:

Mr Z.M. Magagula