



REPUBLIC OF SOUTH AFRICA

THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

JUDGMENT

Not Reportable

Case No: **JR732/13**

In the matter between:

MANGOCOBONGA LUVUYO

Applicant

and

**COMMISSION FOR CONCILIATION MEDIATION AND
ARBITRATION**

1st Respondent

COMMISSIONER ELIZABETH LERUMO

2nd Respondent

KLOOF GOLD FIELD

3rd Respondent

HEARD: In chambers

DELIVERED: 28 February 2017

LEAVE TO APPEAL - JUDGMENT

MOLAHLEHI J

Introduction

- [1] This is the application for leave to appeal the judgment of this court made on 26 May 2016 in terms of which the applicant's review application was dismissed. The applicant's review application concerned the ruling by the CCMA Commissioner under case GAIT 3743 dated the 12 May 2007.
- [2] In terms of the finding which was the subject of the review application, the Commissioner had refused condonation for the late referral of the alleged unfair dismissal dispute to the CCMA.
- [3] The application for leave to appeal is accompanied by the application for the late filling of the leave to appeal.
- [4] It would appear that the applicant received the judgment dismissing his review application on the 22 June 2016. He then approached the Legal Aid Board South Africa for assistance. He blames the Legal Aid Board South Africa for the delay in filling the leave to appeal.
- [5] It is apparent that the applicant, who is a lay person, drafted the application himself. I will for this reason accept his explanation as being reasonable, and thus condone the late filling of the leave to appeal.

[6] Turning to the merits of the leave to appeal, it is trite that the test to apply in determining an application of this nature is that of determining whether there are reasonable prospects that another court, faced with the same facts as those that serve before this court, is likely to arrive at a different conclusion.

[7] Having read the applicant's application and the judgment of this court made on the 26 May 2016, I am of the opinion that the applicant has failed to make out a case for leave to appeal. In other words I am not persuaded that there is a reasonable possibility that the Labour Appeal Court is likely to arrive at a different conclusion to that reached by this court if leave to appeal was granted.

Order

[8] Accordingly the applicant's application for leave to appeal the judgment of this court is dismissed with no order as to cost



E.M. MOLAHEHI

JUDGE OF THE LABOUR COURT

Appearances: In chambers