



THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Not Reportable

Case no: JR877/16

In the matter between:

MATSOBANE MASEBE

Applicant

and

THE COMMISSION FOR CONCILIATION

MEDIATION AND ARBITRATION MEDIATION

First Respondent

BONGANI KHUMALO N.O

Second Respondent

RAND WATER

Third Respondent

Considered: In chambers

Delivered : 15 August 2018

JUDGEMENT: LEAVE TO APPEAL

NKUTHA-NKONTWANA. J

- [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 22 June 2018 where I dismissed his application for condonation.

- [2] The application for leave to appeal filed does not comply with Rule 30 3(A) of this Court's Rules, read with Clause 15.2 Practice Manual. In essence, the leave to appeal is defective.
- [3] Taking into account that the Applicant in this case has always had legal representation, including counsel, he ought to have been better advised. It is worth mentioning that applicant sought to blame his legal representatives, particularly erstwhile counsel, Advocate Pashwane, for the late prosecution of the review application. However, another counsel was sought on the basis that he was conversant with labour law.
- [4] Accordingly, the blatant disregard of the Rules of this Court is inexcusable. As appositely stated in *Saloojee & Another NNO v Minister of Community Development*:¹

'The attorney, after all, is the representative whom the litigant has chosen for himself, and there is little reason why, in regard to condonation of a failure to comply with a Rule of Court, the litigant should be absolved from the normal consequences of such a relationship, no matter what the circumstances of the failure are'

- [5] Notwithstanding, I am convinced that there are no reasonable prospects that another court might come to a different conclusion.² The applicant is just clatching at straws.
- [6] In the circumstances, I make the following order:

Order

1. The application for leave to appeal is dismissed with no order as to costs.

P. Nkutha-Nkontwana

Judge of the Labour Court of South Africa

¹ 1965 (2) SA 135 (A).

² *Oasys Innovations (Pty) Ltd t/a GL Event Oasys v Henning and Another* [2015] ZALCCT 65 at paras 9 to 12.