



IN THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

JUDGMENT

Not Reportable

Case no: JR 1263/12

In the matter between:

MSIZA, JAN CHARLY

First Applicant

SKOSANA, BOY MGIJI

Second Applicant

and

SOUTH AFRICAN LOCAL GOVERNMENT

First

Respondent

BARGAINING COUNCIL

COMMISSIONER THOMAS NTIMBANA

Second Respondent

THEMBISILE HANI MUNICIPALITY

Third Respondent

Date: 22 November 2016

Decided in Chambers: 24 March 2017

JUDGMENT IN APPLICATION FOR LEAVE TO APPEAL

MTHOMBENI AJ

- [1] Judgment in the application for the review of the arbitration award made by the second respondent was handed down on 22 April 2015 against the applicants.
- [2] The application for leave to appeal was delivered approximately a month late, but the applicants made an application for condonation of the late filing of the application for leave to appeal. The application is unopposed.
- [3] In my opinion, while the delay is not excessive, there are no prospects of succeeding if I were to grant leave to appeal.
- [4] This notwithstanding, the application for leave to appeal falls to be unsuccessful for want of compliance with the Rule 30 (3A).
- [5] Subsequent to the delivery of the application for leave to appeal, the applicants have failed to deliver submissions as contemplated in Clause 15.2 of the Practice Manual which states:
- “Within 10 days of the filing of the application for leave to appeal, the party seeking leave to appeal must file submissions in terms of Rule 30(3A) and the party opposing the leave to appeal must file its submissions five days thereafter. An application for leave to appeal will be decided by the judge in Chambers on the basis of the submissions filed in terms of Rule 30(3A), unless the judge directs that the application be heard in open court”.
- [6] In the circumstances, I make the following order:
1. The application for leave to appeal is dismissed.

MTHOMBENI AJ

Acting Judge of the Labour Court

LABOUR COURT