

**THE MANAGEMENT OF ALAN L. GRANT COMPANY and C-T COMMODITY
TRADING COMPANY**, Respondents/Appellants, *v.* **RUDOLPHUS BROWN**,
Assistant Minister for Labour Standards/Hearing Officer, Ministry of Labour, and S.
TOSHA BROWN, Movants/Appellees.

JUDGEMENT WITHOUT OPINION

Decided: August 27, 2004.

At the call of this case, Counsellors G. Moses Paegar and J. Johnny Momoh appeared for respondents/appellants, and Counsellors N. Oswald Tweh and Scheaplor R. Dunbar appeared for appellees/movants.

Appellees/movants counsels then applied to the Court for permission to make a submission after notation of representation, which application was granted. In their submission appellees' counsels submitted that the holding in the case *Dennis v. The Management of LEC*, 37 LLR 303 (1993) is directly adverse to their motion to dismiss as filed in the National Labour Court for Montserrat County, and the ruling of the judge of said court. That said case having not been overturned or overruled; it is the authority in this jurisdiction. The facts are analogous to the facts in the instant case. The procedure for service of process regarding a petition for judicial review in labor cases on appeal from the hearing officer is that it may be served either on the party or on his counsel where the party cannot be found or his address or whereabouts is unknown. Service upon the counsel in such cases will be deemed service upon the party *le* or *viz* a writ of summons in a labor court may be reversed on either or bands. He therefore conceded the defect of their motion to dismiss and requested this Court to terminate the appeal and forward said matter to the National Labour Court, ordering the said judge to resume jurisdiction, rescind her ruling on the motion to dismiss and thereafter dispose of the petition for judicial review. Counsels for appellants then conceded to the said submission of appellees' counsels.

Appellants' counsel having conceded to the submission of appellees' counsels, it is hereby *adjudged*: that the submission should be and the same is granted and the appeal is dismissed with costs against the appellees. The Clerk of this Court is hereby ordered to send a mandate down to the Court below commanding the judge presiding therein to resume jurisdiction over the cause, rescind her ruling on the motion to dismiss and thereafter dispose of the petition for judicial review. And it is hereby so ordered.

NOTE: Madam Justice Coleman having served as counsel for one of the parties prior to her elevation to the Bench, did not participate in the hearing of this case, and hence did not sign this Judgment.

