



REPUBLIC OF SOUTH AFRICA

THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Not reportable

CASE NO JR 3095/11

In the matter between:

MAESTRO HOUSING (PTY) LTD

APPLICANT

And

HARRY ARTHUR GUNN

1ST RESPONDENT

SELLO NANISO N.O

2ND RESPONDENT

COMMISSION FOR CONCILIATION,

MEDIATION AND ARBITRATION

3RD RESPONDENT

Date of ruling: 13 February 2015

RULING: APPLICATION FOR LEAVE TO APPEAL

CELE J

- [1] This is an application for leave to appeal against a judgment delivered by this court on 30 September 2014, when the court dismissed with costs, an application to review and set aside an arbitration award made by the second respondent.
- [2] The reasons for the judgment are recorded in the written judgment delivered by this court and I do intend to repeat them here.
- [3] Leave to appeal is ordinarily granted if there are reasonable prospects that another court (in this instance, the Labour Appeal Court) may come to a different conclusion.
- [4] The applicant has raised a number of grounds on which the leave to appeal is sought. I have considered the applicant's submissions and those of the respondent. The applicant's submissions relate to the matters that were canvassed at the hearing and dealt with in the judgment. To the extent that the applicant submits that the court erred in finding that the second respondent's finding is correct, the commissioner's decision was one to which a reasonable decision maker could come, thus precluding interference by the court. The court is empowered to interfere with a commissioner's decision if and only if the decision the commissioner considers fair is so unreasonable that no reasonable decision-maker could come to. The present case does not fall into that category.
- [5] It is in my view that there is no reasonable prospect that another court may come to a different conclusion.

I make the following order:

1. The application for leave to appeal is dismissed.
2. No costs order is made.

CELE J

JUDGE OF THE LABOUR COURT

Labour Court