THE REPUBLIC OF UGANDA

IN THE INDUSTRIAL COURT OF UGANDA AT KAMPALA

LABOUR DISPUTE MISC. APPLN. No. 089 OF 2023

(Arising from Labour Dispute Appeal No.018 of 2021, Labour Dispute No. MGLSD/CENT/LC/570 of 2020)

SAMSON AYEBARE..... **APPLICANT**

V

CITIBANK UGANDA LIMITED.....**RESPONDENT**

Before:

The Hon. Ag. Head Judge, Linda Lillian Tumusiime Mugisha

Panelists:

1. Hon. Bwire Abraham,
2. Hon. Julian Nyachwo &
3. Hon. Mwamula Juma.

Representation:

1. Mr. James Zeere of M/s. S & L Advocates for the Applicant.
2. Mr. Jonan Nuwaninda Rwambuka of M/s. Rwambuka & Co. Advocates.

RULING

Background

[1] The Applicant filed a Labour complaint MGLSD/CENT/LC/570 of 2020, before the Labour officer at the Ministry of Gender Labour and Social Development on grounds of unfair summary dismissal and sought several reliefs. The Labour officer found it in his favour. The Respondent being dissatisfied with the decision

of the Labour officer filed an Appeal before the Industrial Court vide Labour Appeal No. 018 of 2021. The Industrial Court overturned the decision of the Labour Officer and found that the summary dismissal of the Respondent was lawful and set aside the Labour Officer's award in its entirety.

[2] This Application against the Respondent seeks orders of review and interpretation of the Industrial Court's (this court) decision in Labour Dispute Appeal No. 018/2021. It also seeks the reinstatement of the decision and award of the Labour office, and costs of the Application.

The Application

[3] The Application is made by notice of motion under Section 17 of the Labour Disputes (Arbitration and Settlement) Act 2006, Section 14(5) of the Labour Disputes (Arbitration and Settlement) (Amendment) Act 2020, Article 28 of the Constitution of the Republic of Uganda 1995, Order 52 Rule 1 of the Civil procedure Rules SI 71-1). The applicant seeks a review of the order of this court issued on 9/05/2023, which is reviewed and interpreted in regard to the competency of the Appeal, unconsidered yet important evidence on the record of appeal, the reason for the justification of the summary dismissal, denial of the right to a fair hearing to the and the Labour officer's declaration that the Applicant was unlawfully dismissed and the awards issued, be reinstated and confirmed by the court.

[4] The grounds are whereas the Respondent did not have a code of conduct at the time of the Respondent's recruitment, and at the time of his unlawful dismissal, this court made a decision that the Respondent had one at the time whereas not. That the Court made a finding that the Applicant committed fraud under the Fraud Risk Management Policy with no basis.

[5] That the Court did not consider the evidence contained on the record of proceedings and relied on evidence such as the email trail implicating the Applicant, yet he had contested its authenticity. That the Uganda Club membership Policy and Procedure did not form part of the Applicant's contract, yet the court relied on it, therefore the decision should be reviewed and interpreted in respect of the policy. The application seeks a complete review of the decision of the court in its entirety.

The Affidavit in reply

[6] In the affidavit in reply sworn by Sarah Yamusobo Arapta, the Respondent's Managing Director, the Respondent avers that the Applicant has not raised any questions of interpretation of this court's award or any new facts and relevant facts that have arisen to merit review of this Court's award in LDA No. 018 of 2021. That the thrust and purpose of the application seek to attain a re-evaluation of the evidence on the record and the reconsideration of the decision of the Court which is contrary to the law and therefore a disguised appeal.

[7] This would require that the Court sits as an appellate court on its own judgement, which is contrary to the law. That the Applicant's deduction of the source of evidence this court relied on did not amount to a new and relevant fact concerning the dispute worth reviewing. That the changes to the Respondent's policy in 2022, have no bearing on the Court's decision and that court was not aware that whereas the decision was delivered on 9/05/2023, it was only issued to the Applicant on 29/05/2023.
That the reliefs sought in this application lack merit, therefore they should be dismissed with costs against the Applicant.

Submissions of Counsel for the Applicant

[8] Counsel for the Applicant Mr. Jonan Niwandinda Rwambuka, submitted that the court in overturning the decision of the Labour office in MGLSD/CENT/LC/570 of 2020, made glaring errors which led to injustice on the Applicant, therefore they should be revisited. He cited Section 17 of the Labour Disputes (Arbitration and Settlement) Act 2006, for the basis of this court's power to review its own decisions, Section 82 of the Civil Procedure Act Cap 71, and Order 46 Rule 1 of the Civil Procedure Rules SI 71-1 as the basis for the review.

