

INDUSTRIAL TRIBUNAL

Case No. 1058

Trade Dispute

between

David Bass

and

Scicluna's Hiring Services

re alleged unfair dismissal

Date : 3rd March 1997

Chairman : Mr. Colin Tabone

The Tribunal would like to put on record the following :-

In view of the fact that any note or pleadings should be lodged in the registry of this Tribunal, the Tribunal hereby declares that :

- a) it has received a communication from defendant's council without it being lodged in the registry of the Tribunal
- b) this Tribunal shall not take cognisance of the communication which is being returned to the defendant's council.

Colin Tabone
CHAIRMAN

mrg

INDUSTRIAL TRIBUNAL

DECISION NO. 802

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between

David Bass

and

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re alleged unfair dismissal

Date : 3rd March 1997

Chairman : Mr. Colin Tabone

The Tribunal proceeds to evaluate and to give a ruling about the eligibility of "Scicluna's Hiring Services" as a defendant in this dispute as requested by defendant's council.

The defendant was referred to as "Scicluna's Hiring Services". Defendant's council is claiming that Mr. David Bass was employed by "Scicluna's Hiring Services Ltd"., a company duly registered in Malta on 24th Novembru, 1986 having registration number C 8441.

A copy of Form ETC/EC/1 - Termination of Employment of Mr David Bass was exhibited and shows that the said Mr. David Bass was employed by "Scicluna's Hiring Services Ltd."

On 25th June 1996, Mr. David Bass wrote to the than Minister of Education and Human Resources alleging he was unjustly made redundant by "Scicluna's Hiring Services".

Naturally, the Minister of Education and Human Resources referred this request to the Industrial Tribunal in terms of Art. 28(2) Chap. 266 of the Laws of Malta on 19th July, 1996.

It is evident that "Scicluna's Hiring Services" is not a legal person and in fact legally it does not exist. On the other hand "Scicluna's Hiring Services Ltd" is a legal person, autonomous and having a distinct personality of its own.

As a result of this the wrong defendant was brought into this industrial dispute.

Furthermore, there has been no request made for a correction of the name of the defendant by Mr. David Bass. If, on the other hand a request were to be made now, this would have been time barred.

Conclusion

The Tribunal accepts the plea raised and the submissions made by defendant's council and declares the case closed.

Colin Tabone
CHAIRMAN

mrg

