



**REPUBLIC OF SOUTH AFRICA**

**IN THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG**

**JUDGMENT**

CASE NO: J2043/12

In the matter between:

**SOLIDARITY OBO LJC BOOTHIA**

**Applicant**

and

**ROCKWELL RESOURCES RSA (PTY) LTD**

**Respondent**

**Delivered: 4 May 2013**

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**JUDGMENT**

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**MOLAHLEHI J**

- [1] This is an application in terms of which the applicant seeks an order making the arbitration award dated 25 April 2012, under case NWKD 473-12 an order of Court in terms of section 158(1) (c) of the Labour Relations Act of 1995.
- [2] The arbitration award was consequent to the dispute which had been referred to the Commission for Conciliation Mediation and Arbitration, concerning the alleged unfair dismissal of the applicant on 5 January 2012. The arbitrator found the dismissal of the applicant to have been substantively unfair and accordingly made the following order:

“[15] The Respondent is directed to pay, towards the Applicant, an amount equal to (4) four months’ remuneration in compensation for this unfair dismissal;

[16] The amount referred to in paragraph [15] is to be calculated in accordance with the salary the Applicant had earned at the time of his dismissal, being R 20,000.00, per month;

[17] As such, the amount due to what’s on the Applicant accrues to R 80,000.00 and is to become payable towards Mr Bootha by no later than 14 May 2012; and

[18] There is no order as to costs.”

[3] The respondent has failed and/or neglected to comply with the arbitration award. And despite proper service, the respondent has failed and/or to oppose this application.

[4] I am satisfied that the applicant has made out a case, for making the arbitration award the order of Court.

[5] In the circumstances the arbitration award made under case number NWKD 473-12 dated 25 April 2012, is made an order of the court in terms of section 158 (1) (c) of the Labour Relations Act of 1995.

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Molahlehi J

Judge of the Labour Court of

South Africa

No appearance- matter considered in chambers

LABOUR COURT