

THE INDUSTRIAL COURT OF UGANDA AT KAMPALA

LABOUR CLAIM NO,276/2014

KANGAHO SILVER.....CLAIMANT

VERSUS

ATTORNEY GENERAL.....RESPONDENT

RULING

The claimant , Kangaho Silver Tubenawe was employed by the Inspectorate of Government under a contract of service that was to expire on 31/12/2005. According to the contract the said employment was renewable.

Reminders were put on notice Boards for the employees to apply for renewal of their contracts before expiry.

The claimant did not apply for such renewal and neither did the Inspectorate of government show that no renewal would be acceptable. Consequently the claimant continued working until 30/04/2006 when he was terminated.

Counsel for the respondent in written submissions raised a preliminary objection relating to non disclosure of a cause of action. Counsel argued that since the contract of employment had expired by 31/12/2005, the claimant had no cause of action. It was also argued on behalf of the respondent that the renewal of the contract could not be automatic because the appointment's board had the exclusive right by law to renew the contract or deny the same and the same board exercising ts legal mandate offered the claimant a contract at the rank of Senior Principal Inspectorate officer.

In reply counsel for the claimant submitted that the claimant's contract was renewed by conduct of the parties as the claimant continued working as before and was remunerated.

We are of the considered opinion that the facts in the instant case are similar to those in the case of Dr, Arinaitwe Raphael and 37 others vs Inspectorate General of Government HCCS 0349/2007 cited by counsel for the claimant. In the said case the defendant denied liability and maintained that the suit disclosed no cause of action in as far as it originated on expired contracts and the mandate to renew the same lay with the discretion of the Appointment's Board. The plaintiff had asserted that their employment had been extended by the defendant's conduct and representations.

The Hon, Justice Yorokamu Bamwine declined to grant the preliminary objection and held that the court could only arrive at a decision after hearing evidence of both parties and the matter could not be determined on a preliminary point of law.

We have no reason to depart from this decision. The preliminary objection is overruled.

SIGNED

1. Hon. Justice Ruhinda Asaph Ntengye Chief  
Judge.....

2. Hon. Lady Justice Linda Lillian Mugisha  
Tumusiime.....

PANNELLISTS

1. Mr, Ebyau Fidel.....

2. Mr. Mavunwa Edson Han.....

3. Mr. Michael Matovu.....

Dated the.....day of.....2016