

UGANDA / JUDGMENT

Okello v Stanbic Bank (U) Ltd (Labour Dispute Claim 43 of 2015) [2016] UGIC 12 (14 October 2016) [2016] UGIC 12

COURT

Industrial Court of Uganda

CASE / FILE NUMBER

Labour Dispute Claim 43 of 2015

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\b\fs24\lang1033\langfe1033\langnp1033\insrsid9528957\charrsid13966939 THE REPUBLIC OF
UGANDA

\par IN THE INDUSTRIAL COURT OF UGANDA AT KAMPALA

\par LABOUR DISPUTE CLAIM No. 043 OF 2015

\par (Arising from Labour Dispute claim No. \}\rtlch\fcs1 \af0\afs24 \ltrch\fcs0
\b\fs24\insrsid9528957\charrsid13966939 012 of 2013)\}\rtlch\fcs1 \af0\afs24 \ltrch\fcs0
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..... CLAIMANT

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\par AND

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\b\f0\fs24\insrsid9528957\charrsid14314309 STANBIC BANK (U) LTD.....}{
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\ltrch\fcs0 \b\f0\fs24\insrsid9528957\charrsid14314309 .. RESPONDENT

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\par BEFORE

\par }{\rtlch\fcs1 \af0\afs24 \ltrch\fcs0 \f0\fs24\insrsid9528957\charrsid14314309 1. Hon. Chief
Judge Ruhinda Asaph Ntengye

\par 2. Hon. Lady Justice Linda TumusiimeMugisha

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\par }{\rtlch\fcs1 \af0\afs24 \ltrch\fcs0 \b\f0\fs24\ul\insrsid9528957\charrsid14314309 PANELISTS

\par }{\rtlch\fcs1 \af0\afs24 \ltrch\fcs0 \f0\fs24\insrsid9528957\charrsid14314309 1. Mr. Ebyau Fidel

\par 2. Ms. Nyachwo Julian

\par 3. Mr. Mavunwa Edson Hans

\par

\par }{\rtlch\fcs1 \af0\afs24 \ltrch\fcs0 \b\f0\fs24\insrsid5053180\charrsid14314309 RULING}
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\par }{\rtlch\fcs1 \af0\afs24 \ltrch\fcs0 \f0\fs24\insrsid5053180\charrsid14314309 This ruling arises
out of a preliminary objection raised by counsel for the respondent.

\par

\par He argued strongly that the claim offended section 3 of}{\rtlch\fcs1 \af0\afs24 \ltrch\fcs0
\f0\fs24\insrsid9788093\charrsid14314309 the Limitation Act, having been}{\rtlch\fcs1 \af0\afs24
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VS Uganda Revenue Authority, labour di}\rtlch\fcs1 \af0\afs24 \ltrch\fcs0 \f0\fs24\insrsid9266523\charrsid14314309 spute No. 27/2014. He prayed t}\rtlch\fcs1 \af0\afs24 \ltrch\fcs0 \f0\fs24\insrsid5053180\charrsid14314309

his court to strike out and reject the claim. Counsel for the respondent in reply argued that the preliminary objection was res judicata since it had been raised before while the matter was in High court at Lira circuit.

\par

\par He argued}\rtlch\fcs1 \af0\afs24 \ltrch\fcs0 \f0\fs24\insrsid9788093\charrsid14314309 that when}\rtlch\fcs1 \af0\afs24 \ltrch\fcs0 \f0\fs24\insrsid7555082\charrsid14314309 the same preliminary point}\rtlch\fcs1 \af0\afs24 \ltrch\fcs0

\f0\fs24\insrsid5053180\charrsid14314309 was raised, both counsel submitted and the learned judge dismissed it with costs. He also laboured to, in}\rtlch\fcs1 \af0\afs24 \ltrch\fcs0 \f0\fs24\insrsid7555082\charrsid14314309 the}\rtlch\fcs1

\af0\afs24 \ltrch\fcs0 \f0\fs24\insrsid5053180\charrsid14314309 alternative, argue that the suit was not time barred.

\par

\par We have perused carefully the ruling in High }\rtlch\fcs1 \af0\afs24 \ltrch\fcs0 \b\f0\fs24\insrsid5053180\charrsid14314309 Court CS 0012/2013}\rtlch\fcs1 \af0\afs24 \ltrch\fcs0 \f0\fs24\insrsid7555082\charrsid14314309 at Lira which}\rtlch\fcs1

\af0\afs24 \ltrch\fcs0 \f0\fs24\insrsid2577711\charrsid14314309 was on the same preliminary objection raised before us.}\rtlch\fcs1 \af0\afs24 \ltrch\fcs0 \f0\fs24\insrsid5053180\charrsid14314309

\par }\rtlch\fcs1 \af0\afs24 \ltrch\fcs0 \f0\fs24\insrsid2577711\charrsid14314309

\par T}\rtlch\fcs1 \af0\afs24 \ltrch\fcs0 \f0\fs24\insrsid7555082\charrsid14314309 he learned judge in no uncertain terms

dismissed the preliminary objection. After perusing both submissions we are in no doubt that the decision in cs 002/2013 was on the same legal point raised before us. The Learned Judge stated and held,}}

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{\rtlch\fcs1 \af0\afs24 \ltrch\fcs0 \b\f0\fs24\insrsid14376949\charrsid14314309 view}{\rtlch\fcs1
\af0\afs24 \ltrch\fcs0 \b\f0\fs24\insrsid2577711\charrsid14314309

, the issue at what stage the cause of action accrued is not one which can be fairly and squarely decided one way or the other, unless some fact or facts in issue are proved. In }}{\rtlch\fcs1
\af0\afs24 \ltrch\fcs0

