

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

LABOUR CASE NO: JR 1282/09

In the matter between

MOHLAKE NANCY

APPLICANT

And

COMMISSIONER JOHN SHADOW

1ST RESPONDENT

COMMISSION FOR CONCILIATION,

MEDIATION AND ARBITRATION

2ND RESPONDENT

PICK 'n PAY HYPERMARKET (FAERIE GLEN)

3RD RESPONDENT

LEAVE TO APPEAL JUDGMENT

CAWE AJ:

[1] The Applicant seeks leave to appeal an order dismissing her review application handed down on the 24th April 2011. The application for leave to appeal was brought on 25th July 2011 and is opposed by the Respondent.

[2] The delay in bringing the instant application was occasioned by the fact that the judgment of the 29th April 2011 was ex tempore. The Applicant then requested reasons for judgment in order to lodge the appeal. There was, therefore, no need for the Applicant to apply for condonation as the application for leave to appeal was done timeously.

[3] The applicant has, in its application for leave to appeal, raised several grounds of leave to appeal of which I do not deem it necessary to repeat in this judgment.

[4] 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.

[5] However, I have had regard to the grounds on which leave to appeal is sought as set out in the parties' submissions and pleadings. I have also considered my judgment and I am of the view that there is no reasonable prospect that another court might come to a different conclusion to the one reached by myself in my judgment. I therefore stand by the reasoning and conclusion that I reached in my judgment.

[6] In the circumstances the Appellant's application for leave to appeal is dismissed.

[7] There is no order as to costs.

CAWE AJ
Acting judge of the Labour Court

Date of judgment : October 2011

Appearances

The matter was considered on papers presented by the parties.