**Uganda Electricity Board v Electricity Board Workers’ Union**

**Division:** High Court of Uganda at Kampala

**Date of judgment:** 26 February 1974

**Case Number:** 784/1972 (68/74)

**Before:** Manyindo J

**Sourced by:** LawAfrica

*[1] Prerogative Orders – Certiorari – Issues to correct the performance of a duty which has been improperly performed.*

*[2] Master and Servant – Industrial dispute – Award of industrial tribunal – Reference for interpretation only where award ambiguous – Trade Disputes* (*Arbitration & Settlement*) *Act* (*Cap.* 200),

*s.* 11 (*U*).

*[3] Electricity – Tariff – Undue preference – Established by concessionary rate to employees of Board –*

*Electricity Act* (*Cap.* 135), *s.* 13 (*U*).

**Editor’s Summary**

The Industrial Court of Uganda made an award that the plaintiff should provide electricity to its employees at a concessionary rate. Such an award would become part of the plaintiff’s employee’s contracts of service.

The plaintiff applied to the court for an order of certiorari to quash the award on the ground that it was illegal in ordering the plaintiff to show undue preference to a class of persons in fixing its tariff.

For the defendant it was contended that the remedy sought should have been mandamus and not certiorari, that the matter should first have been referred to the Industrial Court for interpretation, and that a special rate could be given to the plaintiff’s employees.

**Held –**

(i) Certiorari properly lies to correct the performance of a duty which has been improperly performed;

( ii) a reference to the Industrial Court for interpretation may only be made where an award is ambiguous (*Re Industrial Court Uganda* (2) considered);

(iii) a special rate to the plaintiff’s employees would be illegal as an undue preference;

(iv) The award would therefore be quashed.

Award quashed.

**Cases referred to Judgment:**

(1) *R. v. National Arbitration Tribunal Exp. Horatio Crowther*, [1948] 1 K.B. 424; [1947] 2 All E.R. 693.

(2) *Re Industrial Court, Uganda*, [1967] E.A. 221.

(3) *Amalgamated Transport & General Workers Union v. Uganda Transport Co*. Misc. C.C. 99 of