



REPUBLIC OF SOUTH AFRICA

IN THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

JUDGMENT

CASE NO: J 1581/12

In the matter between:

ANGELINA CUNA

Applicant

and

INTERFRUIT (PTY) LTD t/a IN2FOOD (PTY) LTD

Respondent

Delivered: 4 May 2013

JUDGMENT

MOLAHLEHI J

- [1] This is an application in terms of which the applicant seeks an order making the arbitration award dated 18 July 2011, under case number GAEK5136-11 made an order of Court.
- [2] The arbitration award is consequent to the dispute in terms of which the applicant alleged that she was unfairly dismissed by the respondent. The applicant was dismissed for an alleged misconduct that took place during the strike action. The charges against the applicant was that she had shown "him her backside," and calling the respondent names.

[3] The Commissioner in finding the dismissal of the applicant to be both procedurally and substantively and fair made the following award:

- "21. The respondent, Interfruit, is ordered to reinstate the applicant Angelina Cuna, to her position as a General Worker on the same terms and conditions of employment that applied prior to his unfair dismissal on 02 August 2010. Reinstatement must take effect on 2 August 2011.
22. The respondent must pay the applicant R20018.00 (R 1668.00 x 12) back pay which is equivalent to 12 months of remuneration of the applicant.
23. The respondent must pay the applicant the aforesaid amount within 14 days of the respondents receiving this award.
24. I make no order as to costs."

[4] The applicant has attached an affidavit confirming that proper service of this application was effected on the respondent. The respondent on the other hand has despite the proper service failed and or neglected to oppose this application.

[5] In the circumstances, am satisfied that proper notice of this application was effected on the respondent and that there is no reason why the applicant should not be granted the order prayed for in the notice of motion.

[6] In the premises, the arbitration award dated 18 July 2011, and made under case number GAEK5136-11 under the auspices of the Commission for Conciliation, Mediation and Arbitration, this made an order of the Court, with costs on the scale of attorney- own client scale.

Molahlehi J

Judge of the Labour Court of

South Africa

No appearance- matter considered in chambers

LABOUR COURT