

IN THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Not Reportable

Case No: JS1027/19

In the matter between:

COLLIN RABABALELA

First Applicant

XOLA MVIMBI

Second Applicant

VUYANI MNGUNI

Third Applicant

PHILA GUMEDE

Fourth Applicant

and

GENERAL ELECTRIC TRANSPORTATION (WABTEC)

Respondent

Heard: 09 March 2023

Delivered: 29 January 2024 (This judgment was handed down electronically by circulation to the parties' legal representatives by email, publication on the Labour Court website and release to SAFLII. The date and time for handing-down is deemed to be 10h00 on 29 January 2024.)

REASONS FOR ORDER

PHEHANE, J

[1] This matter was set down for a pre-trial conference before a Judge as contemplated in rule 6(5) of the Rules for the Conduct of Proceedings in the Labour Court. The parties were issued with a set down notice to attend a pre-trial conference before a Judge on 9 March 2023. A draft and unsigned pre-trial minute was in the Court file.

[2] On the hearing date, the respondent's representative submitted that the matter had been archived as contemplated in item 16 of the Practice Manual of this Court,¹ at which the applicant's representative expressed utter surprise.

[3] There is no record of any archiving of the file by the Registrar of this Court as contemplated in item 16 of the Practice Manual. Had the file been archived, the matter would not have been set down for hearing. I enquired from the respondent's representative if he had an opportunity to read and consider the judgement of this Court per Moshwana J on the archiving of files.² The matter stood down to afford him the opportunity to read and consider the judgment, after which, the matter would be recalled and the parties would be given an opportunity to make submissions.

[4] When the matter was recalled, the respondent's representative did not reappear and had not been excused by the Court.

[5] I was not persuaded that the matter had been archived. In the circumstances, an order was issued directing the parties to sign and file a pre-trial minute within seven days of the order, failing which, the matter would proceed as contemplated in rule 6(7).

[6] The respondent apparently sought reasons for my order in a letter dated 22 March 2023 which letter did not come to my attention. A follow-up letter dated 25 April 2023 was sent requesting the reasons.

[7] The reasons for the order are as aforesaid.

M. T. M. Phehane
Judge of the Labour Court of South Africa

¹ Effective 2 April 2013.

² *Lebelo and 406 Others v City of Johannesburg* (J2055/14) [2022] ZALCJHB 81 (22 March 2022).