

IN THE LABOUR COURT OF SOUTH AFRICA

HELD IN JOHANNESBURG

NOT REPORTABLE

CASE NO: JR36/04

In the matter between:

COLIN CLINTON ERASMUS

APPLICANT

AND

COMMISSION FOR CONCILIATION,

MEDIATION AND ARBITRATION

1ST RESPONDENT

TERRY MOODLEY N.O.

2ND RESPONDENT

TELKOM SA LIMITED

3RD RESPONDENT

JUDGMENT

Molahlehi J

Introduction

[1] This is an application for leave to appeal against my judgment handed down on 19th February 2009, in which I dismissed the review application of the applicant.

[2] The applicant in this application for leave to appeal has raised several points which he calls grounds for leave to appeal. I do not deem it necessary to repeat those points in this judgment.

[3] In terms of section 166(1) of the Labour Relations Act 66 of 1995, a party wishing to appeal to the Labour Appeal Court against a judgment of the Labour

Court has to obtain leave to do so from the Labour Court. The test to apply when considering whether or not to grant leave to appeal is whether there is a reasonable prospect that another Court may come to a different conclusion to that of the Labour Court.

[4] I have carefully considered the points raised by the applicant in his application for leave to appeal to the Labour Appeal Court. I have also considered my judgment including the submissions made by both parties. Having regard to conspectus of the evidence which was presented before me and the legal principles applied, I am not persuaded that there are reasonable prospects that another Court could come to a different conclusion to the one reached by me in my judgment.

[5] In the circumstances the application for leave to appeal to the Labour Appeal Court is dismissed with no order as to costs.

Molahlehi J

Date of Judgment : 15th September 2009

(Application decided on papers)