

**IN THE HIGH COURT OF LESOTHO**

HELD AT MASERU

CIV/APN/462/2020

**In the matter between:**

**RETHABILE MAHLOMPHO MOKAEANE**

**APPLICANT**

**AND**

**P.S MINISTRY OF FOREIGN AFFAIRS AND  
INTERNATIONAL RELATIONS**

**1<sup>ST</sup> RESPONDENT**

**MINISTRY OF FOREIGN AFFAIRS AND  
INTERNATIONAL RELATIONS**

**2<sup>ND</sup> RESPONDENT**

**MINISTRY OF PUBLIC SERVICE**

**3<sup>RD</sup> RESPONDENT**

**THE ATTORNEY GENERAL**

**4<sup>TH</sup> RESPONDENT**

Neutral Citation: Rethabile Mahlompho Mokaeane v P.S. Ministry of Foreign Affairs and International Relations and 3 others CIV/APN/462/2020 [2021] LSHC 33

**JUDGMENT**

Coram : Hon. Mr. Justice E.F.M.Makara  
Dates of Hearing : 4 March 2021  
Date of Judgment : 4 March 2021

**MAKARA J.**

**Introduction**

[1] The applicant approached this Court seeking for its order in the following terms:

1. That the rules of this Honourable Court pertaining to normal modes and periods of the service be dispensed with on account of the urgency hereof.

2. A rule nisi be and it is hereby issued returnable on the date and time to be determined by this Honourable Court calling upon the respondents to show cause (if any) why, an order in these terms shall not be made absolute:-

- a) The respondents be put to terms to file answering affidavits if any within seventy two (72) hours and the applicant to reply within forty eight (48) hours and file heads within twenty four (24) hrs thereafter and the respondents to file heads forty eight (48) hrs thereafter.
- b) The matter be argued on the date to be determined by the court.
- c) That the respondents be ordered and directed to pay the applicants employment benefits in terms of regulation 111(1) and (2) by making immediate payment of applicant's children's school fees within five (5) days of the order herein in respect of school fees due and payable from 5<sup>th</sup> January 2021
- d) In the event that the respondents fail to pay following granting of the final court order, the applicant be granted leave to approach courts on the same papers or supplemented wherever necessary to seek enforcement of the order on such terms as the court may deem fit.
- e) That the applicant be granted costs of suit.
- f) That the applicant be granted further and alternative relief.

3. That Prayers 1 and 2 (a) and (b), should operate with immediate effect as interim relief.

[2] In a nutshell, the case was occasioned by the accusation in which the Applicant charges that the Respondents have failed and/or neglected to pay a school fees for her child. Her foundational narrative is simply that the Respondents are by virtue of the contract concluded between them and herself obliged to pay the fees. The contract itself is in consequence of the employment relationship between the Respondents and herself which engages her in the diplomatic foreign service of the Kingdom.

[3] In the main, the Applicant justifies her case with reference to the part of the Public Service Regulations applicable over the public servants serving abroad.

[4] The appointee regulations upon which she has relied are regulations iiiii (1) and (2). The former provides:

[5] The latter qualifies it thus:

[6] It emerges from the papers and the verbal representation that the Respondents adequately are in principle aware of their obligation to pay the fees. This notwithstanding, they are encountering a problem to pay the fees in full. They, however, counter argue that the fees which the Applicant want them to be paid at the relevant school are exorbitant and beyond the budget intended for the purpose. It should suffice to be indicated that the impasse was ultimate, resolved by a deed of settlement concluded between the parties. The same was

subsequently made an order of Court by my brother Justice K Moahloli who ordered that:

[7] It is against the background of the said final order by the Court legally illogical why that Applicant did simply enforce compliance with it instead of mounting another application. This has unnecessarily complicated the matter. Thus, this elects to avoid unnecessary technicalities by simply protecting and dancing the best interest of the child.

[8] In the premises, it is ordered that the Respondent should honour the deed of settlement concluded between the parties. This should be operational from the date of the order itself.

**EFM MAKARA  
JUDGE**

**For Applicant**           :  
**For Respondent**        :