

IN THE LABOUR COURT OF LESOTHO

LC/REV/377/2006

HELD AT MASERU

IN THE MATTER BETWEEN

MAILE MAILE & 10 OTHERS

APPLICANT

AND

FRASERS LESOTHO LTD  
ARBITRATOR MALEBANYE

1<sup>ST</sup> RESPONDENT  
2<sup>ND</sup> RESPONDENT

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## JUDGMENT

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This is an application for the review of the learned arbitrator Malebanye on the ground that after being addressed on the point raised by counsel for the 1<sup>st</sup> respondent herein the learned arbitrator proceeded to dismiss applicants claim on the merits without having been addressed by the parties thereon.

On the date of hearing counsel for both parties recorded that they have agreed that the matter be remitted to the DDPR to enable the learned arbitrator to hear evidence which she admittedly had not heard when she dismissed the merits of applicants claim. At best the learned arbitrator had entirely relied on hearsay which was regurgitated by the representative for the 1<sup>st</sup> respondent from the bar. This counsels agree was irregular. Accordingly, the award of the learned arbitrator Malebanye in referral E0135/05 is reviewed and

corrected as prayed. The matter is remitted to the DDPR for the hearing of evidence. There is no order as to costs.

THUS DONE AT MASERU THIS 26<sup>TH</sup> DAY OF JUNE 2008

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

**R. MOTHEPU**  
**MEMBER**

**I CONCUR**

**L. MATELA**  
**MEMBER**

**I CONCUR**

**FOR APPLICANTS:**  
**FOR RESPONDENT:**

**ADV. SHALE**  
**ADV. MATOOANE**