

IN THE LABOUR COURT OF LESOTHO

LC/38/12

HELD AT MASERU

In the matter between:

LESOTHO STONE ENTERPRISES (PTY) LTD

APPLICANT

And

CONSTRUCTION, MINING, QUARRYING
AND ALLIED WORKERS
THE DIRECTORATE OF DISPUTE
PREVENTION AND RESOLUTION
ARBITRATOR KETA

1st RESPONDENT

2nd RESPONDENT

3rd RESPONDENT

JUDGMENT

Date of hearing: 18th October 2012

Application for interdict – interim rule interdicting Respondent members from strike being issued. Respondent members continuing on a strike in spite of subsistence of rule – Applicant terminating their employment contracts. Applicant subsequent thereto withdrawing the application as object no longer exists.

BACKGROUND OF THE ISSUE

1. This an application for an order of an interdict restraining Respondent members from engaging in allegedly unlawful strike. The application was moved on the 28th September 2012 and *rule nisi* was issued temporarily staying the strike action by Respondent members pending the finalisation of the matter. The rule was extended over a series of dates on request by both parties, until the 18th October 2012 when the matter was finally argued. It is against this background that this application was heard on this day.

SUBMISSIONS

2. Mr. Motlere submitted that since the granting of the *rule nisi* interdicting Respondent members from continuing on their industrial action was granted, Respondent members have ignored the order and continued to strike. As a result, Applicant management has since terminated all their employment contracts. He further submitted that due to these developments, the object of their application had ceased to exist and they wished to withdraw the matter. Mr. Mokhahlane for Respondent raised no objection to the withdrawal of the application but indicated that he was not aware about the developments.

3. In of the submissions of the parties, I find no reason not to grant the withdrawal of this matter. Clearly the circumstances warrant the move taken by Applicant. Consequently, this application is dismissed in terms of rule 10 of the ***Labour Court Rules***.

THUS DONE AND DATED AT MASERU ON THIS 18th DAY OF OCTOBER 2012,

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**T. C. RAMOSEME
DEPUTY PRESIDENT OF THE LABOUR COURT OF LESOTHO (AI)**

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**R. MOTHEPU
MEMBER**

I CONCUR

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**P. LEBITSA
MEMBER**

I CONCUR

FOR APPLICANT:

MR. MOTLERE

FOR RESPONDENT:

MR. MOKHAHLANE