

ANTIGUA

IN THE COURT OF APPEAL

CIVIL APPEAL No. 4 of 1992

BETWEEN:

LIAT (1974) LIMITED

Appellant

and

GEORGE KNOWLES

Respondent

Before:

The Rt. Hon. Sir Vincent Floissac	- Chief Justice
The Honourable Mr. C.M.Dennis Byron	- Justice of Appeal
The Honourable Mr. Satrohan Singh	- Justice of Appeal

Appearances:

Mr. A. Jessami and Mr. A.G. Thomas for the Appellant
Mr. G. Watt for the Respondent

1993: November 25; 26.

JUDGMENT

SIR VINCENT FLOISSAC, C.J.

This is an appeal from a decision of the Industrial Court reinstating the respondent to his former position as a pilot of the appellant without loss of seniority or other benefits.

The main ground of appeal which counsel for the appellant argued for hours is that the decision was not given in open court and was therefore void or voidable and should be set aside. We dismiss that main ground of appeal because there is on record a judgment of the Industrial Court reinstating the respondent to his former position. That judgment was signed by the three members of the Court and was admittedly delivered in open court on the 21st February 1992. The delivery of that judgment was in accordance with (1) Section 4(5) of the Industrial Court Act No. 4 of 1976 which provides that "subject to subsection (8), the jurisdiction of the Court shall be exercised by the President and two other members of the Court selected by him"; (2) section 7(7) of the said Act

which provides that "All matters brought before the Court shall be determined by a majority of the members thereof" and section 24A(2) of the Industrial Court (Amendment) Act No. 6 of 1985 which provides that "The award of the Court shall be signed by the President or, if the President is for any reason unable to sign the award, by the remaining members."

The validity of that judgment or the delivery thereof could not have been affected by a letter which the President of the Court had previously sent to the appellant forewarning him of the judgment. Nor was that validity affected by a Certificate of the Registrar indicating that the date of the letter was the date of the decision impugned.

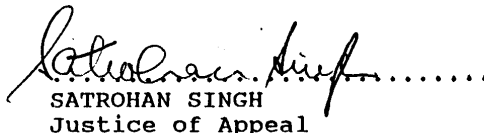
The substantive grounds of appeal are also without merit. The reasons for the appellant's dismissal of the respondent are contained in the appellant's letter of dismissal and the appellant's Memorandum to the Industrial Court. Those reasons are (1) violation of the company's standard procedures and (2) operation of an aircraft in a dangerous manner. With regard to the first reason, the Court found that the respondent was not made aware of those procedures. With regard to the second reason, the Court found that that reason was not proved. These are findings based solely or substantially on the credibility of witnesses. Since there is no good reason for disturbing these findings, the appeal must be dismissed with costs to the respondent.



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SIR VINCENT FLOISSAC
Chief Justice



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C.M. DENNIS BYRON
Justice of Appeal



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SATROHAN SINGH
Justice of Appeal