

(1) COSMAS BUNGU (2) THE EXECUTIVE COMMITTEE  
HARARAE MUNICIPAL WORKERS UNION (3) THE  
HARARE MUNICIPAL WORKERS UNION  
v  
(1) JOHN MAKARUDZE (2) MAXWELL MUNONDO

**SUPREME COURT OF ZIMBABWE**  
**ZIYAMBI JA, GARWE JA, & GUVAVA JA**  
**HARARE, JUNE 30, 2015**

*T Mpofu*, for the appellants

*A Debwe*, for the respondents

**ZIYAMBI JA:** This matter was dealt with in the court *a quo* as a stated case.

At the hearing of the appeal certain issues arose which had not been canvassed by the parties in the court *a quo*: for example, the issue of the validity of Clause 5 (a) of the new Constitution and the propriety of the dismissal of the respondents by the appellants.

These issues have a bearing on the issues that fell for determination by the court *a quo* in the stated case.

In the circumstances we are of the view that the appropriate course to take would be to remit the matter to the court *a quo* so that all the issues can be properly ventilated in a trial.

Accordingly we make the following order:-

1. The matter be and is hereby remitted to the court *a quo* for continuation.
2. The parties are given leave to convene another Pre-trial Conference to agree on the issues to be determined at the trial and the filing of any further pleadings which may be necessary.
3. Costs are to be in the cause.

**GARWE JA:** I agree

**GUVAVA JA:** I agree

*Matsikidze & Mucheche*, appellants' legal practitioners

*Debwe & Partners*, respondents' legal practitioners