



IN THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

JUDGMENT

Not Reportable

Case no: J 856/2011

In the matter between

**MEC FOR ECONOMIC DEVELOPMENT
GAUTENG**

Applicant

and

**GENERAL PUBLIC SERVICES SECTORAL
BARGAINING COUNCIL**

First Respondent

ZS SIBEKO N.O

Second Respondent

LIBUSENG MONGOYA-BOMVANA

Heard: In chambers

Dated: 27 January 2017

Summary: Application for leave to appeal an *ex tempore* judgement of 2 September 2015 – application filed on 25 September 2015 – incomplete application – non-compliance with a directive

JUDGMENT- LEAVE TO APPEAL

COETZEE, AJ

- [1] The Applicant applied for condonation for the late filing of an application to rescind an order made by the Honourable Court in terms of section 158 of the Labour Relations Act.
- [2] The Court on 2 September 2015 when the opposed application was heard made the following order:
 - [2.1] The application to condone the late filing of the rescission application is dismissed;
 - [2.2] The Applicant is ordered to pay the Third Respondent's costs.
- [3] The Applicant on 25 September 2015 filed an application for leave to appeal to the Labour Appeal Court against the whole of the judgement including the cost order.
- [4] The Applicant in its application set out the grounds upon which it intended to rely to obtain leave to appeal.
- [5] The application was not accompanied by a transcript of the judgement and the reasons for the judgement of 2 September 2015.
- [6] Upon my instructions the Judge's Associate on 26 October 2016, more than a year later, issued a directive to the Applicant's attorneys of record to file the transcribed judgement by not later than Friday 11 November 2016.
- [7] The Applicant has not responded to the directive and has not filed a transcription of the judgement accompanied by the reasons.

[8] It is evident from the conduct of the Applicant that it does not intend to comply with the directive or to pursue the application for leave to appeal. The application is fatally defective. For these two reasons, the application stands to be dismissed.

[9] I make the following order:

[9.1] The application for leave to appeal is dismissed;

[9.2] There is no order as to costs.

F Coetzee

Acting Judge of the Labour Court of South Africa