

IN THE LABOUR COURT OF LESOTHO

LC/REV/101/06

HELD AT MASERU

IN THE MATTER BETWEEN

MASENTLE KANE

APPLICANT

AND

WORLD VISION LESOTHO
DDPR

1ST RESPONDENT
2ND RESPONDENT

JUDGMENT

Date : 17/09/09

Review - Applicant neglected to attend to set down the application - Matter set down at initiative of Registrar - On date of hearing none of the parties attended - Review struck off.

1. The applicant referred a dispute to the DDPR in which she claimed several reliefs. She lost in respect of all claims except for leave. The arbitrator awarded that the 1st respondent should pay her leave due but not taken in the amount of M1,331-00. The arbitrator also awarded costs against the applicant and ordered that she should pay M1,500-00 to the 1st respondent. The two amounts were set off against each other and the applicant was left with M169-00 which she had to pay to the 1st respondent as costs for frivolity.
2. The award of the learned arbitrator was dated 10th August 2003. On the 17th September 2003 applicant lodged an appeal against the award of the arbitrator. Applicant appealed against the award in face of the clear and unambiguous provisions of section 228E(5) of the Labour Code (Amendment) Act 2000 which provide that an award issued by the arbitrator shall be final and binding.

3. 1st respondent filed the Notice of Intention to Oppose the appeal. However, no opposing affidavit was filed. The record of the arbitration proceedings was filed on the 17th May 2007. Thereafter no steps were taken to attend to the setting down of the matter.
4. It is apparent from the file that applicant's then legal representative Advocate Putsoane passed on sometime in December 2006. It is also apparent from correspondence that his affairs were taken over by Advocate Malefane.
5. The Registrar took the initiative to set the matter down for hearing on the 17th September 2009. The representatives of the parties were informed through a formal notification of hearing. On the date of the hearing neither representative was in attendance. Given that the matter is evidently old and in the interest of finality to litigation, the court decided to strike off the review. Accordingly, the application for review was dismissed.

THUS DONE AT MASERU THIS 29th DAY OF OCTOBER 2009

L. A. LETHOBANE
PRESIDENT

J. M. TAU
MEMBER

I CONCUR

M. MOSEHLE
MEMBER

I CONCUR