



REPUBLIC OF SOUTH AFRICA

THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

CASE NO: JS 1165-12

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| (1) | <u>REPORTABLE: YES/NO</u> |
| (2) | <u>OF INTEREST TO OTHER JUDGES:</u>
<u>YES/NO</u> |
| (3) | <u>REVISED.</u> |
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In the matter between –

SOLIDARITY obo JJ STEENBERG

Applicant

And

ENLIGHTENED SECURITY FORCE (PTY) LTD

Respondent

Date of judgment: 02 May 2013

Summary: Default judgment. Claim for payment and outstanding leave.

JUDGMENT

MOLAHLEHI J

- [1] This is an application for a default judgment in terms of which the applicant seeks payment from the respondent in the amount of R32 504.62. The applicant's claim is based on the contention that the respondent failed to pay him his one month's notice pay for the period 16 August 2011 and the outstanding leave pay of 21 days.
- [2] The dispute between the parties, as formulated by the applicant, arises from the employment contract between the applicant and the respondent. The applicant resigned from his employment on 15 September 2012. According to him the resignation was with the agreement of the respondent. At the time of terminating his employment the applicant earned a salary of R16 500.00. The breakdown with the applicant claims is to when owing to him is set out in the statement of case as follows:
- | | | |
|----|-------------------------------|-------------------|
| a. | one month notice pay: | R16 500.00 |
| b. | outstanding leave of 21 days: | <u>R16 004.62</u> |
| | | Total: R32 504.62 |
- [3] The applicant contends that despite proper service of the statement of case, the respondent has failed and/ or neglected to file a statement of opposition to this claim. The time frame within which the respondent was supposed to have filed its intention to oppose this claim has expired then, it is on that basis that this application was made.
- [4] The only version before this court which has not been contradicted, in light of failure by the respondent to oppose, is that of the applicant. In my view, there is no reason to doubt the veracity of the facts as set out by the applicant in the statement of case and confirmation by the affidavit supporting the application.

There is also no basis to question the service of the statement of case on the respondent.

- [5] Accordingly, I am satisfied that the respondent was properly set with the statement of case and also that the applicant has made out a case warranting the granting of a default judgment.

The order

- [6] In the premises the following order is made:

1. The amount of R32 504, 62, being for notice pay and outstanding leave pay for the applicant is due and owing by the respondent.
2. The respondent is ordered to pay the applicant the amount of R32 504,62 within 14 days of date of this order.
3. The respondent is to pay interest on the outstanding amount *tempore mora*.

E MOLAHLEHI

JUDGE OF THE LABOUR
COURT OF SOUTH AFRICA

Appearances: Matter considered in Chambers