



IN THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Not Reportable
Case no: JR375/14

In the matter between:

DEPARTMENT OF HOME AFFAIRS

Applicant

and

**GENERAL PUBLIC SERVICE
SECTORAL BARGAINING COUNCIL**

First Respondent

COMMISSIONER Z.S SIBEKO N.O

Second Respondent

PSA obo T NXUMALO

Third Respondent

Decided In Chambers

Delivered: 14 November 2017

RULING: LEAVE TO APPEAL

TLHOTLHALEMAJE, J

Introduction:

- [1] In a judgment handed down on 14 August 2017, the applicant's application for a review of the third respondent's award was dismissed. The applicant has since filed an application for leave to appeal, which as at the writing of this ruling had not been opposed.

- [2] In deciding whether leave to appeal should be granted, this Court is required to determine whether there are reasonable prospects that another court (in this case, the Labour Appeal Court) could come to a different decision to that arrived at by the court a quo¹.
- [3] I have carefully considered the application before me, the grounds upon which the leave to appeal is sought and the submissions made on behalf of the applicant in support of this application. I have further reflected on my judgment and paid particular attention to the issues raised, my conclusions in that regard, and the grounds relied upon by the applicant in this application. Upon a consideration of all these factors, I am satisfied that the issues raised by the applicant in this application and the grounds upon which leave to appeal is sought were adequately dealt with in my judgement, and no purpose will be served by regurgitating same in my ruling. To that end, I am of the view that there exist no sound or rational basis for a conclusion to be reached that there are reasonable prospects that the Labour Appeal Court would based on the grounds relied upon on either the facts or the law, come to a different conclusion to that arrived at in my judgment.

Order:

- [4] Accordingly, the following order is made:

The application for leave to appeal is dismissed.

E. Tlhotlhemaje

Judge of the Labour Court of South Africa

¹ *Karbochem Sasolburg (A Division of Sentrachem Ltd) v Kriel and Others* (1999) 20 ILJ 2889 (LC) at 2890B, where it was held that;

'I have understood that the test in deciding whether to grant leave to appeal is the traditional test. It requires a judge to ask whether there is a reasonable prospect that another court may come to a different conclusion.'