

NP2023-018

INDUSTRIAL TRIBUNAL

**COURT #4 SAFFREY SQUARE, EAST & BAY STREETS, NEW PROVIDENCE
COMMONWEALTH OF THE BAHAMAS**

Before

Ingrid Cooper-Brooks (Vice President)

(Sitting Alone)

DAVARDO STRACHAN

Applicant

VS.

ICS SECURITY COMPANY LIMITED

Respondent

ORDER TO STRIKE OUT ORIGINATING APPLICATION

APPEARANCES

The Applicant

Pro Se

For the Respondent

Mr. John Fowler

WHEREAS:

1. By Certificate of Referral dated 10th February, 2023 the Minister referred the subject Trade Dispute to the Industrial Tribunal in which the Applicant claimed Unfair Dismissal
2. The Applicant filed an Originating Application on 28th March, 2023, claiming Wrongful Dismissal.
3. The Respondent filed a Defence on 11th May, 2023.
4. On 17th October, 2023 the matter was set for Case Management hearing, at which time it was brought to the attention of the Applicant that his claim in the Originating Application differed from that claimed in the Trade Dispute, and each claim is capable of yielding different results. Further, the Tribunal only has jurisdiction to hear a matter as referred by the said Certificate of Referral. Consequently, the Tribunal has no jurisdiction to hear his claim for Wrongful Dismissal as filed in the Originating Application.
5. The Applicant indicated his intention to refile his claim at the Department of Labour.

IT IS HEREBY ORDERED:

- (i) In view of the above that the Originating Application filed herein on 28th March, 2023 be struck out as the Tribunal lacks jurisdiction to hear the Applicant's claim for Wrongful Dismissal, or to permit an amendment to the Originating Application, per **Island Hotel Company Limited v. John Fox, IndTribApp. No. 54 of 2017**, and **Island Hotel Company Limited v. Rudolph Pinder IndTribApp. No. 132 of 2018**.

AND THIS IS THE ORDER OF THIS TRIBUNAL

Dated this 17th day of October, A.D., 2023

Ingrid Cooper-Brooks
Vice President
Industrial Tribunal