



Not reportable

**THE LABOUR COURT OF SOUTH AFRICA, HELD AT
JOHANNESBURG**

Case No: JR 220/13

In the matter between:

**MAGUMENI PHILEMON
MATHEBULA**

Applicant

and

**GENERAL PUBLIC SERVICE
SECTORAL BARGAINING COUNCIL**

First Respondent

SELLO NKURUMAH MOIMA N.O

Second Respondent

**DEPARTMENT OF AGRICULTURE
RURAL DEVELOPMENT AND LAND
ADMINISTRATION**

Third Respondent

Delivered: 24 January 2018

JUDGMENT ON APPLICATION FOR LEAVE TO APPEAL

LAGRANGE J

Condonation Application

- [1] The application for leave to appeal was filed late but having regard to the extent of the delay, the reasons for the delay and the absence of any demonstrable prejudice to the respondents, who have neither opposed the condonation application nor the application for leave to appeal, there is no reason not to grant condonation.
- [2] Having regard to the merits of the appeal and the decision of the LAC in *Glencore Holdings (Pty) Ltd & another v Sibeko & others* (2018) 39 ILJ 138 (LAC) there is reasonable prospect a court might come to a different conclusion and accordingly leave to appeal should be granted.

Order

- [1] Condonation for the late filing of the application for leave to appeal is granted.
- [2] Leave to appeal against the judgement in this matter handed down on 19 January 2017, including leave to appeal against the order of costs, is granted.
- [3] No order is made as to costs.



Lagrange J
Judge of the Labour Court of South Africa