



IN THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Not Reportable

Case no: J 1994/14

In the matter between:

MALOPE GEOFFREY MAILA

Applicant

and

WILLOWTON LOGISTICS

Respondent

Decided in chambers

Date: 26 April 2018

JUDGMENT IN APPLICATION FOR LEAVE TO APPEAL

MYBURGH, AJ

- [1] The respondent seeks leave to appeal against my *ex tempore* judgment in this matter delivered on 10 August 2017.
- [2] In that judgment, I granted an order making the arbitration award in this matter an order of court in terms of section 158(1)(c) of the LRA.
- [3] The essential basis for the grant of my order is captured in paragraph 7 of the judgment. It reads in part:
- “On the papers before me, I am not persuaded that the respondent complied with the award. Certainly on the applicant’s version, it may very well not have done so by, in effect, denying him effective reinstatement and then contriving to dismiss him.”
- [4] The respondent has filed detailed written submissions in support of its application for leave to appeal. Having carefully considered them, I do not believe that the respondent has demonstrated that it has reasonable prospects of success on appeal. I am also not persuaded that there exists any special circumstances as would warrant an appeal, particularly having regard to the limited nature of the order that I made.
- [5] In the circumstances, the application for leave to appeal is dismissed, with no order as to costs.

Myburgh, AJ

Acting Judge of the Labour Court of South Africa

Appearances:

For the applicant: Mhangani Attorneys

For the respondent: McGregor Erasmus Attorneys

LABOUR COURT