

IN THE HIGH COURT OF FIJI

AT SUVA

CIVIL JURISDICTION

CIVIL CASE NO. ERCA 004 OF 2021

BETWEEN : TEBARA TRANSPORT PTE LIMITED

Appellant

**AND : IN THE MATTER OF an application between the LABOUR
OFFICER for and on behalf of the dependents of SATT DEO
CHAND**

Respondent

Counsel : Mr RA Singh for the Appellant

Ms Doge for the Respondent

Ms Mangru for Official Receiver

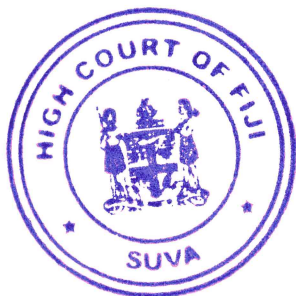
Judgment : 17 July 2024

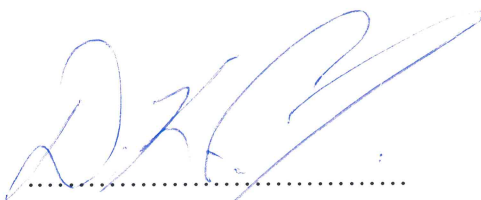
EXTEMPORE RULING

- [1] This matter involves an appeal from a decision of the Employment Relations Tribunal dated 16 February 2021. The Tribunal made a determination in favour of the employee, being the dependents of the late Mr Satt Deo Chand, making a compensation order in the amount of \$37,939.20.
- [2] The appeal was brought by Tebara Transport PTE Ltd and filed with the Employment Relations Court on 18 March 2021.
- [3] The appeal operated as a stay on the payment to the dependents of Mr. Chand so they are still yet to receive the fruits of the compensation order in 2021. We are now more than three and a half years on.
- [4] In early 2024, the Appellant company was wound up which became an impediment for them in terms of this proceeding, the Official Receiver now having the power on behalf

of the company to advance this appeal. The Official Receiver was informed of these proceedings, as I understand it, on or about 30 April 2024, almost three months ago.

- [5] This proceeding has been in limbo since awaiting, at the leisure of the Official Receiver, its position on the matter. We are still none the wiser.
- [6] The Official Receiver has been represented in this court by counsel from the Attorney-General's office. An appearance was made for the Official Receiver this morning and, as I recall, the last occasion this matter was called on the 14th of June 2024 at which time, being the 14th of June, I made it clear that these ongoing delays were unacceptable and this was the last opportunity for the Official Receiver and the Appellant to sort out what is happening with the appeal.
- [7] I made a direction on 14 June 2024 that papers be filed by the end of June, clarifying the Appellant's position and the Official Receiver's position. No papers have been filed. It is now the 17th of July, and no steps have been taken by the Official Receiver to clarify its position with respect to this appeal.
- [8] Mr. Singh makes it clear that the company is still uncertain as to what the Official Receiver wishes to do. This matter cannot progress in this fashion. The Official Receiver and the Company have had ample time to sort out the issue, and given my direction on the 14th of June, it can be no surprise to either that the time for action has now passed.
- [9] In light of the failure to take steps, I strike out the appeal for want of prosecution. There will be no order as to costs.




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D. K. L. Tuiqereqere
JUDGE

Solicitors:

Parshotam Lawyers for Appellant

Labour Office for Respondent

Office of Attorney-General's Chambers for the Official Receiver