



REPUBLIC OF SOUTH AFRICA
IN THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG
JUDGMENT

Not Reportable

CASE NO: J1905/11

In the matter between:

NEHAWU OBO PM LEKHULENI

Applicant

And

MPUMALANGA DEPARTMENT OF FINANCE

First Respondent

GENERAL PUBLIC SERVICE
 SECTORAL BARGAINING COUNCIL

Second Respondent

Adv SZ SIBEKO

Third Respondent

Delivered on 13 March 2014

JUDGMENT: LEAVE TO APPEAL

MOLAHLEHI J

- [1] This is an application for leave to appeal against the judgment of this Court made on 20 November 2013, in terms of which the applicant's application to review the arbitration award made under case number DPEC990/2009 was dismissed.

- [2] The applicant has in this application raised several grounds of leave to appeal to the Labour Appeal Court. I do not deem it necessary to repeat the grounds of leave to appeal as set out in the applicant application in this judgment. I have taken those grounds of leave to appeal into account in arriving at the conclusion at the end of this judgment.
- [3] In considering whether leave to appeal should be granted or refused the test to apply is whether there is a reasonable possibility that another court is likely to arrive at a different decision to that of the court a quo. The importance of the matter is also a factor to take into account in the consideration of whether leave to appeal should be granted or refused.
- [4] In the present matter taking the above into consideration I am not persuaded that the applicant has made out a case that another court may reasonably arrive at a decision different to the one reached by this court. I am also not persuaded that there is any other basis that warrants the granting of leave to appeal.
- [5] In the premises, the leave to appeal to the Labour Appeal Court is refused.

E Molahlehi

Judge of the Labour Court of South Africa

Appearances:

Matter considered in Chambers