

**THE REPUBLIC OF UGANDA**  
**IN THE HIGH COURT OF UGANDA AT KAMPALA**  
**CIVIL DIVISION**

**MISCELLANEOUS CAUSE No. 164 of 2016.**

**IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW**

**BENARD TUMWESIGIRE ::::::::::::::::::::::::::::::: APPLICANT**

*Versus*

- 1. MINISTER FOR FINANCE, PLANNING ,  
ECONOMIC DEVELOPMENT**
- 2. DEPARTED ASIANS PROPERTY CUSTODIAN RESPONDENTS  
BOARD**
- 3. SAM MALE**

**BEFORE: HON. JUSTICE STEPHEN MUSOTA**

**RULING**

This is an application by way of Notice of Motion for Judicial Review under Articles 42, 50 and rules 3, 5 and 3 of the Judicature (Judicial Review) Rules 2009 SI 11 of 2009.

The applicant seeks for orders of Certiorari quashing the decision by the respondents causing the wrongful dismissal, Prohibition stopping the 1<sup>st</sup> respondent from implementing directives and Mandamus to the respondents to carry out a statutory duty of paying the applicants salary arrears.

Counsel for the applicant filed detailed written submissions but the respondents did not because the application proceeded exparte after the respondents failed to file their respective affidavits in reply. After a careful perusal of the application and supporting affidavit and considering the sum total of the reliefs being sought, I am of the considered view that this matter does not fall under Judicial Review.

This matter does not fall under the ambit of Judicial Review because all the issues the applicant is seeking to resolve need to be proved by evidence which cannot be effectively handled under Judicial Review. Some of the complaints concern employment disputes for

wrongful or unfair termination, payment of compensatory and punitive damages as well as severance pay. Several of the claims date as long ago as 2007, 2009, and 2010

Since this is a matter regarding employment, the applicant ought to have brought this matter under Employment Act and by ordinary plaint. I therefore order that this matter be dismissed for having been brought under the wrong procedure.

I will make no order as to costs.

**Stephen Musota**  
**J U D G E**  
**20.02.2017**

**20.02.2017:-**  
Mr. Ruyondo for the applicant.  
Applicant in Court.

None for the Respondents.  
Milton Court Clerk.

**Mr. Ruyondo:-**

We are here for a Ruling.

**Court:-**

Ruling read and delivered to the Applicant.

**AJIJI ALEX MACKAY  
DEPUTY REGISTRAR  
20.02.2017**