

21 October 2009

Case No. SADCT: 07/2009

SOUTHERN AFRICAN DEVELOPMENT COMMUNITY TRIBUNAL

ANGELO MONDLANE

v.

THE SECRETARIAT OF THE SOUTHERN AFRICAN DEVELOPMENT COMPANY

RULING

BEFORE: PRESIDENT: A. G. Pillay
JUDGES: Dr. R. Kambovo; F. M. Chomba

Citation: Mondlane v. SADC Secretariat, Ruling, Case No. SADCT: 07/2009 (SADC, Oct. 21, 2009)
Represented APPLICANTS' AGENTS: A. Denk and Mrs. S. Nambinga
By: RESPONDENT'S AGENTS: Dr. T. Uate

RULING

DELIVERED BY THE PRESIDENT OF THE TRIBUNAL H. E. JUSTICE A.G. PILLAY.

[1] Having heard Mr. DENK, Counsel for Applicant and Dr. UATE, Counsel for Respondent and having had regard to Applicant's Application and other documents filed of record in this urgent application; and

[2] Whereas Counsel for Respondent raised no objection to the granting of the interim order; and

[3] Whereas the Tribunal is therefore satisfied that Applicant made out a case for the preservation of the status quo,

IT IS ORDERED:

1. Respondent is restrained and prohibited from advertising for possible recruitment the position of Director: Policy, Planning and Resource Mobilization;
2. Respondent is restrained and prohibited from recruiting and filling the position of Director: Policy, Planning and Resource Mobilization within the SADC Secretariat and which is currently held by the Applicant;
3. Orders 1 and 2 shall prevail pending the hearing and determination of the main application.
4. Respondent is compelled and directed to retain Applicant in its employ after 31 December 2009 should the main application not be determined by that date.
5. The Tribunal awards no costs to the applicant as there are no exceptional circumstances shown.

Delivered in open court this 21 day of October 2009, at Windhoek in the Republic of Namibia.

H. E Justice Ariranga Govindasamy Pillay
PRESIDENT

H. E Justice Dr. Rigoberto Kambovo
MEMBER

H. E Justice F. M. Chomba
SC MEMBER