



THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Not Reportable

Case No J6051/00

In the matter between:

TRACTOR AND ENGINEERING CC

Applicant

and

NGWENYA, DJ N.O

First Respondent

**COMMISSIONER FOR CONCILIATION,
MEDIATION AND ARBITRATION**

Second Respondent

HADEBE & 13 OTHERS

Third to Further Respondents

Date: 29 January 2016

Decided in chambers

JUDGMENT

MOTHIBI, AJ

Introduction:

[1] This is an application for leave to appeal against a judgment that was delivered on 15 January 2015. In that judgment I dismissed the Applicant's

review application save for a variation order on the issue of compensation payable to the Third to Further Respondents. There was no order as to costs.

Analysis:

- [2] I have considered the Applicant's submissions as well as the Third to Further Respondents submissions opposing the application for leave to appeal.
- [3] I am satisfied that another Court may come to a different conclusion having regard to the issue of the missing record and the test that was applied in considering the Applicant's review application.

Order:

- I. Leave to appeal to the Labour Appeal Court is granted against the judgment delivered on 15 January 2015 under case numbers J605/2000 and J1796/2003.
- II. The costs for the application for leave to appeal are reserved and are to be determined by the Labour Appeal Court.

Mothibi, AJ

Acting Judge of the Labour Court of South Africa