

IN THE LABOUR COURT OF SOUTH AFRICA

HELD IN PORT ELIZABETH

CASE NO: P559/07

In the matter between:

MXOLISI ERIC MAZINGI

APPLICANT

AND

DEPARTMENT OF HEALTH –EASTERN CAPE

(EAST LONDON HOSPITAL COMPLEX)

1ST RESPONDENT

PUBLIC HEALTH AND SOCIAL DEVELOPMENT

BARGAINING COUNCIL (PHSDSBC)

2ND RESPONDENT

L BONO NO

3RD RESPONDENT

CONSIDERED IN CHAMBERS

DATE OF JUDGEMENT : 21 OCTOBER 2011

JUDGMENT

Molahlehi J

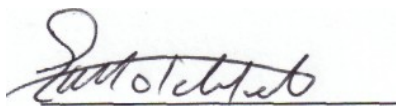
Introduction

- 1] This is an application in terms of which the applicant seeks leave to appeal against the decision of this court which was made on 13 July 2011 in terms of which the applicant's application for condonation for the late filing of the applicant's review application was refused.

- 2] The generally accepted test to apply in dealing with an application for leave to appeal is that of a reasonable possibility that another Court might come to a different conclusion than the one reached by the Court *a quo*. This test has been applied in various decisions of this Court and other Courts of this country. See *Dince v Department of Education, North West*

Province [2010] 6 BLLR 631 (LC) and Shell SA Energy (Pty) Ltd v NBCCI & others [2010] JOL 25841 (LC) and Momentum Group Ltd v Maritz [2006] JOL 17615 (T).

- 3] Thus in the present matter what the court must consider is the question of a reasonable possibility that another Court may come to a different conclusion to the one reached in the order of dismissing the applicant's application for condonation.
- 4] I do not deem it necessary for the purpose of this judgement to repeat each and every ground for leave to appeal stated by the applicant in his application. I have had the opportunity to consider the submissions made by the applicant and the judgment made by this court earlier and have come to the conclusion that there are no prospects that another court is likely to come to a conclusion different to the one reached by this court in dismissing the applicant's application for condonation. I also do not find any merit in the complaint of the applicant that this court did not assist him or afforded him an opportunity to find legal representation.
- 5] In the premises the applicant's application for leave to appeal to the Labour Appeal Court is dismissed with no order as to costs.



Molahlehi J

Judge of the Labour Court of South Africa

Appearances

The matter was considered in chambers.