[9] He further relied on Edson Kanyabwera v Pastori Tumwebaze SCCA No. 6 of 2004, where it was stated that:
"...that in order than an error may be a ground for review, it must be one apparent on the face of the record, i.e. an evident error which does not require any extraneous matter to show its incorrectness. It must be an error so manifest and

clear that no court would permit such an error to remain on the record. The error may be one of fact, but it is not limited to matters of fact and includes also the error of law.

[10] He also relied on Independent Medico-Legal Unit v The Attorney General of the Republic of Kenya cited with approval in MK Creditors Limited v Owora Patrick HCMA No. 2 of 2012, in which it was emphasized that
"...the error apparent must be self-evident, not one that has to be detected by a process of reasoning ... it must be an error which strikes one by merely looking at the record, and would not require any long-drawn process of reasoning on points where there may conceivably be two opinions. A clear case of error apparent on the face of the record is made where without elaborate argument, one could point to the error and say, here is a substantial point of law which stares one in the face and there could reasonably be no two opinions entertained about it.
In summary, it must be a patent, manifest, and self–evident error which does require elaborate discussion of evidence or argument to establish.

[11] He also relied on Nyamogo v Nyamogo Advocates v Kago (2001)2 EA 173 cited in Ojijo Pascal v Geoffrey Brown HCMA No. 758 of 2017, which emphasized that
"... an error which has to be established by a long-drawn process of reasoning or on points where there may conceivably be two opinions can hardly be said to be an error apparent on the face of the record..."
In support of the Applicant Counsel submitted that the Court's allowing to entertain an appeal that was not competent for being filed without following the procedure in regulation 45 (1) of the Employment regulations SI 61 of 2011, for being filed out of time therefore Court entertained an incompetent appeal.

[12] According to him the court in arriving at its decision only evaluated the Respondent's evidence and ignored the evidence that was contested before the Labour officer, and it ignored the evidence on Labour officers. He was of the view that the court arrived at its decision without considering the record of proceedings in the Labour office and according to him, the Court did not evaluate several pieces of evidence which he cited, and analyzed, which he stated was fundamentally wrong. He relied on Bogere Moses v Uganda, SCCR. A No. 1 of 1997, in support of this submission. In any case, some of the policies relied on by the court to render its decision have since been changed.

[13] According to Counsel his elaborate analysis of the evidence he alleges this court did not evaluate revealed glaring errors which it should not allow to remain on the record, therefore they should be reviewed and interpreted and the Labour officer's decision should be reinstated.

The Respondents submissions

[14] In reply Counsel for the Applicant submitted that the Applicant had not raised sufficient grounds to warrant review of the decision of the court as provided under Section 17 of the Labour Disputes (Arbitration and Settlement) Act (supra) which empowers Court to review its own decisions only when questions arise as to the interpretation of any award of the court or where new and relevant facts materialize within 21 days after the delivery of the award. According to Counsel the Applicant in the instant case has not proved that there are new and relevant facts concerning the dispute that only materialized within 21 days after the award was delivered.

[15] He contested the Applicant's reliance on Section 82 of the Civil Procedure Act or Order 46 Rule 1 of the Civil Procedure Rules, because according to him this court has no powers of review in accordance with Section 82 of the Civil Procedure Act and Order 46 Rule 1 of the Civil Procedure Rules, because of the provisions of Section 17 of the Labour Disputes (Arbitration and Settlement) Act.
Counsel submitted that it is well established that, where there is a conflict between general legislation on the subject matter on the issue, the specific legislation overrides the general legislation on the subject matter.

[16] He relied on Eaton Towers Uganda v Attorney General & Jinja Municipal Council HCMA No. 84 of 2019. He argued that whereas Section 82 of the Civil Procedure Act and Order 46(1) of the Civil Procedure Rules provide for grounds of review before the High Court, Section 17 (1) provides for review before this court. Therefore Section 17(1) of the Labour Disputes (Arbitration and Settlement) Act would override the Civil Procedure Act and Order 46 (1) because it provides specifically for review before this court. He argued that even if Section 8 (a) of the Labour Disputes (Arbitration and Settlement) Act confers power of the High Court of Uganda on this Court, it did not confer all the powers of the high court by the Civil Procedure Act and the Civil Procedure Rules including the powers of review under those legislations.

