

LUKAS MUNYIKA

AND 66 OTHERS

VERSUS

ZIMBABWE UNITED PASSENGER COMPANY LTD

IN THE HIGH COURT OF ZIMBABWE

KAMOCHA J

BULAWAYO 30 SEPTEMBER & 12 DECEMBER 2013

*Mr T. Magwaliba with Mrs Shenje, for the applicant  
Ms N. Ncube, for the respondent*

Chamber application

**KAMOCHA J:** On 30 September 2013 a chamber application was granted by this court in the following terms:-

“IT IS ORDERED THAT:-

- (1) The arbitral award dated 10 April 2013 in the matter between the parties is hereby registered as an order of this court.
- (2) The respondent pay to the applicants the sum of US\$648 939.96.
- (3) The respondent bears the costs of this application”

The respondent company has requested reasons for the judgment as it intends to appeal against the judgement. These are they. All the applicants were employed by the respondent company in various capacities. The applicants were part of a group of employees who were retrenched as of 30 June 2010.

The total number of retrenched was initially 117 but 50 of them have since been paid what was due to them. The remaining 67 should, according to the arbitral award, have been paid a total sum of US\$648 939.96 by 28 June 2013. The respondent company failed to meet its obligation in terms of the arbitral award handed down on 10 April 2013.

The applicants then filed this application to have the arbitral award registered as an order of this court in terms of section 98 (14) of the Labour Act [Chapter 28:01] on 11 July 2013 and served it on the respondent company the following day – 12 July 2013. Respondent failed

to file its notice of opposition timeously. It purported to do so on 19 August 2013 without even seeking condonation for failure to act timeously. It was out of time by no less than 24 working days. It was hopelessly out of time.

Consequently the above arbitral award was granted in default.

*Magwaliba & Kwirira*, respondent's legal practitioners