

IN THE LABOUR COURT OF SOUTH AFRICA

HELD AT JOHANNESBURG

CASENO: JR1249/07

In the matter between

LOUIS SIKHETSO KHOSA

1st Applicant

ELIAS KABISHI MALATJI

2nd Applicant

And

THE SOUTH AFRICAN POLICE SERVICE

1st Respondent

DENGA MULIMA N.O.

2nd Respondent

THE SAFETY & SECURITY SECTORIAL

BARGAINING COUNCIL

3rd Respondent

JUDGMENT: LEAVE TO APPEAL

Molahlehi J

Introduction

1. This is an application for leave to appeal in terms of which the applicant seeks to appeal the judgement of this court made on the 2nd February

2011. In terms of that judgment the court dismissed the applicant's review application with costs.

2. The applicant has in his application for leave to appeal raised five grounds for the leave to appeal. I do not deem it necessary to repeat those grounds for appeal in this judgment.
3. The test to apply in considering whether or not to grant leave to appeal is whether there are reasonable prospects that another court may arrive at different conclusion to the one made by the court a quo. In terms of section 166 of the Labour Relations Act 66 of 1995 a party seeking to appeal against the decision of the Labour Court has to do so by first obtaining leave to appeal from the Labour Court.
4. In the present matter I have considered both the written submissions in relation to the leave to appeal including the judgement of this court made on the 2nd of February 2011. I am satisfied that the applicant has made out a case for leave to appeal.
5. In the premises the following order is made:
 1. The leave to appeal to the Labour Appeal Court is granted.
 2. Costs shall be costs in the Appeal.

Molahlehi J

Date of Judgment : 14 April 2011

Appearances

Matter decided on paper