



THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Not Reportable
Case no: J890/17

In the matter between:

TASIMA (PTY) LTD

Applicant

and

ROAD TRAFFIC MANAGEMENT CORPORATION

First respondent

DEPARTMENT OF TRANSPORT

Second respondent

DIRECTOR GENERAL:

DEPARTMENT OF TRANSPORT

Third respondent

MINISTER OF TRANSPORT

Fourth respondent

EMPLOYEES LISTED IN ANNEXURE

“A” TO THE NOTICE OF MOTION

Fifth to Eighty fourth respondents

MAKHOSI MSIBI

Eighty fifth respondent

Decided: In chambers

Delivered: 24 May 2018

JUDGMENT: APPLICATION FOR LEAVE TO APPEAL

NKUTHA-NKONTWANA. J

Introduction

- [1] This is an unopposed application for leave to appeal brought by the applicant against the whole judgment and order handed down by this Court on 17 January 2018.
- [2] The applicant approached the Court on urgent basis by way of contempt of court proceedings seeking to enforce the order by Steenkamp J against the first and eighty fifth respondents. I dismissed the application.
- [3] The notice of application for leave to appeal was filed on 7 February 2018. The *dies* for filing submissions expired on 21 February 2018 as per Clause 15.2 of this Court's Practice Manual. Three months has passed and the applicant is yet to file its written submissions.
- [4] I therefore proceed to decide this application without the benefit of the respondent's submissions. I do so in accordance with one of the objects of the Labour Relations Act (the LRA)¹ which is to ensure expeditious resolution of industrial disputes. Therefore, parties cannot litigate at their leisure.²

Grounds of appeal and analysis

- [5] The application is pegged on several grounds of appeal as articulated in the notice of the application for leave to appeal and I do not intend repeating them in this judgment. The crux of the assail by the applicant is fundamentally that I erred in dismissing the contempt proceedings. However, it is clear that the applicant sought to enforce the order by Steenkamp J, directing the first respondent to make payment of the amounts set out in columns titled "*annual 13th cheque*" and "*annual bonus*" in the schedule annexed to the founding affidavit of Fannie Lynen Mahlangu dated 29 December 2017.
- [6] Clearly, the applicant ought to have issued a writ of execution, a remedy that is adequate and cost effective, to enforce the above order.

¹ Act 66 of 1995 as amended.

² *Philippus Johannes Lodewyk Olivier v The Gemeenskaplike Kerk and Others* (Case no: JS 487/15 Unreported) at para 12.

[7] Having considered all the grounds of leave to appeal, I am not convinced that the applicant has made out a case that another Court might reasonably arrive at a decision different to the one reached by this Court.³ The application for leave to appeal should, therefore, be refused.

[8] The following order is made:

Order

1. The application for leave to appeal against the judgment handed down on 17 January 2018 is dismissed.

P. Nkutha-Nkontwana
Judge of the Labour Court of South Africa

³ *Martin and East (Pty) Limited v National Union Mineworkers and Others* [2013] ZALAC 35; (2014) 35 ILJ 2399 (LAC) at [2013] ZALAC 35; (2014) 35 ILJ 2399 (LAC) page 16 lines 12 - 25 and page 17 lines 1 – 18; See also *National Union of Metalworkers of South Africa and Others v Columbus Stainless* [2016] ZALCJHB 344 at paras 2-3.