THE REPUBLIC OF UGANDA IN THE INDUSTRIAL COURT OF UGANDA AT KAMPALA MISC. APPL. NO. 026 OF 2020 [ARISING FROM LDR NO. 054/2015 & MGLSD 276/2015]

- 1. WAISWA POLYCAP
- 2. TEMBO LOUIS
- 3. MUGABI APOLLO
- 4. NZABAMUITA BRUNO
- 5. LUTWAMA MOSES
- 6. OKWERA JIMMY
- 7. BAMANYIRE WINFRED
- 8. JARUA JANE
- 9. MAGUYA MILTON
- **10.NAKITYO TEOPISTA**
- 11.BALINDA JOLLY K.
- **12.TWINOMUGISHA DENIS**
- 13.RWEKIKIGA ASIIMWE.....APPLICANT

 VERSUS

ATTORNEY GENERAL.....RESPONDENT

BEFORE

- 1. Hon. Chief Judge Ruhinda Asaph Ntengye
- 2. Hon. Lady Justice Linda Tumusiime Mugisha

PANELISTS

- 1. Ms. Adrine Namara
- 2. Mr. Matovu Michael
- 3. Ms. Susan Nabirye

RULING

This is an application filed by the applicants that seeks endorsement and confirmation of figures calculated as emoluments accruing to the claimants in accordance with the ruling of this court in labour reference No. 054/2015.

REPRESENTATIONS

Mr. Amos Musheija of M/s. Kakuru & Co. Advocates represented the applicants while M/s. Jackie Amusugot of Attorney General's Chambers represented the respondent.

The background of this application is that the applicants filed Labour dispute reference 054/2015 seeking for gratuity, medical allowance, leave allowance, exgratia, transport allowance and payment in lieu of notice.

This court in its Award delivered on 8/11/2016 held that the claimants were entitled to

- (a) 30% of salary earnings of each 3-year period served.
- (b) Allowance sufficient for transporting each officer to his/her village.
- (c) 05% of gross earnings for the total period served by the time of retirement.
- (d) 10% of annual salary for the year each of the claimants went on leave and the same % for those who applied but were denied leave.
- (e) 3 months' salaries in lieu of notice.

In addition to the above the court held that "if after calculating the benefits accruing to the claimants in accordance with this Award it is found that the claimants were paid less than the awarded amounts, the balance payable shall attract interest at 21% from the year 2012 until payment in full".

The above Award took into consideration the amount already paid to each of the claimants and therefore required the respondent to calculate the amount due to each of the claimants in accordance with the Award given that each of them had been paid part of the money.

According to the affidavit in support of this application the respondent was requested to submit her computations of the monies accruing to the claimants in accordance with the Award but the respondent ignored the request and when the applicants submitted their own calculations the respondent neither opposed nor rejected the same.

The application was served onto the respondent and on 7/4/2021 M/s. Jackie Amusugat appeared for the respondent and she applied for court's indulgence to file an affidavit in reply which this court granted and gave the respondent up to 28/4/2021 and the matter was adjourned 4/5/2021 for mention/settlement out of court.

On 4/5/2021 the respondent was absent in court and there was (and still there is) no affidavit in reply on the court record. When Mr. Mushaija for the applicant prayed court to allow the application since it was not challenged, court decided to fix the 28/5/2021 for quorum discussion and 25/06/for a ruling.

The claimants having conceded in Labour Dispute Ref. 054/2015 to have received money which the respondent claimed was full and final payment of their gratuity, they disputed the calculations and thus court made an Award as indicated above. We have perused copies of the letters attached to the application marked "B1" and "B2" respectively to the effect that the respondent be able to compute what was owed to the applicants in accordance with the Award.

The respondent did not offer any computation. These letters were received by the Attorney General's Chambers on 15/12/2016 and 19/1/2017 respectively. When the application was filed on 20/2/2020 for the court to take the applicant's computation as the correct computation, it was expected that the respondent would file a reply contesting the computation which they did not. When they appeared on 7/4/2021 and court gave them an opportunity to file a reply, none was forthcoming and by the time of writing this Award no reply is on record.

Having perused the application and the affidavit in support and in the absence of any affidavit in reply to challenge the computation by the applicants, we have no reason not to allow the application. The computations as presented by the applicants are allowed as owing to the applicants in Labour Dispute Ref. 054/2015 and for avoidance of doubt they are as follows:

1. WAISWA POLYCAP -

2. TEMBO LOUIS 26,807,758= 3. MUGABI APOLLO 31,954,872= 36,588,563= 4. NZABAMWITA BRUNO 5. LUTWAMA MOSEs 36,401,022= 6. OKWERA JIMMY 26,724,527= 7. BAMANYA WINFRED -30,693,382= 8. JURUA ANDREW 27,972,836= 9. MAGUYA MILTON 27,972,580= **10.NAKITYO TEOPISTA** 25,170,835= 11.BALINDA J K. 23,785,915= 37,066,056= **12.TWINOMUGISHA DENIS** 60,933,137= **13.RWEKIKIGA ASIIMWE**

In conclusion the application succeeds in the above terms with no orders as to costs.

Delivered & signed by:

 Hon. Chief Judge Ruhinda Asaph Ntengye 	
2. Hon. Lady Justice Linda Tumusiime Mugisha	
PANELISTS	

Ms. Adrine Namara
 Mr. Matovu Michael
 Ms. Susan Nabirye

Dated: 02/0702021