

| Sneller Verbatim/HDJ

IN THE LABOUR COURT OF SOUTH AFRICA

BRAAMFONTEIN

CASE NO: JR854/02

2002-10-15

In the matter between

D C MHLANGA

Applicant

and

BMW SA

Respondent

---

J U D G M E N T

---

REVELAS J:

1. This is an application in terms of section 168, where the applicant seeks to review and set aside a condonation ruling made by the second respondent, who found that the application for condonation brought at the Commission for Conciliation, Mediation and Arbitration, had no merits.
2. The delay in question was 6½ months and was received on 18 June 2001 and was referred to the CCMA on 8 February 2002. The commissioner who heard the application, found that the explanation provided by

the applicant for the lateness of his referral is unacceptable in that he blames his union and the respondent, whose appearance was delayed between the date of the receipt and 10 December 2001, which provides no explanation for the delay.

3. The second respondent also found that the applicant did not show consent and that the delay finding was unacceptable. The second respondent found, and also in so far as the prospects of success were concerned, that it only seems good in the absence of any counter argument.
4. The commissioners of the CCMA are enjoined to deal with matters expeditiously in terms of the Labour Relations Act 66 of 1995. In granting condonation they exercise a discretion. On the grounds provided for by the applicant in this matter there are no grounds upon which I am persuaded to interfere in the exercise of the discretion of the second respondent.
5. In the circumstances the application is dismissed.