

**IN THE HIGH COURT FOR ZAMBIA
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA**

2017/HP/1145

(Civil Jurisdiction)



B E T W E E N :

SYACHOKE SIMEMEZA
(Suing as the General Secretary of the Voluntary
Separatees and Retrenched Association of
Zambia and 9,975 Others)

PLAINTIFFS

AND

NATIONAL PENSION SCHEME AUTHORITY

DEFENDANT

**Before Honorable Mrs. Justice M. Mapani-Kawimbe in Chambers on the 4th
day of December, 2017**

*For the Plaintiffs : Mr. B. Mukatuka, Messrs Robson Malipenga & Company
For the Defendant : Mrs. M. Lambe In-house Counsel, National Pension Scheme
Authority*

R U L I N G

Cases Referred To:

- 1. Inyati Construction Limited v Pouwels Construction Zambia Limited and Pouwels Hotels and Resorts Limited 2013/HPC/0285*
- 2. Twampane Mining Cooperative Society Limited v E and M Storti mining Limited (2011) ZR 67*
- 3. Secretary General of the United National Independence Party v Elias Chipimo and Marko Chisha Chipimo (1983) ZR 125 (S.C)*
- 4. Phillip Mutantika and Mulyata v Kenneth Chipungu SCZ Judgment No. 13 of 2014/Appeal No. 94 of 2012*

Legislation Referred To:

1. *High Court Act, Chapter 27*
2. *Rules of the Supreme Court 1999*

This is the Defendant's application to set aside originating process for irregularity and for an order for security of costs. It is made pursuant to Order 2 Rule 2 and Order 23 Rule 1 of the Rules of the Supreme Court.

In the supporting Affidavit **Mwape Lambe**, Legal Counsel of the Defendant Organisation states that the Plaintiffs commenced their action by Writ of Summons and Statement of Claim on 31st July, 2017. That they seek the following claims:

- (i) *An order for the payment for those who were underpaid*
- (ii) *An order of payments for those who have not reached statutory age to be paid in full, considering that the Plaintiffs stopped contributing and are not working any more.*
- (iii) *An order for payment for individuals appearing on NAPSA database who contributed through the 2nd Defendant.*
- (iv) *Interest from the date of termination to the full settlement*
- (v) *An order of full payment to those who have attained full statutory age.*
- (vi) *Damages*
- (vii) *Costs*
- (viii) *Any other relief that the Court may deem fit.*

