

Sneller Verbatim/HVDM

IN THE LABOUR COURT OF SOUTH AFRICA

BRAAMFONTEIN

CASE NO: JR568/01

2003-02-07

In the matter between

SAM KHUMBULANI MAPHOSA

Applicant

and

THE CCMA

1st Respondent

GRANT SHEEN

2nd Respondent

A.S.C. FEDERAL GUARDING

3rd Respondent

J U D G M E N T

REVELAS J:

1. The applicant brought an application to have an arbitration award of the CCMA reviewed in terms of section 145 of the Labour Relations Act 66 of 1995 (the "Act").
2. The arbitrator who heard the matter kept a written record consisting of notes, which is illegible. According to a witness of the third respondent were mechanically recorded the proceedings. That

transcript was not before me. The applicant contends that the proceedings were not mechanically recorded.

The Registrar of this court informed me that she knew of no transcript or mechanical recording. The basis on which she informed me thus is unclear to me.

3. I do not understand the reasoning of the arbitrator in his award. His view of a particular letter up on which the applicant placed great reliance was vague in its reasoning. In my view, this award should be set aside and the dispute should be referred back to the CCMA to be heard by a different arbitrator and the proceedings or to be recorded. I make no order as to costs.

E. Revelas

ON BEHALF OF APPLICANT:

In person

ON BEHALF OF RESPONDENT:

Mr Bechenstraetr from
Moodie & Robbertson Att.