**THE REPUBLIC OF UGANDA**

**IN THE INDUSTRIAL COURT OF UGANDA AT KAMPALA**

**MISC. APPL. NO. 284 OF 2019**

**[ARISING FROM LDC. NO. 236/2019]**

**BETWEEN**

1. **STEPHEN BAKWATA TUKAMUHABWA**
2. **MUHAMED LUTAAYA**
3. **PATRICK TUSINGWIRE**
4. **JAMES OPINYA**
5. **MILTON MUKHOLI & 1,375 OTHERS…….……...….…..APPLICANTS**

**VERSUS**

**ATTORNEY GENERAL…..…………...……………..………..RESPONDENT**

**BEFORE**

1. Hon. Chief Judge Ruhinda Asaph Ntengye
2. Hon. Lady Justice Linda Lillian Tumusiime Mugisha

**PANELISTS**

1. Mr. Rwomushana Reuben Jack
2. Mr. Anthony Wanyama
3. Ms. Rose Gidongo

**RULING**

This application by chamber summons is brought by 5 of the above applicants for a representative order giving permission to them to pursue LDC 236/2019 before this court against the Attorney General. Affidavits shown by each of the 5 applicants’ show that the rest of the applicants were recruited in the government service as *gombolola* security officers with them and that none of them was ever paid any salary.

In his written submission counsel contended that all the parties in the main claim were all employees of the internal security organization as *gombolola* security officers who sought to recover their salaries.

He argued that having filed a memorandum of claim without a representative order from this court should not be a bar because the number of claimants being so big the applicants could not be able to obtain their signatures in time and the applicants through it appropriate to file this application after filing a memorandum of claim.

We have perused carefully the notice of motion and the affidavits in support of the motion**. 0rder.1.rule 8 of the Civil Procedure Rules** states:

**“Where there are persons having the same interests in one suit, one or more of such persons may, with the permission of court sue or be sued or may defend such a suit on behalf of or for the benefit of all persons so interested but the court shall in such case give notice of the institution of the suit to all such persons either by personal service or, where from the number of persons or any other cause, such notice is not reasonably practicable by public advertisement, as the court in each case may direct.”**

We are satisfied that those intended to be represented by the applicants have the same interest and that it would be cheaper in litigation costs to have all of them represented in one claim.

We agree with the submission of counsel for the applicants that since the labour officer is not bound by the CPR, the fact that the applicants appeared before such labour officer with a claim involving all the others without a representative order would not prejudice this application.

A representative order to the applicants to represent to 1,375 persons shall issue. The applicant shall by public advertisement issue a notice in either the Monitor or new vision newspaper indicating the names of persons intended to be represented.

No order is to courts is made.

**BEFORE**

1. Hon. Chief Judge Ruhinda Asaph Ntengye …………….
2. Hon. Lady Justice Linda Lillian Tumusiime Mugisha …………….

**PANELISTS**

1. Mr. Rwomushana Reuben Jack …………….
2. Mr. Anthony Wanyama …………….
3. Ms. Rose Gidongo …………….

Dated: 13/02/2020