

**IN THE LABOUR COURT OF LESOTHO**

**LC/76/05**

**HELD AT MASERU**

**IN THE MATTER BETWEEN**

**MAKHOBISE MOKAPANE & 2 ORS**

**APPLICANTS**

**AND**

**JOHN LIEU & LESOTHO PRECIOUS GARMENTS**

**RESPONDENT**

---

## **AWARD/ORDER OF COURT**

---

We have heard arguments on the quantum. Applicant seeks to be compensated by the payment of salary from date she should have been reinstated to the date of judgment. Mr. Mohaleroe for the respondent suggested that the court should consider two factors namely; the length of time the applicant took to bring this contempt application to court and the steps that applicant took to mitigate her loss.

We must point out right away that the first factor i.e. the delay in filing the contempt proceedings has already been considered hence why the court declined reinstatement. The second factor would in our view be relevant if the applicant's case had not yet been finalized. It is during that time when the matter is pending finalization when a wronged party is required to take steps to mitigate. In casu, applicant had had his rights determined by a tribunal of competent jurisdiction. She ought to have therefore been at work, not mitigating.

In assessing the quantum we have considered the fact that the textile industry practice what is called short time between October and March. The effect of this is that in a month an employee would effectively work two weeks and be temporarily laid off for the other two weeks. It follows therefore that between December 2004 and March 2005 compensation due shall be two weeks wages for those four months. From April to end of July

applicant will be paid the full wages that she would have earned if she had been reinstated in accordance with the DDPR award. The full compensation therefore stands thus:

1. Payment of applicant's wages from the 22<sup>nd</sup> November 2004 when she ought to have been reinstated to 30<sup>th</sup> November 2004.
2. Payment of two weeks wages for the months of December 2004 to March 2005.
3. Payment of full month's wages for the period April 2005 to July 2005.
4. This order ought to be complied with no later than 15<sup>th</sup> December 2005.

**THUS DONE AT MASERU THIS 15<sup>TH</sup> DAY OF NOVEMBER 2005**

**L. A. LETHOBANE**  
**PRESIDENT**

My panellists agree.