



THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

JUDGMENT

Not Reportable

Case no: JS742/10

In the matter between:

MODIBEDI AND 205 OTHERS

Applicants

and

MEDUPI FABRICATION (PTY) LTD

Respondent

Decided in Chambers

Decided on: 13 August 2015

JUDGMENT – LEAVE TO APPEAL

TLHOTLHALEMAJE AJ

[1] The applicants' claim of an alleged unfair dismissal was dismissed in a judgment handed down on 6 May 2014. The Notice for application for leave to appeal was served on the respondent and filed on 15 September 2012. For reasons that cannot be explained, the application only came to my attention at the end of June 2015.

[2] In terms of Rule 30 (3) of the Rules of this Court, (3) the application for leave to appeal must be made within 10 days after the date on which the reasons are given, except that the court may, on good cause shown, extend that period.

[3] The respondent correctly raises preliminary points to the effect that firstly, the application for leave to appeal is some 83 days out of time, and secondly, that

the applicants have not complied with paragraph 15.2 of the Practice Manual of this Court in that no submissions were made in support of the application for appeal.

- [4] Fatal to this application however is that the applicants have not filed an application for condonation for the failure to comply with the provisions of Rule 30 (3). Despite these defects having been pointed out, no attempt was made by the applicants to rectify them.
- [5] In the light of the above defects, there is as correctly pointed out on behalf of the respondent, no proper application for leave to appeal before this Court. In these circumstances, the following order is made;

Order:

- i. The application for leave to appeal is dismissed with costs.



Tlhotlhemaje AJ

Acting Judge of the Labour Court of South Africa
