

Supreme Court 238 ✓

IN THE SUPREME COURT OF JUDICATURE OF JAMAICA  
IN THE FULL COURT DIVISION  
SUIT NO. M.6 of 1982.

Regina v. Industrial Disputes Tribunal  
Ex parte Serv-Wel of Jamaica Limited

CORAM: PARNELL, MALCOLM & WOLFE, JJ.

Heard: March 9 - 11, 1982.

R.N.A. Henriques, Q.C. for the applicant  
Dennis Edmunds for the Tribunal  
David Muirhead, Q.C. and Dr. Adolph Edwards for the  
T.U.C. (Union representing the workers).

May 20, 1982

PARNELL, J:

On the 25th January, 1982, a division of the Industrial Disputes Tribunal (Dr. K. V. Anderson, Chairman, Mr. T. Kelly and Mr. M.D. Scott), unanimously ordered the reinstatement of eighty-one (81) workers formerly employed to the applicant. The Award was to the effect:

"that these workers be reinstated by February 1, 1982."

What is before us, is a motion seeking an order of certiorari to quash the Award of the Tribunal. In substance, the applicant claims that the Tribunal in arriving at its conclusion, misdirected itself on the facts and erred in law in the Award which was made.

The arguments before us were marked with a display of industry, ingenuity, persistency and eloquence. The Labour Relations and Industrial Disputes Act (hereinafter referred to as the Act) was skilfully raked; the evidence tendered before the Tribunal on the 1st and 7th December, 1981, was carefully examined. And bold advocacy was not found wanting. Mr. Muirhead in his preliminary foray put forward the following proposition; namely: A Court should approach an Award with a desire to support rather than destroy it and the Court should presume until the contrary is shown that

















































































