



REPUBLIC OF SOUTH AFRICA

Not reportable

THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

JUDGMENT

Case no: JR 496/13

In the matter between:

MFANIMPELA MABUZA

APPLICANT

and

METAL AND ENGINEERING INDUSTRIES

BARGAINING COUNCIL

FIRST RESPONDENT

JOSEPH MPHAPHULI N.O

SECOND RESPONDENT

AUTOMATIC MASS PRODUCTION

THIRD RESPONDENT

Date of ruling: 3 September 2015 (in Chambers)

RULING: LEAVE TO APPEAL

VAN NIEKERK J

- [1] The applicant has filed what is termed an 'application for condonation for defective procedure' and what would appear to be an application for leave to appeal against the whole of the judgment delivered by this court on 12 August 2015. I deal only with the latter.
- [2] In its judgment, the court dismissed an application to review and set aside a ruling made by a bargaining council arbitrator (the second respondent) to the effect that an application for rescission should be dismissed. The circumstances giving rise to that ruling are canvassed in the judgment and I do not intend to repeat that factual background here.
- [3] For present purposes, the applicant, in support of the present application, states only that he has now applied to correct certain procedural defects which led to the dismissal of the review application and for that reason, leave to appeal ought to be granted. This is not a basis on which leave to appeal can be granted; on the contrary, it appears to be a concession by the applicant that he had mistakenly lodged an application in the High Court to review and set aside the ruling made by Commissioner Williams and that the delay in applying for the rescission of the ruling that his referral should be dismissed was attributable to this fact.
- [4] In my view, the application for leave to appeal does not disclose any valid ground on which the applicant may rely, nor does the application begin to suggest that another court might reasonably come to a different conclusion in relation to the review application.

I make the following order:

1. Leave to appeal is refused.

ANDRÉ VAN NIEKERK

JUDGE OF THE LABOUR COURT