



IN THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Not reportable

Case no: JR 2524/13

In the matter between:

MZUKISI MBAWULI

Applicant

and

**COMMISSION FOR CONCILIATION,
MEDIATION AND ARBITRATION
Respondent**

First

THEMBEKILE NSIBANYONI N.O.

Second Respondent

PICK 'N PAY RETAILERS (PTY) LTD

Third Respondent

Considered in chambers

Delivered: 1 August 2017

JUDGMENT: LEAVE TO APPEAL

RABKIN-NAICKER J

[1] Pursuant to a review application that came before me on 15 February 2017, judgment in this matter was delivered on 8 June 2017, and an order was issued in the following terms:

“... ”

1. The Award under GAJB 5282-13 is reviewed and set aside and substituted as follows:
 - 1.1. The dismissal of Mzukisi Mbawuli was substantively unfair;
 - 1.2. Pick 'n Pay Retailers (Pty) Ltd is ordered to retrospectively reinstate Mzukisi Mbawuli into his position as of the date of his dismissal.
2. The third respondent is to pay the costs of this application”

[2] The third respondent on 30 June 2014 filed an application for leave to appeal against that judgment and order. The applicant opposes the application.

[3] For an application for leave to appeal to succeed, the party seeking leave to appeal must demonstrate that there is a reasonable prospect that the Court above would come to a different conclusion than that reached by this Court.¹

¹ *Seathlolo & Others v Chemical Energy Paper Printing Wood & Allied Workers Union & others* (2016) 37 ILJ 1485 (LC) at para 2

[4] Having carefully considered the grounds in which the application is sought and the submissions made by both parties in respect of the application for leave to appeal and having reflected my judgment in the above matter, I am of the view that there are no reasonable prospects of success on appeal.

Order

[19] In the premises, I make the following order:

1. The application for leave to appeal is dismissed;
2. There is no order as to costs.

H. Rabkin-Naicker

Judge of the Labour Court of South Africa

APPEARANCES

Written submissions for the Applicant:

In Person

Written submissions For the Third Respondent:
Inc.

R.M Carr of Bowman Gilfillan

LABOUR COURT