

LAMCO J.V. OPERATING COMPANY, Informant, v. E. S. KOROMA, Assigned Circuit Judge,
Sixth Judicial Circuit, Montserrado County, et al., Respondents.

JUDGMENT WITHOUT OPINION.

Decided June 30, 1978.

At the call of this case, Counsellors *Moses Yangbe* and *Edward Carlor* appeared for informant, and Counsellor *Stephen Dunbar* appeared for respondents. Misinterpretation of a previous judgment of this Court with respect to legal compensation due employees of the informant's company gave rise to the filing of the bill of information, in which informant complained that in enforcing the Supreme Court's judgment of April 28,

1978, the judge in the Civil Law Court had sought to enforce collection from informant of more wage compensation than the Supreme Court had ordered in its judgment.

The judgment handed down on the 28th of April, 1978, by the Supreme Court had commanded the judge presiding in the Civil Law Court from whose judgment appeal had been taken to enforce compensation of the sum claimed by the complainant for wrongful dismissal by the respondent company, the informant herein. In the preparation of the bill of costs to satisfy the said judgment, an amount representing five years' pay had been illegally added to the bill, which amount had not been the subject of litigation in the Ministry of Labor nor in the Civil Law Court, and therefore could not be made part of this Court's judgment, since we had commanded that compensation to the wrongfully dismissed employee should be made "in keeping with the labor laws governing wrongful dismissal."

Five years' compensation will only be added in such circumstances, according to the labor laws, when it has been shown that the dismissal was intended to "avoid the payment of pension," L. 1971-72, ch. XLV (1956 Code 19-A:9(a) (ii) ; and this was not shown in this case, so cannot be made a part of the determination thereof. It is therefore adjudged that the amount illegally added representing five years' compensation of wages not litigated, should be and the same is hereby ordered stricken and deducted from the bill of costs. And the Clerk of this Court is ordered to send a mandate down to the court below commanding the judge presiding therein to resume jurisdiction over the case and give effect to this judgment. Costs are disallowed. And it is so ordered.