[17] It was his submission that the specific provision under Section 17 which confers powers on the Industrial Court to review its own awards is contrary to the c provisions of Section 82 of the Civil Procedure Act and Order 46 (1) of the Civil Procedure Rules and had the Labour Disputes (Arbitration and Settlement) Act amendment intended to extend to the IC the powers of review to include the review provided for under the Civil Procedure Rules it would have expressly stated so. He argued that this was especially so given the cardinal principle of statutory interpretation which requires that a statute should be read as a whole and if possible the Court should give effect to every word of the statute, therefore the whole statute should be construed as a whole and as far as practicable, reconcile the different provisions to make them consistent, harmonious, and sensible.

[18] He relied on HCA No. 0006 of 2021 Farid Megahni v Uganda Revenue Authority. It was further his submission that the case of Entebbe Handling Services T/a National Aviation Services (NAS) v Okello (supra) was erroneously decided because the court did not address its mind to Section 17 of the Labour Disputes (Arbitration and Settlement) Act which specifically provides for the court's power of review, accordingly, this court was not bound to follow that decision and it should exercise its discretion to depart from it.

[19] He also cited Mugisha v Equity Bank (Misc Appl No. 70 of 2019, Kiwalabye Joseph & Others v Posta Uganda, Misc Appl. No. 267 of 2019 and Waiswa Polycap & 12 others v Attorney General Misc Appln. No. 26 of 2020 in which this court has held that a mistake or error apparent on the face of the record would amount to a new and relevant fact, yet the court in all these cases did not specifically define what amounts to a new and relevant fact in the context of Section 17 of the Labour Disputes (Arbitration and Settlement) Act and instead defines it in the context of the Civil Procedure Act and the Civil Procedure Rules, which in his view was erroneous.

[20] He went ahead to state that in the context of Section 17 of the Labour Disputes (Arbitration and Settlement) Act a fact should be so obvious, apparent, and undisputed that it would not require to be proved by court through trial and for it to be new it should not have been known by the Applicant at the time of the award, otherwise it would not be a new fact but one which the applicant did not bring to

the attention of court despite being away of it. And thirdly that the Applicant must demonstrate that had the Court known or been made aware of the new fact it would have arrived at a different finding.

[21] Counsel insisted that considering the provision under Section 17 of the Labour Disputes (Arbitration and Settlement) Act where new, the Industrial Court has no powers to review its decision on account of a mistake or error apparent on the record or any other reason which does not relate to new and relevant evidence arising within 21 days of the delivery of the award. He argued that has the legislature intended to confer on the Industrial Court powers to correct its own errors, it would have expressly done so by providing such powers under Section 17 of the Labour Disputes (Arbitration and Settlement) Act but it did not do so, therefore, they are not available to the court and in the circumstances, the court should dismiss all the grounds raised by the Applicant which did not disclose any new and relevant facts which arose within 21 days of the delivery of the award.

[22] However, if the Court was inclined to decline this prayer, he submitted that an error apparent on the face of the record does not require any extraneous matter to show its incorrectness and it is so clear that the Court would not permit such an error to remain on the record. He stated that such an error was self-evident and should not require an elaborate argument to be established. He insisted that misconstruing a statute and or other law cannot be a ground for review, but it could be one for appeal because in this case, the court would have made a conscious decision on matters of controversy in favour of the successful party, otherwise, the court would be sitting in appeal on its judgment which is contrary to the law.

[23] In any case, the applicant did not disclose any errors apparent on the record and instead wanted the court to analyze its own award and reach a different finding which is not permissible in law.

It was his submission that the grounds that the Applicant raised as grounds for review required the court to re-evaluate evidence, which was outside the scope of the court's power of review as it is not supposed to re-evaluate evidence in an application for review and the submission that the Respondent changed its club membership policy on 1/06/2022, had no bearing on the Respondent's summary dismissal which on the 15/09/2020, and the Respondent did not demonstrate how the updated version of the said policy which was done after the Applicant's

dismissal, fits within the standard of evidence which after diligence was not within the applicant's knowledge or could not be produced by him at the time the decree was passed. To support his submission, he relied on FX Mubuuke v Uganda Electricity Board (Misc. Appln. No. 98 of 2005).

He concluded that the Applicant had failed to demonstrate sufficient ground for review of the award of this court, therefore the application should be dismissed with costs awarded in favour of the Respondent.

