

Sneller Verbatim/HVDM

IN THE LABOUR COURT OF SOUTH AFRICA

BRAAMFONTEIN

CASE NO: JR789/01

2002-03-05

In the matter between

A SEKGOPO

Applicant

and

COMMISSIONER MOYO B

1ST Respondent

THE COMMISSION FOR CONCILIATION,

MEDIATION AND ARBITRATION

2ND Respondent

CSC HEALTH & HYGIENE SERVICES

3RD Respondent

J U D G M E N T

Delivered on 5 March 2002

REVELAS J:

1. This is an application to review an award made by the first respondent to the effect that he had no jurisdiction to entertain the dispute which was referred to the second respondent.
2. It is difficult for me to follow the reasoning, in

the arbitration award. One of the findings made was that the dispute was referred after the dismissal. This does not seem to be borne out by the facts.

3. Justice would be best served if I interfered in this arbitration award and refer it back to the Commission for Conciliation, Mediation and Arbitration ("CCMA"), because the finding is not rationally connected to the facts. I am unable to substitute the findings of the arbitrator with my own.
4. The award is set aside and the dispute is referred back to the CCMA to be arbitrated afresh before a different commissioner.

—

E. Revelas