

**IN THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY
(SADC) TRIBUNAL WINDHOEK, NAMIBIA**

CASE NO SADC (T) 07/2009

IN THE MATTER BETWEEN

ANGELO MONDLANE

APPLICANT

AND

**THE SECRETARIAT OF THE SOUTHERN
AFRICAN DEVELOPMENT COMMUNITY**

RESPONDENT

CORAM:

H.E. JUSTICE A. G. PILLAY

PRESIDENT

H.E JUSTICE DR. R. KAMBOVO

MEMBER

H.E. JUSTICE F.M. CHOMBA

MEMBER

APPLICANT'S AGENTS

ADVOCATE A. DENK

ASSISTED BY MRS S. NAMBINGA

RESPONDENT'S AGENTS:

DR T. UATE

HON. JUSTICE M. C. C. MKANDAWIRE

REGISTRAR

MR. DENNIS SHIVANGULULA

COURT CLERK

RULING

Delivered by the President of the Tribunal H.E. Justice A.G. Pillay.

Having heard Mr. DENK, Counsel for Applicant and Dr. UATE, Counsel for Respondent and having had regard to Applicant's Application and other documents filed of record in this urgent application; and

Whereas Counsel for Respondent raised no objection to the granting of the interim order; and

Whereas the Tribunal is therefore satisfied that Applicant made out a case for the preservation of the *status quo*,

IT IS ORDERED:

1. Respondent is restrained and prohibited from advertising for possible recruitment the position of Director: Policy, Planning and Resource Mobilization;
2. Respondent is restrained and prohibited from recruiting and filling the position of Director: Policy, Planning and Resource Mobilization within the SADC Secretariat and which is currently held by the Applicant;
3. Orders 1 and 2 shall prevail pending the hearing and determination of the main application.

4. Respondent is compelled and directed to retain Applicant in its employ after 31 December 2009 should the main application not be determined by that date.
5. The Tribunal awards no costs to the applicant as there are no exceptional circumstances shown.

Delivered in open court this 21 day of October 2009, at Windhoek in the Republic of Namibia.

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H.E Justice Ariranga Govindasamy Pillay
PRESIDENT

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H.E Justice Dr Rigoberto Kambovo
MEMBER

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H.E Justice F.M. Chomba SC
MEMBER