

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

CASE NO: JR 662/2010

In the matter between

MORIPE RABONE

APPLICANT

And

GENERAL PUBLIC SERVICE SECTORAL

BARGAINING COUNCIL

IA SHIRKHOT

DEPARTMENT OF HOME AFFAIRS

1ST RESPONDENT

2ND RESPONDENT

3RD RESPONDENT

LEAVE TO APPEAL JUDGMENT

CAWE AJ:

- [1] The Applicant has applied for leave to appeal against my judgment of 24th July 2011. In that judgment, I dismissed the review application.
- [2] The third Respondent filed what is titled "THIRD RESPONDENT'S SUBMISSION ON APPLICANT'S APPLICATION FOR LEAVE TO APPEAL." The document proceeds to lay out reasons for the third Respondent to believe that the Applicant's application for leave to appeal has no merits. I have thus assumed that the Respondent meant to oppose the instant application.
- [3] The background to the review application in this court was that the Commissioner, IA Shirkhot, erred in dismissing the Applicant's claim that he had been constructively dismissed by the third Respondent.
- [4] I am mindful of the fact that the Applicant was unassisted at the review application and thus could have failed to articulate his case convincingly. It is also apparent in his submissions, in support of the instant application, that he battles to set out his case accurately. His grounds of appeal are bald and do not make reference to my judgment. I do not deem it necessary to go into these grounds of the appeal in this judgment.

- [5] The test for the granting for leave to appeal is that the applicant needs to demonstrate that there is a reasonable prospect that another court may come to a different finding with regard to the merits of the proposed appeal. I have applied the test to the Applicant's submission (on the papers) and have had regard for both parties' versions and their pleadings and have come to the conclusion that another court could reasonably come to a different conclusion on the review application to that reached by myself in my judgment.
- [6] In the circumstances the following order is made:
1. The application for leave to appeal to the Labour Appeal Court is granted.
 2. The costs shall be the costs in the appeal.

CAWE AJ

Acting Judge of the Labour Court

Date of judgment : October 2011

Appearances:

The matter was decided on papers presented by the parties.