

COMMONWEALTH OF THE BAHAMAS

IT/NP2020-96

INDUSTRIAL TRIBUNAL

NEW PROVIDENCE

In the Matter of the Industrial Relations Act, Chapter 321

And

In the Matter of the Industrial Relations (Tribunal Procedure) Rules 2010

BETWEEN:

THE PUBLIC HOSPITAL AUTHORITY

APPLICANT

v.

DAVINCA CLEARE

RESPONDENT

APPEARANCES: Ms. Myra Russlle on behalf of the Applicant

Ms. Sandra Moncure behalf of the Respondent

BEFORE: Her Honour, President Indira N. Demeritte-Francis

ORDER

WHEREAS:

- (1) By Certificate of Referral dated 11th November, 2020 the Minister referred the subject dispute to the Industrial Tribunal; and
- (2) In accordance with Rule 3 (1) of the Industrial Relations (Tribunal Procedure) Rules, 2010 a Notice for an Originating Application – Form A was sent on 15th December, 2020 by the Secretary, to the Tribunal, to the Applicant; and
- (3) Upon receipt by the Applicant of the Notice for an Originating Application the Applicant filed an Originating Application in the Tribunal on the 23rd December, 2020; and

- (4) A Notice of Application to the Respondent – Form C and a Notice of Appearance - Form D was sent to the Respondent on the 24th December, 2020; and
- (5) That a Notice of Appearance - Form D was filed on 13th January, 2021 and a Defence – Form E was filed on 20th January, 2021 in the Tribunal by the Respondent; and
- (6) Pursuant to Rule 15(1) of the Industrial Relations (Tribunal Procedure) Rules 2010, the Industrial Tribunal set a fixture on the 15th March, 2021 for the Case Management Hearing for Directions; and
- (7) That during the Case Management an irregularity on the Certificate of Referral presented. On the Certificate of Referral, the Applicant appears as the Respondent and the Respondent appears as the Applicant; and
- (8) That the Applicant withdraw her Originating Application filed in the Industrial Tribunal on 23rd December, 2020

THE DECISION OF THE TRIBUNAL IS AS AGREED AND THEREFORE IT IS SO ORDERED:

- (9) The Originating Application filed in the Industrial Tribunal on 23rd December, 2020 is decided accordingly pursuant to Rule 12(1)(a) of the Industrial Relations (Tribunal Procedures) Rule 2010 and is hereby withdrawn and marked Dismissed.

AND THIS IS THE DECISION OF THIS TRIBUNAL

DATED THIS, 15th March, 2021

Indira N. Demeritte – Francis
President
Industrial Tribunal