Decision of Court

[24] Section 17(1) of the Labour Disputes (Arbitration and Settlement) Act provides that:

"...Where any question arises as to the interpretation of any award of the Industrial Court within twenty-one days from the effective date of the award or where new or relevant facts concerning the dispute materialize, a party to the award may apply to the Industrial Court to review its decision on a question of interpretation or in the light of the new facts."

[25] Section 82 of the Civil Procedure Act cap 71 which provides that,

"Any person considering himself or herself aggrieved-

(a) By a decree or order from which an appeal is allowed by this Act, but from which no appeal has been preferred or

(b) By a decree or order from which no appeal is allowed by this Act, the Labour Disputes (Arbitration and Settlement) Act, may apply for a review of judgement to the court which passed the decree or order and the court may make such order on the decree or order as it thinks fit."

[26] And order 46 Rule 1 of the Civil Procedure Rules SI 71-1, provides that:

1. Any person considering himself or herself aggrieved-

(a) by a decree or order for which an appeal is allowed but from which no appeal is preferred; or

(b) by a decree or order from which no appeal is hereby allowed and who from the discovery of new and important matter of evidence which after the exercise of due diligence, was not within his or her knowledge or could not be produced by him or her at the time when the decree was passed or the other made or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order

made against him or her, may apply for review of judgment to the court which passed the decree or made the order..."

[27] Counsel for the Respondent contended that, this court's power for review is limited to the provisions under Section 17(1) of the Labour Disputes (Arbitration and Settlement) Act (supra). According to him even if Section 8(a) of the Labour Disputes (Arbitration and Settlement) Act (Amendment) Act confers on the Court powers of the High Court, these powers do not include the powers of review under section 82 of the Civil Procedure Act and Order 46 (1) of the Civil Procedure Rules, because Section 17 is specific therefore the court cannot invoke the powers under Section 82 and Order 46 rule 1.

[28] We respectfully do not agree with the submission of counsel. In the case of Baku Raphael Obudra and Another v Attorney General SCCA No.1 of 2005, it was held that jurisdiction is a creature of statute. Jurisdiction cannot be assumed even with the consent of parties. There is no doubt that a court adjudicating a dispute must be clothed with jurisdiction. The Industrial Court is established under Section 7 of the Labour Disputes (Arbitration and Settlement) Act. Its functions are spelt out in Section 8 and these include arbitrating disputes referred to it under the Labour Disputes (Arbitration and Settlement) Act and adjudicate upon questions of law and fact arising from references to the Industrial Court by any other law. The Court therefore has referral and appellate jurisdiction.

[29] The Court of Appeal of Uganda in the case of Eng. Mugyenzi v Uganda Electricity Generation Co Ltd (Civil Appeal No. 167 of 2018) [2019] UGCA 47 (18 April 2019) held, that the Industrial Court should use its jurisdiction to adjudicate on issues of fact or law under Section 8(1) (b) and 8(2) of the Labour Disputes (Arbitration and Settlement) Act to handle all Labour disputes referred to it including claims for general, special and punitive damages which come under any other law and can be adjudicated by the Industrial Court. Section 8 (2a) of the Labour Disputes (Arbitration and Settlement) (Amendment) Act, 2021, confers onto the Industrial Court powers of the High Court, therefore the Industrial Court has concurrent jurisdiction with the High Court of Uganda in all matters referred to it under section 7(supra).

[30] In handling these cases, therefore, the Industrial Court would do so the way a High Court would. It is therefore not the correct position of the law as counsel for the Respondent submitted that the powers of the High Court conferred on the

Industrial Court under Section 8 (2a) are limited in nature in Farid Megahani v Uganda Revenue Authority HCCA No. 006 of 2021, Mubiru J stated that,
"One of the cardinal rules of statutory interpretation is that a statute must be read as a whole in context and if possible, the court is to give effect to every word of the statute. The Court is bound to give consistent, harmonious, and sensible effect to all the parts of a statute, to the extent possible. Thus, in cases involving statutory interpretation, courts are not permitted to consider only a certain isolated part or parts of an act but are required to consider and construe all together all parts thereof in pari materaia. It is the duty of the court, as far as practicable to reconcile the different provisions as to make them consistent, harmonious, and sensible."

