

**HH 189-03**  
**HC 9165/03**  
ZIMBABWE RAILWAYS ARTISANS UNION  
**and**  
RAILWAYS ASSOCIATION OF ENGINEMEN  
**and**  
ZIMBABWE AMALGAMATED RAILWAYS MEN UNION  
**and**  
NATIONAL RAILWAYS OF ZIMBABWE

HIGH COURT OF ZIMBABWE  
HUNGWE J.

**HARARE, 21<sup>ST</sup> October, 2003**

**Urgent Chamber Application**

*Ms J Njerere* for the applicants  
*Mr A Muchadehama* for the respondent

**HUNGWE J:** This matter came before me under a certificate of urgency signed by Mr Tendai Biti on behalf of the three applicant trade unions. The events leading to this are as follows -

Applicants members embarked on a collective job action. The date of commencement of this collective job action is a matter of dispute. Applicant's papers suggest the date as 25 August, 2003. Respondent's papers give 18 August, 2003 as the date. Applicants say this action ended on 28 August, 2003 after it was amicably resolved by the parties. Respondent says although the matter was resolved on that date others of applicants' members continued with their action up until 3 September, 2003. However, the upshot of it was that on 4 September, 2003 the Labour Court in Case No LC/H/321/2003 issued a disposal order.

Following this order, the respondent proceeded to work out deductions from salaries and wages monies that would have been due to those workers who participated in the collective job action had they been executing their duties with the respondent. On learning of this order, applicants filed this application.

Various grounds were advanced as constituting urgency. Without making any ruling on the question of urgency I decided to deal with the matter on an urgent basis.

Having listened to the submissions of both counsel I dismissed the application. The main reason I took the decision to dismiss the application is that this matter has its roots in the Labour Court. decisions have been made on it. It is

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**a continuation of that matter. It is a matter dealing with issues that that Court can competently deal with.**

**In any event section 108(4) of the Labour Amendment Act No 17 of 2002 on the face of it permits for the action contemplated by the respondent which is the very act the Court is being asked to interdict the employer against.**

**Quite clearly the applicants cannot interdict that which the law permits, in the circumstances.**

**There are other matters which would have in any case disinclined me to grant the relief sought. It was on that basis that I dismissed the application.**

***Honey & Blanckenberg* , applicants' legal practitioners**

***Mbidzo Muchadehama & Makoni*, respondents' legal practitioners**