**THE REPUBLIC OF UGANDA**

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

**MISC. APPL. NO. 95 OF 2019**

**[ARISING FROM LDR. NO. 123/2018]**

**BETWEEN**

**UGANDA MEDICAL WORKERS UNION …….……...….…..APPLICANTS**

**VERSUS**

**WAFANA NELSON & OTHERS……...……………..………..RESPONDENT**

**BEFORE**

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

**PANELISTS**

1. Ms. Adrine Namara
2. Ms. Susan Nabirye
3. Mr. Michael Matovu

**RULING**

This is an application seeking orders of this court for the respondents to produce their original appointment letters and that the same be subjected to forensic audit. The application also seeks costs of the same.

The affidavit in support of the application, sworn by one Sanya Aggrey Bosco is to the effect that the applicant never issued the appointment letters and that those filed in court were not known by the applicant.

The respondent did not file any affidavits in reply. By written submissions, counsel for the applicant contended that under order **1 o rule 12 of the Civil** **Procedure Rules** the applicant had a right to apply to court for orders to direct the respondent to produce documents in his/her possession.

The submissions are in effect denying appointment of one Kalule Dauc, one Kesiime Gloria, one Mukwasi Fred, one Namis Alex, and one Nabirye Christine. He argued that the appointment letters should be examined to determine their authenticity.

We have perused carefully the notice of motion, we have also carefully perused both affidavits in support of the application.

Our considered view is that this application is not necessary since it is all about denial of having employed claimants in LDR 123 of 2018. The disputed appointment letters can be challenged in the main claim by the applicant especially when they are already on the court file and the applicant is aware of them. We consider this application not necessary because what it seeks is a matter that will be resolved in the main labour claim. The application fails and is dismissed. No orders as to costs.

**BEFORE**

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

**PANELISTS**

1. Ms. Adrine Namara …………..
2. Ms. Susan Nabirye …………..
3. Mr. Michael Matovu …………..

Dated: 13/03/2020