[31] Section 17 of the Labour Disputes (Arbitration and Settlement) Act, Section 82 of the Civil Procedure Act, and Order 46 rule 1, deal with the same subject matter, the review of a judgment or decree. However, Section 17 and Section 82 of Civil Procedure Act and Order 46 rule 1 are a little different. Whereas Section 17 deals with review in light of new facts and for interpretation of the award, Section 82 of the Civil Procedure Act and Order 46 rule 1 of the Civil Procedure Rules, provide for the grounds of review to include error apparent on the face of the record, new evidence not available at the trial and any other sufficient reason analogous to the case.

[32] Mubiru J, in Farid (supra) went on to state that:
"...the law is that a general provision must yield to special provisions, therefore, special statutes must be taken to prevail over general statutes. ... where a general provision and a specific one in one statute relating to the same subject matter cannot be reconciled, the special or specific provision ordinarily will control..." He however emphasized that "...The provision more specifically directed to the matter at issue prevails as an exception to or a qualification of the provision or of the provision which is more general in nature, provided that the specific or special provision clearly includes the matter in controversy(emphasis ours)..."

[33] The Purpose of review as laid down under Section 82 of the Civil Procedure Act and Order 46 Rule 1 is to correct an error on the record that may be apparent on the face of the record, or that was occasioned by the absence of evidence which after the exercise of due diligence was not within the party's knowledge or could

not be produced at the trial or for any other sufficient reason analogous to the case. Therefore, even if Section 17(1) of the Labour Disputes (Arbitration and Settlement) Act specifically empowers the Industrial court to review its own decisions "*.....Where any question arises as to the interpretation of any award ... or where new or relevant facts concerning the dispute materialize,..*", it does not sufficiently cover the grounds for review.

[34] Section 8 (2a) of the Labour Disputes (Arbitration and Settlement) (Amendment) Act, 2021, which confers on the Industrial Court powers of the high court and particularly 8 (2a) (d) which empowers the court to make orders as to costs and any other reliefs it deems fit, leaves no doubt that the Industrial Court is dressed with the powers of the High Court in the performance of all its functions. Courts are enjoined to resolve all matters related to or originating from disputes before them for avoidance of a multiplicity of suits, and for avoidance of a multiplicity of suits, this court has held the view that where it is dressed with jurisdiction to dispose any dispute referred to it, where there is a language in the law, it is not precluded from applying any other law including the Civil procedure Act and the Civil procedure Rules, to dispose of the whole matter and it has done so in many cases. Therefore, it has jurisdiction to apply Section 82 of the Civil Procedure Act and Order 46 rule 1 of the Civil Procedure Rules to resolve the instant Application.

[35] In the circumstances, we respectfully do not agree with the argument by Counsel for the Respondent that, this Court's holding in Entebbe Handling Services T/a National Aviation Services (NAS) v Okello LDMA No. 87 of 2022 [2022] UGIC in which an application for review was filed under Section 82 of the Civil Procedure Act and Order 46 rule 1 of the Civil Procedure Rules instead of Section 17(1) of Labour Disputes (Arbitration and Settlement) Act, was applied as the basis for review, in error.

We reiterate that the Industrial Court has powers of the high court in the performance of all its functions and it is not precluded from applying any other law in this case, Section 82 of the Civil Procedure Act and Order 46 rule 1 of the Civil procedure rule, which is more specifically directed to the matter at issue in the instant application and that is, the review of this Court's decision on grounds that, there were errors apparent on the face of the record.

[36] Nevertheless, where an applicant prays for review on grounds that there is an error on the face of the record, the error or omission must be self-evident and should not require an elaborate argument to be established. In Farm Inputs Care Centre Limited v Klein Karoo Seeds Marketing (PTY) Ltd Misc. Appln. No.0861 of 2021, Mubiru J, opined that it would not require long drawn process of reasoning on points where there may conceivably be two opinions. It must not be arising out of the court's incorrect application of the law and arriving at an erroneous conclusion of law or that another Judge could have taken a different view.

[37] In Nyamogo v Nyamogo (supra) it was stated thus:
"An error apparent on the face of the record cannot be defined precisely or exhaustively, there being an element of the indefiniteness inherent in its very nature and it must be left to be determined judicially on the facts of each case. There is a real distinction between a mere erroneous decision and an error apparent on the face of the record. Where an error on a substantial point of law stares one in the face, there could reasonably be no two opinions, a clear case of error apparent on the face of the record would be made out. An error which has to be established by a long-drawn process of reasoning or on points where there may conceivably be two opinions can hardly be said to be an error apparent on the face of the record. Again if a view adopted by the court in the original record is a possible one, it cannot be an error apparent on the face of the record even though another view was also possible. Mere error or wrong view is certainly no ground for review although it may be a ground for an appeal."

