



REPUBLIC OF SOUTH AFRICA

IN THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Not Reportable

CASE NO: J2153/13

In the matter between:

ADEDEJI A ADEYEMO

Applicant

And

ESKOM HOLDINGS SOC LTD

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 8 January 2013, in terms of which the urgent application which was launched by the appellant was struck of the roll for lack of urgency.
- [2] The appellant filed his notice of leave to appeal on 8 October 2013 but never filed any further submissions. Clause 15.2 of the Practice Manual of the Labour Court read with Rule 30(3A) of the Rules of the Labour Court requires an application to file submission within 5 days of filing the notice of leave to appeal.
- [3] Having regard to the time it has taken since the filing of the notice of leave to appeal I have resolved to deal with the application for leave to appeal on the basis of the notice as filed by the appellant.

- [4] The appellants have 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 appellants' application in this judgment. I have taken those grounds of leave to appeal (though not substantiated) into account in arriving at the conclusion at the end of this judgment.
- [5] 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. In any case the judgment in the present matter is not appealable because the merits of the dispute were not determined. The matter was stuck of the roll for lack of urgency.
- [6] 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.
- [7] In the premises the leave to appeal to the Labour Appeal Court is refused.

E Molahlehi

Appearances:

Matter considered in Chambers