



IN THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Not Reportable
Case No: J2098/18

In the matter between:

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

Applicant

and

E MAREE N.O

First Respondent

SEKGALA AND OTHERS [2003 GROUP] AND

MACHETE AND OTHERS [2012 GROUP]

Second Respondent

SHERIFF OF THE HIGH COURT FOR THE

DISTRICT OF PRETORIA (FREDDY BATT N.O)

Third Respondent

Considered: In Chambers

Delivered: 06 November 2018

JUDGMENT: LEAVE TO APPEAL

MABASO, AJ

- [1] The applicant seeks leave to appeal the judgement and order of this Court dated 29 January 2018. The applicant raised a number of grounds for leave to appeal and one of them is that there are two conflicting judgements of this Court relating to the provisions of section 145 (7) and (8) of the Labour Relations Act¹. As the applicant says “*the appeal will resolve the question of two conflicting judgements from same Labour Court.*”
- [2] I have taken into account all the grounds that have been raised especially the one that deals with the provisions of section 145(7) and (8) of the LRA. Taking into accounts these conflicting judgments, being *Rustenburg local municipality v South African local government bargaining council*² and *others Free State Gambling Board v CCMA and others*³. I am persuaded that maybe another court might come to a different conclusion.
- [3] In the premises the following order is made:

Order:

1. The application for leave to appeal is granted;
2. Costs will be costs in the appeal.

S. Mabaso

Acting Judge of the Labour Court of South Africa

¹ 66 of 1995, as amended.

² (2015) 36 ILJ 2867 (LC).

³ [2017] 11 BLLR 1161 (LC).