



**THE LABOUR COURT OF SOUTH AFRICA
JOHANNESBURG**

Not reportable

Case no: JR 951/16

TSAKANI ISABEL TSHIFHANGO

First Applicant

ELIZABETH KUKI MAKHONDO

Second Applicant

and

**THE MINISTER OF JUSTICE AND
CORRECTIONAL SERVICES**

First Respondent

**THE DIRECTOR GENERAL: JUSTICE AND
CONSTITUTIONAL DEVELOPMENT**

Second Respondent

**THE REGIONAL HEAD: JUSTICE AND
CONSTITUTIONAL DEVELOPMENT
Respondent**

Third

**THE ACTING DIRECTOR HUMAN RESOURCES:
JUSTICE AND CONSTITUTIONAL DEVELOPMENT,
GAUTENG**

Fourth Respondent

Decided: In Chambers

Judgment: 25 April 2017

JUDGMENT: APPLICATION FOR LEAVE TO APPEAL

PRINSLOO J.

- [1] The Respondents filed an application for leave to appeal against the whole of the judgment and order of this Court handed down on 23 March 2017.
- [2] The application for leave to appeal is opposed and both parties filed comprehensive written submissions.
- [3] I have considered the grounds for appeal as raised by the Respondents as well as the submissions made in support and in opposition thereof and I do not intend to repeat those herein.
- [4] It is trite that in order to be entitled to leave to appeal, an applicant in the application for leave to appeal must satisfy this Court that it has reasonable prospects of success on appeal and that based on the facts and the law another court could arrive at a conclusion different than the one reached by the Court *a quo*.
- [5] Suffice to say that after due consideration of the application for leave to appeal, I am satisfied that there is a reasonable prospect that another court could arrive at a different conclusion than the one arrived at by this Court. Furthermore, I am also of the view that there is an important question of law that should be decided and that requires the appeal to be heard. In *Westing House Break and Equipment (Pty) Ltd v Bilger Engineering (Pty) Ltd*¹ the court stated that an appeal should be allowed where the matter is of great importance or where the matter is of public importance or where the court is of the view that the decision might affect other questions.

¹ 1986 (2) SA 555 (A)

Order

[6] I therefore make the following order:

6.1 Leave to appeal is granted.

6.2 Costs to be costs in the appeal.

Connie Prinsloo

Judge of the Labour Court