



IN THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Not Reportable

Case no: JR 1436/15

In the matter between:

NATIONAL EDUCATION HEALTH AND

ALLIED WORKERS UNION o.b.o MICHAEL MOGOROSI

Applicant

and

COMMISSION FOR CONCILIATION

MEDIATION AND ARBITRATION

First Respondent

COMMISSIONER WILLEM KOEKEMOER N.O.

Second Respondent

ROAD TRAFFIC MANAGEMENT CORPORATION

Third Respondent

Decided in Chambers

Delivered: 18 September 2018

JUDGMENT – APPLICATION FOR LEAVE TO APPEAL

TLHOTLHALEMAJE, J:

- [1] The applicants' application to review and set aside the arbitration award issued by the second respondent was dismissed in a judgment delivered on 18 April 2018.
- [2] NEHAWU appears to be no longer pursuing the matter. Mogorosi has since on his own launched an application for leave to appeal against the whole

judgment and order. That application was filed with the Court on 17 July 2018. The application for leave to appeal was filed outside the time frames stipulated in the provisions of Rule 30(2) of the Rules of this Court. It is accordingly eight weeks out of time.

- [3] Mogorosi filed what appeared to be an application for condonation for the late filing of the application for leave to appeal. The third respondent had promptly filed a notice to oppose the application. It also was also pointed out to Mogorosi that he had not complied with this Court's Practice Manual as he had not filed his submissions in accordance with Rule 30(3A) of the Rules of this Court.
- [4] Notwithstanding the above omissions, the third respondent had upon the directive issued by this Court, filed its opposing submissions. There are obvious difficulties with Mogorosi's application. The first is that other than filing and serving his notice of application for leave to appeal, he had not filed his submissions in accordance with Directive 15 of the Practice Manual. This was despite the third respondent's objections which went unheeded.
- [5] A further difficulty is that what purports to be an application for condonation is not in compliance with the provisions of Rule 7 of the Rules of this Court. That 'application' is in the form of submissions as the third respondent had correctly pointed out, and is contained in his notice of application for leave to appeal. Mogorosi appears to be represented by BC Edwards from Daan Mostert Attorneys. Even then, there is nothing in the file to indicate that they are appointed as Mogorosi's attorneys of record.
- [6] To the extent that Mogorosi appears to be legally represented in launching this application, practitioners in this Court are expected to be familiar with its Rules and Practice Manual. Mogorosi was made aware of the defects in his application by the third respondent. He had failed to address those defects despite requests to do so. I therefore fail to appreciate why this Court should even consider this application, when no attempt was made to comply with its Rules.
- [7] Accordingly, the following order is made;

Order:

1. The application for leave to appeal the judgment and order of this court delivered on 18 April 2018 is dismissed.
2. There is no order as to costs.

E Tlhotlhemaje

Judge of the Labour Court of South Africa