



**CONCILIATION, MEDIATION & ARBITRATION COMMISSION (CMAC)**

**HELD AT MBABANE**

**SWMB 260\11**

In the matter between:-

**SCAWU o.b.o Dolly Dlamini  
and Siphiwe Dlamini**

**APPLICANT**

And

**CHOWDURRY INVESTMENT (Pty) Ltd**

**RESPONDENT**

CORAM:

**Arbitrator** : Mr. M.C. Simelane

**For Applicant** : Mr. Ephraem Dlamini

**For Respondent** : Mr. Mbuso Dube

**Arbitration Dates** : 27.03.17,20.03.17,20.04.17,11.05.17,24.05.17

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**ARBITRATION AWARD**

**{31\07\2017}**

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## **PARTIES AND REPRESENTATION**

1. The Applicants are Dolly Dlamini and Sipiwe Dlamini of P.O.Box 2524 Mbabane. They were represented in this matter by Ephraem Dlamini a Labour Consultant appointed by SCAWU whose officers are in Mbabane.
2. The Respondent is Chowdhury Investment (Pty) Ltd a private limited company trading a Tandori Restaurant whose business is at the Plaza Mall in Mbabane.

## **ISSUES IN DISPUTE**

3. The nature of dispute is unfair dismissal, the Applicants claimed the following;

### **DOLLY DLAMINI**

Notice Pay	E1,700.00
Additional Notice Pay	E1,800.00
Severance Pay	E4,576.92
Maximum Compensation	
For unfair dismissal	<u>E20,400.00</u>
<b>Total</b>	<u>E28,476.92</u>

### **SIPHIWE DLAMINI**

Notice Pay	E1,700.00
Additional Notice Pay	E1,800.00
Severance Pay	E4,038.46
Maximum Compensation	
For unfair dismissal	<u>E18,000.00</u>
<b>Total</b>	<u>E25,538.46</u>

4. Both Applicants withdrew their claims for leave due.
5. The dispute was cleared unresolved as evidenced by a Certificate of Unresolved Dispute dated 23<sup>rd</sup> of September,2011.
6. The matter was referred to the Commission for Arbitration through a Court Order received on the 09<sup>th</sup> of March,2011.

#### **AGREEMENT OF SETTLEMENT**

7. The parties are in agreement that the matter be settled on the following agreed terms;
  - 7.1 That the Respondent pays both Applicants an equal amount of E 16,500.00 (each Applicant) as full on final settlement of all the issues between the parties.
  - 7.2 That the Respondent pays the agreed amount of E16,500.00(each Applicant) by three equal instalments of (E 5,500.00) each commencing from the 28<sup>th</sup> of June,2017,then the 28<sup>th</sup> July.
  - 7.3 That the instalments be payable at CMAC offices in Mbabane on or before the set dates.  
(Please refer to the Memorandum of Agreement)

#### **AWARD**

8. The matter is settled on the terms and conditions as they appear on the Memorandum of Agreement.

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**MLUNGISI C. SIMELANE**  
**(CMAC ARBITRATOR)**

