

MORGAN CHAMISA
versus
POLICE SERVICE COMMISSION

HIGH COURT OF ZIMBABWE
MATANDA-MOYO J
HARARE, 27 March 2014

Opposed Matter

Applicant in person
R.M. Bhasera, for the respondent

MATANDA-MOYO J: This is an application for condonation for late noting of appeal. The respondent dismissed the applicant's appeal on 1 August 2011. The applicant is thus out of time to note an appeal.

The respondent raised as point *in limine* that this court has no jurisdiction to entertain appeals from the respondent. Section 30 of the High Court Act [*Cap 7:06*] deals with jurisdiction of the High Court in appeals civil matters. It provides;

“30 Jurisdiction in appeals in civil cases.

(1) The High Court shall have jurisdiction to hear and determine an appeal in any civil case from the judgment of any court or tribunal from which in terms of any other enactment an appeal lies to the High Court.

(2)

The applicant was discharged from the police force in terms of the Police Act [*Cap 11:10*]. Such Act does not provide for an appeal to this court. I agree with counsel for the respondent on that aspect.

It is therefore incompetent for me to decide on the issue of condonation when it is clear that this court has no powers to hear an appeal from the Police Service Commission.

Accordingly the application is dismissed with no order as to costs.

Civil Division of the Attorney-General's Office, respondent's legal practitioners