



IN THE INDUSTRIAL COURT OF ESWATINI

Case No. 350/18

In the matter between:

VUSI MATSEBULA

Applicant

And

UMBULUZI FARM CHICKENS (PTY) LTD

Respondent

Neutral citation: Vusi Matsebula v Umbuluzi Farm Chickens (Pty) Ltd
(350/2017) [2018] SZIC 79 (03 August 2018)

Coram: **NSIBANDE S. JP**

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

Heard: 12 March 2018

Delivered: 03 August 2018

RULING ON REFERRAL APPLICATION

- [1] The Applicant is a former employee of the Respondent who has applied to the Court for his unresolved dispute with the Respondent to be referred to the Conciliation, Medication and Arbitration Commission for arbitration in accordance with **Section 85 (2) of the Industrial Relations Act 2000 as amended.**
- [2] The history of the application is that it was launched on 23rd November 2017 and the parties first appeared in court, in respect of the referral application on 28th November 2017. Mr. V. Magagula represented the Applicant whilst Mr. S.S. Mnisi appeared for the Respondent. The matter was postponed to 6th December 2017. The Applicant's representation appeared alone and the matter was referred to the Registrar's office to be set down before the Judge President.
- [3] The Applicant then set the matter down for hearing on 12th March 2018 and served the notice of set down on the Respondent's attorney's correspondents on 28th February 2018. On 12th March 2018, the Applicant again appeared alone as there was no appearance by or on behalf of the Respondent upon being called three times by the Court orderly. Being satisfied with the manner

of service of the notice of set down and there being no papers filed on behalf of the Respondent in opposition to the application, the Applicant was allowed to move his application as an unopposed one. In terms of **Rule 18(3) of the Rules of this Court** the Applicant is entitled to bring this application upon delivery of the Respondents Reply.

[4] The application is made on the premise that the issues for determination are not complex and the amount sought is not substantial. It appears to me that the Applicant is correct in his assertions regarding both issues. It appears to me that the matter lands itself for determination by the less formal procedures of CMAC and an order directing that it be referred to CMAC for arbitration will not prejudice the Respondent. It appears to me that the matter is a straight forward one and in the absence of opposition, there is no reason not to refer the matter to arbitration by CMAC.

[5] In the circumstances it is ordered that the matter be and is hereby referred to arbitration under the auspices of CMAC.

There no order as to costs.



S. NSIBANDE

PRESIDENT OF THE INDUSTRIAL COURT

For the Applicant: Mr. V. Magagula

For the Respondent: Mr. S.S. Mnisi Attorneys (not before Court)