

THE REPUBLIC OF UGANDA  
IN THE HIGH COURT OF UGANDA AT KAMPALA  
**MISCELLANEOUS CAUSE NO 582 OF 2005**  
(Arising Out Of HHCS No. 164 of 2004)

ATTORNEY GENERAL..... RESPONDENT

VS.

HENRY WAIBALE & 2 ORS ..... APPLICANTS

**BEFORE: HON. MR. JUSTICE R.O. OKUMU WENGI:**

**RULING:**

The question whether SI 80 of 2000 applies to the respondents who retired long before its coming into force has been referred for settlement. This suit was itself filed in 2004 after the SI 80 came into force and as such is a law applying to issues raised in it. The fact that the claim by the plaintiffs survived and was entertained up to the point of judgment means that they are able to benefit from the regime set out in that law even if only its provisions were a mere guide. And since their claim is containing until settled in the suit they may actually have been dragged into its ambit. But even more importantly article 254 of the constitution guarantees pension rights of public officers such that if it is unpaid they can claim it. Therefore the law in question should be used in determining the claims of the applicants/plaintiffs.

R.O. Okumu Wengi

**JUDGE**

**17/7/2006**