\b\f0\fs24\ul\insrsid7555082\charrsid14314309 SAYIKWO MUROME}{\rtlch\fcs1 \af0\afs24
\ltrch\fcs0 \b\f0\fs24\ul\insrsid482260\charrsid14314309 Vs YOVANI (1985) HCB }}{\rtlch\fcs1
\af0\afs24 \ltrch\fcs0 \b\f0\fs24\ul\insrsid2577711\charrsid14314309 68}{

\rtlch\fcs1 \af0\afs24 \ltrch\fcs0 \b\f0\fs24\ul\insrsid482260\charrsid14314309 }}{\rtlch\fcs1
\af0\afs24 \ltrch\fcs0 \b\f0\fs24\insrsid2577711\charrsid14314309 Odoki J. as }}{\rtlch\fcs1 \af0\afs24
\ltrch\fcs0 \b\f0\fs24\insrsid482260\charrsid14314309 he

}}{\rtlch\fcs1 \af0\afs24 \ltrch\fcs0 \b\f0\fs24\insrsid2577711\charrsid14314309 then was, held that
where a plaintiff pleads facts from which a

reasonable inference can be made that the suit is not time barred, then the issue of limitation is a
triable issue which can only be determined after hearing the evidence on}}{\rtlch\fcs1 \af0\afs24
\ltrch\fcs0 \b\f0\fs24\insrsid482260\charrsid14314309

the matter \85\85\85}{\rtlch\fcs1 \af0\afs24 \ltrch\fcs0 \b\f0\fs24\insrsid2577711\charrsid14314309

\par

\par In the resu}}{\rtlch\fcs1 \af0\afs24 \ltrch\fcs0 \b\f0\fs24\insrsid482260\charrsid14314309 lt, and
for the reasons}}{\rtlch\fcs1 \af0\afs24 \ltrch\fcs0 \b\f0\fs24\insrsid2577711\charrsid14314309 g}
{\rtlch\fcs1 \af0\afs24 \ltrch\fcs0

\b\f0\fs24\insrsid9266523\charrsid14314309 iven above, this preliminary obj}}{\rtlch\fcs1 \af0\afs24
\ltrch\fcs0 \b\f0\fs24\insrsid2577711\charrsid14314309

ection is overruled and is dismissed with costs to the plaintiff. The suit shall proceed to be heard
on its merits.\94}{\rtlch\fcs1 \af0\afs24 \ltrch\fcs0 \f0\fs24\insrsid2577711\charrsid14314309

\par }}{\rtlch\fcs1 \af0\afs24 \ltrch\fcs0 \f0\fs24\insrsid14376949\charrsid14314309

\par We have nothing}}{\rtlch\fcs1 \af0\afs24 \ltrch\fcs0 \f0\fs24\insrsid10498776\charrsid14314309
useful to add to the above holding.}}{\rtlch\fcs1 \af0\afs24 \ltrch\fcs0
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\lsdsemihidden0 \lsdunhideused0 \lsdpriority70 \lsdlocked0 Dark List Accent 3;

\lsdsemihidden0 \lsdunhideused0 \lsdpriority71 \lsdlocked0 Colorful Shading Accent 3;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority72 \lsdlocked0 Colorful List Accent 3;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority73 \lsdlocked0 Colorful Grid Accent 3;

\lsdsemihidden0 \lsdunhideused0 \lsdpriority60 \lsdlocked0 Light Shading Accent 4;
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\lsdunhideused0 \lsdpriority62 \lsdlocked0 Light Grid Accent 4;

\lsdsemihidden0 \lsdunhideused0 \lsdpriority63 \lsdlocked0 Medium Shading 1 Accent 4;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority64 \lsdlocked0 Medium Shading 2 Accent 4;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority65 \lsdlocked0 Medium List 1 Accent 4;

\lsdsemihidden0 \lsdunhideused0 \lsdpriority66 \lsdlocked0 Medium List 2 Accent 4;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority67 \lsdlocked0 Medium Grid 1 Accent 4;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority68 \lsdlocked0 Medium Grid 2 Accent 4;

\lsdsemihidden0 \lsdunhideused0 \lsdpriority69 \lsdlocked0 Medium Grid 3 Accent 4;
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\lsdsemihidden0 \lsdunhideused0 \lsdpriority72 \lsdlocked0 Colorful List Accent 4;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority73 \lsdlocked0 Colorful Grid Accent 4;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority60 \lsdlocked0 Light Shading Accent 5;

\lsdsemihidden0 \lsdunhideused0 \lsdpriority61 \lsdlocked0 Light List Accent 5;\lsdsemihidden0
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\lsdpriority63 \lsdlocked0 Medium Shading 1 Accent 5;

\lsdsemihidden0 \lsdunhideused0 \lsdpriority64 \lsdlocked0 Medium Shading 2 Accent 5;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority65 \lsdlocked0 Medium List 1 Accent 5;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority66 \lsdlocked0 Medium List 2 Accent 5;

\lsdsemihidden0 \lsdunhideused0 \lsdpriority67 \lsdlocked0 Medium Grid 1 Accent 5;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority68 \lsdlocked0 Medium Grid 2 Accent 5;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority69 \lsdlocked0 Medium Grid 3 Accent 5;

\lsdsemihidden0 \lsdunhideused0 \lsdpriority70 \lsdlocked0 Dark List Accent 5;\lsdsemihidden0
\lsdunhideused0 \lsdpriority71 \lsdlocked0 Colorful Shading Accent 5;\lsdsemihidden0
\lsdunhideused0 \lsdpriority72 \lsdlocked0 Colorful List Accent 5;

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