

COMMONWEALTH OF THE BAHAMAS

NP2021-066

**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:

MELISSA WILSON

APPLICANT

VS.

SUSHI ROKKAN

RESPONDENT

Appearances: No appearance on behalf of the Applicant
Mr. Michael Scott, Q.C. on behalf of the Respondent

Before: Her Honour, Vice President Ingrid Cooper-Brooks

ORDER

Whereas:

1. By Certificate of Referral dated 9th March, 2021 the Minister referred the Trade 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 by the Secretary to the Tribunal on the 1st April, 2021 to the Applicant
3. The Industrial Tribunal successfully served the Applicant Notice for an Originating Application on the 7th April, 2021;

4. An Originating Application – Form A has been filed in the Industrial Tribunal relating to this matter on 20th April, 2021;
5. In accordance with Rule 5(1) of the Industrial Relations (Tribunal Procedure) Rules 2010 a Notice of Appearance - Form D - was filed by the Respondent on 27th April, 2021;
6. In accordance with Rule 6 of the Industrial Relations (Tribunal Procedure) Rules 2010 a Defence was filed in the matter on the 7th May, 2021;
7. The matter was set for Case Management on the 21st July, 2021 and Notice for the said hearing - Form J - was served on the Applicant with proof of Service on the 9th July, 2021;
8. At the hearing there was no appearance for or on behalf of the Applicant in this matter. Accordingly, the Respondent made application that the matter be dismissed.
9. By virtue of Rule 12(1)(f) of the Industrial Relations (Tribunal Procedures) Rules 2010 the Tribunal may on the application of the Respondent, or of its own motion, order an Originating Application to be struck out for Want of Prosecution. Rule 12(1)(f) states as follows:

“The Tribunal may –
on the application of the Respondent or of its own motion order an
Originating Application to be struck out for want of prosecution”.
10. Having regard to the above-mentioned facts as outlined above, the Tribunal is of the view that the matter be struck out pursuant to Section 12(1)(f) of the Industrial Relations (Tribunal Procedure) Rules 2010, for want of prosecution..

AND THIS IS THE ORDER OF THIS TRIBUNAL

Dated this 21st day of July, A.D., 2021.



Ingrid Cooper-Brooks
Vice President