

- [2] By its motion supported by an affidavit of facts and evidence sworn by one Georges D’offay, the Chief Executive Officer in the employment of the Applicant, the Applicant applies to this Court for the following orders;
- (i) an order to have the appeal case filed in court as CA 11/2022, by which the Applicant appeals against the Judgment of the Employment Tribunal in ET 106, 127,128,129,130,131,132,134,135,136,137,138,139,140,141,142,143,145,146,174 ,148,149,150,151,152,153,155,156 withdrawn, and
 - (ii) An order to have the order of Stay of Execution subsisting in MA 203 of 2022, arising in CA 11/2022 vacated.
- [3] In a nutshell, the factual background to this application, is that, on the 13th May 2023, the Employment Tribunal delivered Judgment in favour of the Applicants who are the Respondents in the appeal case C11/2022 before the Supreme Court.
- [4] Following an application made by way of motion on notice by the Applicant filed in Court as MA 203/2022 for an order of the Supreme Court to stay execution of the Employment Tribunal’s Judgment, the Court granted the motion and by an order dated 5th October 2022, stayed execution of the Judgment.
- [5] By motion on notice, supported by an affidavit filed in court as MA 259/2022, the Applicants (Respondents) in the appeal case applies to the Court for an order setting aside the order of stay of execution of the Judgment of the Employment tribunal which the Court declined.
- [6] In his affidavit in support of the motion in MA 96/2024, interalia, Mr. D’offay makes the following averments;
- [7] *‘4. That the Applicant and all the Respondents have agreed to settle all disputes relating to the employment issues arising from and related to the above mention Employment Tribunal matter. Part of the terms of the settlement is for all parties to withdraw all cases against one another. To that end, the Respondents withdrew the Court of Appeal case against the Appellant namely SCA 17 of 2023, on the 16th April 2024.*

5. *I am therefore moving for the main case of this application, the appeal against the said Employment Tribunal case to be withdrawn, and that this matter be treated urgently given that the agreements have been signed and the Respondents have already withdrew their appeal before the Court of Appeal.*

6. *In the circumstances, I also move for the funds paid into court by the Applicant, which is subject to a stay of execution, to be released directly to the Respondents’.*

[8] I appears, from the averments in Mr. D’offay’s affidavit in support of the motion in MA 96/2024, that the Court’s decision not to set aside the Supreme Court order of stay of execution in favour of the Applicant in MA 259/2022 was the subject of an appeal to the Court of Appeal which appeal has since been withdrawn.

[9] In the circumstances, the motion is granted, and accordingly, the appeal proper against the decision of Employment Tribunal filed before the Supreme Court as CA 11/2022 is withdrawn.

[10] It follows, that the order of stay of execution dated 5th October 2022, in MA 203 of 2022 automatically falls.

[11] The Registrar of the Supreme Court is therefore directed to do the needful for the funds paid into court by the Applicant as per the Judgment of Employment Tribunal is ET 106,127,128,129,130,131,132,134,136,137,138,139,140,141,142,143,145,146,147,148,149,150,151,152,153,155,156 to be fully satisfied and the Judgment creditors paid.

Signed, dated and delivered at Ile du Port on 15th May 2024.

Adeline J