

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

**JUDGMENT**

**CASE NO: JR2311/15**

**Not reportable**

In the matter between

**EXXARO COAL (PTY) LTD**

**GROOTGELUK COAL MINE**

**Applicant**

And

**HOSEA MUSHI**

**Respondent**

**DELIVERED: 08 JUNE 2018**

---

**RULING ON LEAVE TO APPEAL APPLICATION**

---

**STEENKAMP J:**

- [1] This is an application for leave to appeal launched by the respondent against my ex tempore judgment handed down on the 15<sup>th</sup> March 2018, reviewing and setting aside the award, and declaring the respondent's dismissal as fair.
- [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 a reasonable prospect that another court might come to a different conclusion and accordingly, leave to appeal should be granted.

### Order

- [1] Leave to appeal is granted.
- [2] Costs to be costs in the appeal.

---

**STEENKAMP J**

**JUDGE OF THE LABOUR COURT**