



THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

JUDGMENT

Not Reportable

Case no: JR 3041/12

In the matter between:

LIFE HOTEL AIRPORT JHB (PTY) LTD

Applicant

and

**COMMISSION FOR CONCILIATION,
MEDIATION AND ARBITRATION**

First Respondent

COMMISSIONER QUENNDY GUNGUBELE N.O.

Second Respondent

ELIZABETH MOILOA

Third Respondent

Heard: 27 July 2016

Delivered: 16 March 2017 (in chambers)

JUDGMENT ON APPLICATION FOR LEAVE TO APPEAL

CELE J

Introduction

- [1] On 25 November 2015 parties in this matter made their presentation in the review application pertaining to an arbitration award dated 27 October 2012, condonation for the late filing of the answering affidavit to oppose the review application was sought.
- [2] In and ex-tempore judgment I refused to grant both applications that is, the review and the condonation applications. The award had to stand.
- [3] On 9 December 2015, an application for leave to appeal was filed against an order refusing to review the award. On 7 July 2016 the respondent in the review application withdrew its application for leave to appeal. On 23 February 2017, the respondent filed a notice of motion to review the application for leave to appeal.
- [4] Constructive dismissal at issue in this matter took place on 15 September 2012. In my view the attack on the award came to an end when the application for leave to appeal was withdrawn, whatever the motive was behind it. In any event I am not of the view that it has been demonstrated that there are reasonable prospects of another Court arriving at a conclusion materially different to the one reached by this Court.
- [5] Accordingly;
- (a) Application for leave to appeal is dismissed.
 - (b) The applicant (respondent in the review application) is to pay costs.

Cele, J

Judge of the Labour Court of South Africa