



REPUBLIC OF SOUTH AFRICA

IN THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Not reportable

CASE NO: JR 381/12

In the matter between:

SATAWU obo RAMALEPE MTLATSO

Applicant

And

COMMISSION FOR CONCILIATION
MEDIATION AND ARBITRATION

First Respondent

NORMAN MBELENGWA N.O

Second Respondent

ISIKHONYANE CLEANING SERVICES (PTY) LTD

Third Respondent

Delivered on 13 March 2014

JUDGMENT

MOLAHLEHI J

- [1] This is an application for leave to appeal against the judgment of this Court made on 30 July 2013, in terms of which the arbitration award made under case number GAJB 25033/11 dated 12 December 2011 was reviewed and set aside. The arbitration award was substituted with the order to the effect that the dismissal of the individual applicant was unfair.

- [2] The appellant (the third respondent in the review application) 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