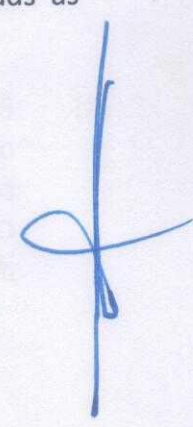




- [2] The application was supported by the affidavit of Bruce Nahamya Mugisha, who was deposed to an award of this Court dated 22nd January 2021. He was also deposed to the decree whereby the Respondents were decreed to pay a death gratuity of UGX 206,064/= with interest at 20% from the date of filing the claim, general damages of UGX 30,000,000/= with interest at 15% from the date of the award and full costs of the claim. Finally, Mr. Mugisha was deposed to taxed costs at UGX 43,510,000/=, bringing the total amount sought to be certified to UGX 78,380,915/=, including interest.
- [3] On 30th August 2023, upon a complaint of non-service by Mr. Muwonge, Mr. Tabaro was directed to effect service of the motion papers on the Respondents. The Respondents were granted until 6th September 2023 to file their responses. On 2nd October 2023, Ms. Nantume holding Mr. Tabaro's brief, informed the Court that service had been effected. When the matter came up on 23rd October 2023, Ms. Nantume directed this Court's attention to an affidavit of service sworn by Mr. Richard Munderi on 6th November 2023. Satisfied that service had been effective, we set the matter down for hearing on 15th November 2023. On that day, we issued directions for written submissions.
- [4] The Respondents did not file any affidavits in reply. That would render the application unopposed. Further, the Respondents did not file any submissions. While the Court does not rely on submissions alone in deciding, submissions are an essential opportunity in the litigation cycle for litigants and their Counsel to articulate their respective cases. The Courts dispose of the dispute based on the evidence as presented, as is the case in this application.
- [5] From a review of the motion papers, the short question for this Court's determination is whether this Court should grant the Applicant a certificate of order against the Government.
- [6] The relevant law is Section 19 GPA. It is a straightforward provision. It reads as follows:

**"S.19. Satisfaction of orders against the Government**

*(1) Where in any civil proceedings by or against the Government, or in any proceedings corresponding or analogous to proceedings on the Crown side of the Queen's Bench Division of the High Court in England or in connection with any arbitration to which the Government is a party, any order (including an order for costs) is made by any court in favour of any person against the Government, against a Government*



*department or against an officer of the Government as such, the proper officer of the Court shall, on an application in that behalf made by or on behalf of that person at any time after the expiration of twenty-one days from the date of the order or, in case the order provides for the payment of costs and the costs require to be taxed, at any time after the costs have been taxed, whichever is the later, issue to that person a certificate in the prescribed form containing particulars of the order; but if the Court so directs, a separate certificate shall be issued with respect to the costs, if any, ordered to be paid to the Applicant."*

- [7] From the above provision, this Court's duty would be to ascertain whether an order was made against the Government in favour of the Applicant, and if it was, then a certificate should be issued.
- [8] The record of Labour Dispute Claim No. 019 Of 2014 is that on a claim for death gratuity brought by the Applicant, the Industrial Court,<sup>1</sup> in an award delivered on 22nd January 2021, found that the Claimant's husband, the late Francis Xavier Hatega, died while in the employment of the Government of Uganda as a Foreign Service Officer. As the legal representative of his estate, she was entitled to a death gratuity for her late husband for UGX 204,064/= with interest at 10% from the date of filing the claim, general damages of UGX 30,000,000/= at 15% from the date of the award until payment in full and costs of the claim. On 30th March 2021, a decree was extracted in the above terms.
- [9] Following the party's pre-taxation meeting on 17th November 2021, Her Worship Mary Babirye, Deputy Registrar, taxed and allowed the Applicant's bill of costs at UGX 43,510,000/=. The present motion was filed before this Court on 12th April 2022.
- [10] From the record, an order against the Government of Uganda exists. The Industrial Court entered an award against the Respondents on 22nd January 2021. The Applicant's costs were taxed on 17th November 2021. The motion was filed on 12th April 2022, more than the statutory 21 days after the order of this Court, and after the taxation of costs. We are also satisfied that the sums of UGX 370,915/= and UGX 34,500,000/= represent the death benefits and general damages with interest, and the total sum of UGX 78,380,915/= includes the taxed costs of UGX 43,510,000/=. In the circumstances, it is the decision of this Court that a certificate of order for payment of the decretal

<sup>1</sup> Per Ntengye Chief Judge, Mugisha J empaneled.

sum as per decree of this Court of 30th March 2021 in Labour Reference No. 19 of 2014 doth issue.

[11] We also note that Rule 14(1) of the Government Proceedings(Civil Procedure) Rules S.I 77-1 provides that;

*"(1) Any application for a certificate under section 19 of the Government Proceedings Act (which relates to the satisfaction of orders against the Government) shall be made to the chief registrar or district registrar, as the case may be, or, in the case of a magistrate's court, to the court."*

[12] Under the above rule, the present application could have been considered by the Registrar of this Court whose functions, under Section 12(5) of the Labour Disputes(Arbitration and Settlement) (Amendment) Act 2021, are similar to those of a Registrar of the High Court. We have, however, considered and allowed this application for expediency and optimal use of scarce judicial resources.

[13] We now direct that the file be placed before the Registrar of this Court for issuance of the said certificate of order in Form A under Rule 14(3) of the Government Proceedings(Civil Procedure) Rules S.I 77-1 certifying the sum of UGX 78,380,915/= as payable. There shall be no order as to the costs of this application as it was essentially not opposed.

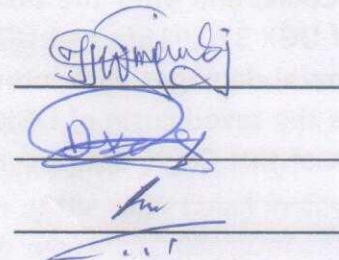
It is so ordered.

**Signed in Chambers at Kampala this 25<sup>th</sup> day of January 2024**

Anthony Wabwire Musana,  
**Judge, Industrial Court**

**The Panelists agree.**

1. Hon. Jimmy Musimbi,
2. Hon. Robina Kagoye &
3. Hon. Can Amos Lapenga.



25<sup>th</sup> January 2024

9:43 am

**Appearances:**

1. Mr. Innocent Ngoboka for the Applicant.
2. Mr. Arnold Kyeyune for the Respondent.

None of the parties in Court.

Court Clerk: Mr. Samuel Mukiza.

Mr. Ngoboka:

Matter for ruling and we are ready to receive it.

Court:

Ruling delivered in open Court.



Anthony Wabwire Musana,  
**Judge, Industrial Court.**

25<sup>th</sup> January 2024

9:54 am