



REPUBLIC OF SOUTH AFRICA

THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

JUDGMENT

CASE NO.: JR911/13

In the matter between:-

ASSMANG LIMITED

Applicant

and

**COMMISSION FOR CONCILIATION
MEDIATION AND ARBITRATION**

First Respondent

DAVID BOBBEJAAN N.O

Second Respondent

WILLIAM BROWN GASERANYE

Third Respondent

Decided : In Chambers.

Judgment : 02 March 2015.

JUDGMENT

SONO, AJ

- [1] This is an application for leave to appeal against a judgment of this Court in which the review application filed by the applicant was reviewed and set aside and it was further ordered that the matter be remitted back to the First Respondent for a *de novo* hearing before a commissioner other than the Second Respondent.
- [2] The applicant raised various grounds in which it argues that the Court erred in its finding. I do not intend to repeat the various grounds of appeal set out in the papers, suffice to point out that I have considered them in deciding this application.
- [3] It is trite that in order to be entitled to leave to appeal, an applicant in the application for leave to appeal must satisfy this Court that it has reasonable prospects of success on appeal and that based on the facts and the law, a court of appeal could arrive at a conclusion different from the conclusion reached by the *Court a quo* (See in this regard; *Zweni v Minister of Law and Order* 1993(1) SA 523 (A).)
- [4] *In casu* I had regard to the test for granting of leave to appeal as set out in *Zweni*¹. I am of the view that the applicant has made out a case for leave to appeal and I am further of the view that the Labour Appeal Court could come to a different conclusion than that arrived by this Court.

Order

- [5] In the premises the following order is made:
- 5.1 The application for leave to appeal is granted.
- 5.2 There is no order as to costs.

Bankey Sono

Acting Judge of the Labour Court of South Africa

¹ *Supra*.