

UGANDA / JUDGMENT

Namusoke v Cairo International Bank (Miscellaneous Application No. 3 of 2020) [2022] UGIC 31 (21 February 2022) [2022] UGIC 31

COURT

Industrial Court of Uganda

BEFORE

Katende, Panel Member, Ruhinda-Ntengye, J, Bwire,
Panel Member, Nyacho, Panel Member

CASE / FILE NUMBER

Miscellaneous Application No. 3 of 2020

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**THE REPUBLIC OF UGANDA IN THE INDUSTRIAL COURT OF UGANDA AT KAMPALA
MISC. APPL. NO.003 OF 2020 ARISING FROM LDA NO. 004/2019 & KCCA NO. 199/18**

**VICTORIA NAMUSOKE KAWOYA..... APPLICANT VERSUS CAIRO
INTERNATIONAL BANK RESPONDENT**

BEFORE

1. The Hon. Head Judge, Asaph Ruhinda Ntengye

Panelists

- 1. Mr. Bwire John Abraham
- 2. Ms. Julian Nyachwo
- 3. Mr. Patrick Katende

RULING

This application was made **under Section 82 (b) Civil Procedure Act, Order 46 rule 1(b) and rule 8 of the Civil Procedure Rules.**

It sought an order of review of the Award of this court in Labour dispute Appeal No. 004/2019.

The grounds of the application were set out in the application and an affidavit in support of the application was sworn by Victoria Namusoke, the applicant.

An affidavit in reply was sworn by one Stella Ladona Wattanga on behalf of the respondent.

Representations:

The applicant was represented by Mr. Banturaki of M/s. Banturaki & Co. Advocates while the respondent was represented by Mr. Kyateka Ivan of M/s. Tumusiime Kabega & Co. advocates.

When the matter came up for hearing on 15/09/2021, counsel for the applicant in open court sought to raise a preliminary objection as to the jurisdiction of this court. Court granted timelines for submissions but no submissions were forthcoming. The court made a ruling on 08/11/2021 overruling the objection.

On 20/8/2021, this matter came up once again in open court and court gave time lines for written submissions. Although the applicant did not file any submission, the respondent filed submissions in time.

Decision of court:

We have carefully read and internalized both the application, the affidavit in support as well as the affidavit in reply. We have internalized the submissions of the respondent. We accept the submission of counsel for the respondent that in matters of review there must be an error apparent on the face of the record and as the Supreme Court held in **Edison Kanyabwera Vs Pastori Tumwebaze SCCA No. 6/2004** that "it must be an error apparent on the face of the record, an evident error which does not require any extraneous matter to show its incorrectness."

We have once again internalized our decision in LDA No. 004/2019 and we do not find any mistake apparent on the face of the record.

In the absence of a submission on the mistake apparent on the face of the record, we have no reason to disbelieve the respondent in his submission that there was no mistake in the finding of this court that the applicant's notice of resignation of 26/1/2018 was withdrawn and replaced with the notice of 30th January 2018 but did not revoke the resignation.

Accordingly, the application has no merits and it is hereby dismissed with costs to the respondent, particularly because the applicant having filed the application neglected or failed to defend it putting the respondent at legal expense for apparently no reason.

Delivered & signed by:

| 1. | The Hon. Head
Judge, Asaph Ruhinda Ntengye | |
|-----|-----|-----| | Panelists | | | 1. | Mr. Bwire John Abraham |
..... | | 2. | Ms. Julian Nyachwo | | | 3. | Mr. Patrick Katende |
..... |

Dated: 21/02/2022

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