



REPUBLIC OF SOUTH AFRICA

THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

JUDGMENT

Case no: JR940/08

In the matter between:

BOBBY WALTERS

Applicant

And

JEANNE GAYLARD N.O.

First Respondent

METAL & ENGINEERING INDUSTRIES

BARGAINING COUNCIL

Second Respondent

GLOBAL INDUSTRIAL CONSULTANTS (PTY) LIMITED

Third Respondent

Heard: In Chambers

Delivered: 12 March 2015

JUDGMENT: Application for Leave to Appeal

GAIBIE AJ

Introduction

- [1] This is an application for leave to appeal against the whole of the judgment of this court delivered on 7 February 2014, in which I found that the applicant, Mr Bobby Walters ('the applicant'), had a reasonable expectation that his fixed term contract would be renewed, and consequent thereto ordered the third respondent to pay the applicant compensation from 30 April 2007 to September 2007. The third respondent was also ordered to pay the applicant's costs.

- [2] Although application for leave to appeal was made timeously, this matter was only brought to my attention during January 2015. In the circumstances I wish to extend an apology to the parties for the excessive delay in the determination of this application.
- [3] The test to be applied in this application is the well-established threshold, and that is, whether the Labour Appeal Court might reasonably come to a different conclusion [S v Smith (1) SACR at 576 (SCA)].
- [4] The respondent contends that there is a reasonable prospect that another court might come to a different conclusion than this court, on the basis that I erred in my conclusion that the applicant has a reasonable expectation that his fixed term contract would be renewed. The applicant has not opposed the application for leave to appeal.
- [5] I am satisfied, having considered the respondents' submissions that another court might come to a different conclusion.
- [6] In the circumstances, I make the following order:
- 6.1. The application for leave to appeal is granted on all grounds outlined in the application for leave to appeal.
- 6.2. Costs shall be costs in the appeal.

Gaibie AJ
Acting Judge of the Labour Court

12 March 2015

APPEARANCES:

FOR THE APPLICANT: Leanne Pentz from Waks Silent Incorporated

FOR THE THIRD RESPONDENT: Advocate A.J. Nel

Instructed by Vorster Attorneys