[38] The contention of Counsel for the Applicant in the instant application is that there were glaring questions regarding the meaning and interpretation of the Court's decision which overturned the decision of the Labour officer, and several errors apparent on the record which required this court to review its decision. He cited Edison Kanyabwera v Pastori Tumwebaze SCCA No. 6 of 2004, Independent Medico-Legal Unit v The Attorney General of the Republic of Kenya (Appln. No. 2 of 2012, and Ojijo Pascal v Goeffrey Brown HCMA No. 758 of 2017, for the legal proposition that, an error apparent on the face of the record, must be evident error that does not require any extraneous matter to show its incorrectness. It must be so manifest and clear that no court would permit such an error to remain on the record and it is made out without elaborate argument and there could reasonably be no two opinions entertained about it.

[39] He raised several questions as follows:

1. Why did the Court allow an incompetent appeal that had been filed out of time and yet the Appellant never sought leave to file the same out of time?
2. Why did court ignore the evidence on the record of proceedings of the labour office and yet the same was on the record of appeal?
3. What did the court mean when it gave a decision without giving the applicant a fair hearing?
4. Why did the court decline to evaluate the evidence on the record before reaching its decision thereby causing a miscarriage of justice to the Applicant?
5. Raised new facts have emerged that the membership policy has changed the policy to cash benefit:
6. Why did court rely on doctored disputed minutes of the disciplinary hearing to the detriment of the Applicant?
7. Where did the court get evidence of the email trial implicating the Applicant?
8. Errors on the record of appeal relied on by the court,
9. Error of law regarding Section 71(d) of the Employment Act?
10. Error in law when this court held that the Applicant's summary dismissal was lawful only on the basis of substantive fairness.

[40] In answering these questions Counsel made elaborate argumentation which indicated that the Court proceeded with an incorrect exposition of the law and wrongly evaluated the evidence on the record of appeal thus arriving at a wrong conclusion. It is well settled that misconstruing the law or wrongly evaluating evidence leading to a wrong conclusion cannot be a ground for review but it could be one for appeal. Counsel challenged the merits of this court's decision rather than pointing out the errors apparent on the record.

[41] The Court considered the grounds of appeal, and the submissions of both counsel and the law before it and came to its conclusion and found that the Applicant was lawfully terminated. The questions raised by counsel for the Applicant as stated above the arguments elaborating the questions placed before us, and the reply furnished by the Respondent, are a drawn-out process of reasoning, examination of evidence, and scrutiny of the law and facts on the merits which if entertained could cause this court to reverse its own decision. This is particularly true considering the Respondent's reply to Counsel's submission.

[42] Counsel did not point out any error apparent on the record, as stated in Independent Medico-Legal Unit vs The Attorney General of the Republic of Kenya (supra), which he relied on. He did not *"... point out the error and say, here is a substantial point of law which stares one in the face, and there could reasonably be no two opinions entertained about it..."*. Instead, he elaborately examined and scrutinized the evidence and the law to try and establish the errors apparent on the record, which as already discussed, is not permissible in an application for review.

43] The Questions he raised and the elaborate discussions could be grounds for appeal. In essence, Counsel was calling on this Court to sit in an appeal on its award to come up with a different decision, which is not permissible law. As stated in Farm Inputs Care Center Limited (supra), "An order cannot be corrected merely because it is erroneous in law or on the ground that a different view could have been taken by the Court."
In the circumstances, this application fails and it is dismissed with no orders as to costs.

Signed in Chambers at Kampala this **12th** day of **March 2024.**

Hon. Justice Linda Lillian Tumusiime Mugisha,
Ag. Head Judge

The Panelists Agree:

1. Hon. Bwire Abraham,
2. Hon. Julian Nyachwo &
3. Hon. Mwamula Juma.

12th March 2024
9:30 am

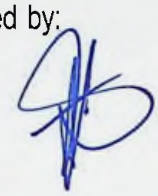
Appearances

1. For the Applicant: Mr. James Zeere

2. For the Respondents: Mr.Titus Ngwijje is holding brief for Mr.Jonan Nuwaninda Rwambuka

3. Court Clerk: Mr. Christopher Lwebuga.

Delivered and signed by:



Hon. Justice Linda Lillian Tumusiime Mugisha,
Ag. Head Judge, Industrial