

IN THE INDUSTRIAL COURT OF SWAZILAND

HELD AT MBABANE

CASE NO. 155/2000 (A)

In the matter between:

SWAZILAND TELEVISION AUTHORITY                      APPLICANT

and

LWAZI HLOPHE & 31 OTHERS                              RESPONDENTS

In Re:

LWAZI HLOPHE & 31 OTHERS                              APPLICANTS

and

SWAZILAND TELEVISION AUTHORITY                      RESPONDENT

CORAM:

NDERINDUMA:                                                      PRESIDENT

JOSIAH YENDE:                                                      MEMBER

NICHOLAS MANANA:                                                      MEMBER

FOR APPLICANT:                                                      S.SHONGWE

FOR RESPONDENT:                                                      M.MKHWANAZI

RULING ON STAY OF EXECUTION

24/04/02

The Applicant has demonstrated that it has an arguable appeal before the Industrial Court of Appeal on some issues of law even though a lot of grounds raised were factual and thus not appealable.

The decretal amount awarded to the Applicants is large and it is in the interest of justice that payment is stayed pending the determination of the appeal. However, the stay is granted only on condition that the total sum is

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deposited in an interest bearing trust account jointly held by counsel for the parties.

As concerns the issue of re-engagement, Section 15 (5) of the 1996 Industrial Relations Act, provided a procedure to be followed where the court has re-instated or re-engaged an employee in terms of Section 15 (2) (a) and (b).

The factual considerations that go into the determination of an award of reinstatement or re-engagement are set out under Section 15 (3) and these are issues of fact that cannot constitute grounds of appeal to the Industrial Court of Appeal

The Applicant has failed to follow the procedure aforesaid and has also not demonstrated that it would

suffer irreparable harm if it were to re-engage the Applicants pending appeal.

The court in the circumstances of the case, declines to grant a stay in respect of the court's order for re-engagement

The Members Agree.

NDERI NDUMA

JUDGE PRESIDENT- INDUSTRIAL COURT