

**IN THE LABOUR COURT OF SOUTH AFRICA  
(HELD AT JOHANNESBURG)**

**CASE NO: JS 540/05**

In the matter between

**NATIONAL EDUCATION, HEALTH  
& ALLIED WORKERS UNION**

**1<sup>st</sup> Applicant**

**REBECCA MOLOTSI & 64 OTHERS**

**2<sup>nd</sup> to 65<sup>th</sup> Applicants**

and

**VANDEBBIJLPARK SOCIETY FOR  
THE AGED**

**Respondent**

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VARIATION OF ORDER

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**LAGRANGE, J**

- 1] It has been brought to my attention that there is an obvious error in the order handed down in the above judgment of 17 February 2011. Paragraphs [26] to [28] of the judgment read as follows:

“[26] On the matter of costs, there appears to be no ongoing relationship to consider and the merits of the application were weak. Consequently I believe this is an instance in which there is no reason not to award costs, considering also that the society is not a profit making organisation.

**Order**

- [27] The application for condonation of the late referral of the applicant's

statement of case is dismissed.

[28] No order is made as to costs.”

2] It is immediately apparent from paragraph [27] of the judgment that I did not intend the respondent to be mulcted in costs, and what is stated in paragraph [28] is an obvious error. Accordingly, in terms of section 165(b) of the Labour Relations Act 66 of 1995, paragraph [28] of the judgment is replaced with the following paragraph:

“[28] The applicants are jointly and severally liable for the respondent’s costs and are ordered to pay the respondents costs of opposing the application, the one paying the others to be absolved.”



**ROBERT LAGRANGE**

**JUDGE OF THE LABOUR COURT**

**Date of variation of order: 14 June 2011**