



THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

JUDGMENT

Not Reportable

Case no: JS 681/2010

NATIONAL UNION OF MINEWORKERS

First Applicant

B. GLADILE & 7 OTHERS

Second to Further Applicants

and

MCC GROUP OF COMPANIES

Respondent

Decided in Chambers

Delivered: 16 October 2015

RULING – APPLICATION FOR LEAVE TO APPEAL

TLHOTLHALEMAJE, AJ

Introduction and background:

- [1] This matter as agreed upon between the parties was determined by way of a stated case. Judgment was handed down on 27 February 2015 in terms of which the Applicants' claim of an alleged unfair dismissal was dismissed. The Applicants have since lodged an application for leave to appeal against the whole of that judgment. The application is unopposed.

- [2] The Applicants advanced a variety of grounds upon which it was contended that leave to appeal should be granted. These grounds are mainly predicated on the view that the Court erred in making certain factual findings pertaining to whether there was an unfair dismissal as contemplated in section 186 (1) (d) of the LRA.
- [3] I have reflected on my judgment and considered all the grounds relied upon in seeking leave to appeal. Having considered these and other factors as dealt with in the judgment, I am not persuaded that cogent grounds have been advanced to establish any basis upon which it can be said that there are reasonable prospects that another court may come to a different conclusion. In the result, the following order is made;

Order:

- a) The application for leave to appeal against the judgement handed down on 27 February 2015 is dismissed.



Tlhotlhemaje, AJ

Acting Judge of the Labour Court of South Africa