



THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Not Reportable

Case no: JR 2061/2010

In the matter between:

CULLINAN DIAMOND MINE (PTY)

LTD

Applicant

and

CCMA AND OTHERS

Respondents

Heard: In Chambers

Delivered: 19 April 2018

JUDGMENT –

APPLICATION FOR LEAVE TO APPEAL

MOSHOANA, J

[1] This is an application for leave to appeal against the judgment of this court handed down on 08 February 2013. The application for leave to appeal

stands unopposed. The application was filed out of time. A condonation application was only filed after the registrar advised the applicant for leave that the application shall not be entertained without a condonation application. The application for condonation was opposed.

- [2] Having considered the grounds for leave to appeal, I come to the conclusion that the application has reasonable prospects. Another court may reasonably come to the conclusion that re-instatement as a remedy ought not to have been interfered with as ordered by the arbitrator. Given the reasonable prospects of success, condonation ought to be granted.

Order

1. Condonation for the late filing of the application for leave to appeal is granted.
2. The application for leave to appeal is hereby granted.

GN Moshwana

Judge of the Labour Court of South Africa

Appearances

For the Applicants: Mr G van den Berg

Instructed by: Gideon Van Den Berg Inc, Pretoria.

For the Respondents: Helena Strijdom

Instructed by: Helena Strijdom Attorneys.