

IN THE LABOUR COURT OF SOUTH AFRICAHELD AT JOHANNESBURGCASE NO: J1980/2005DATE: 2015-11-27

In the matter between

SENEKAL, DIRK CORNELIUS

Applicant

and

MEC FOR EDUCATION (GAUTENG)

First Respondent

10 GAUTENG DEPARTMENT OF EDUCATION

Second Respondent

J U D G M E N T

STEENKAMP, J:

This is an application to have the respondents, the MEC for Education and the Gauteng Department of Education, held in contempt of court. It arises from a trial directive issued by my brother Le Grange J on 6 March 2014. That trial directive related to a number of pre-trial issues, mainly around the furnishing of documents and other

20 information.

In this consolidated case, that is case J1980/2005 together with JEQ01/10, Mr Senekal argues that the respondents have not complied with the trial directive. What he neglected to mention to the court when he brought the application is that the trial has already been finalised and that my sister Nkutha-Nkontwantana AJ handed down judgment in that trial on 19 August 2015. She found in Senekal's favour in his unfair

discrimination claim and ordered the Department of Education (Gauteng) to pay him compensation equivalent to twelve months' remuneration.

Mr Senekal nevertheless applied for leave to appeal and Nkutha-Nkontwantana J refused leave to appeal on 7 October 2015.

The matter is therefore moot and the Court is *functus officio*. In any event, there is clearly no wilful default given those circumstances. This application is an abuse of process and had Mr *Maile*, for the respondents, not generously acceded to each party paying its own
10 costs, this Court may well have made a cost order against the applicant.

The application for contempt is dismissed with no order as to costs.

STEENKAMP J

20

APPEARANCE FOR THE APPLICANT:

MR SENEKAL

APPEARANCE FOR THE RESPONDENTS:

MR MAILE

Instructed by:

The State Attorney.

CERTIFICATE OF VERACITY

I, the undersigned, hereby certify that, ***in as far as it is audible***, the foregoing is a **VERBATIM** transcription from the soundtrack of proceedings, as was ordered to be transcribed by iAfrica Transcriptions and which had been recorded by Digital Court Recording Services by means of digital recording equipment.

In the matter between:

SENEKAL, DC

Applicant

and

DEPARTMENT OF EDUCATION

Respondent

<u>Case No</u>	<u>Client Reference</u>	<u># Pages</u>
J1980/05	N/A	

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Court Nr: Stenographer: [No annotation]

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PLEASE NOTE:

1. Court digital recording equipment not utilised to its full potential:

Specify:

2. Parties intervening each other, may result in indistinct words and or phrases.

3. Court stenographer's annotations incomplete.

4. Where no clear annotations are furnished, names are transcribed phonetically.

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