



THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Not Reportable
Case No. JR2234/23

In the matter between:

MALEBANA EDWIN MASHAO AND OTHERS Applicant

and

**SOUTH AFRICAN LOCAL GOVERNMENT
BARGAINING COUNCIL** First Respondent

MATLALA, L N.O. Second Respondent

EKURHULENI METROPOLITAN MUNICIPALITY Third Respondent

Heard: In Chambers

Delivered: 11 March 2025

JUDGMENT: APPLICATION FOR LEAVE TO APPEAL

MAKHURA, J

[1] This is an application for leave to appeal the whole of the *ex tempore* judgment and order issued on 23 October 2024. In terms of that judgment, this Court dismissed the applicant's application for condonation and with it, the review application.

[2] The applicant's application for leave to appeal was filed on 13 November 2024. In terms of Rule 67(3) of the Rules Regulating the Conduct of the Proceedings of the Labour Court, the application for leave to appeal must be brought within 15 days after the date of judgment. The application was filed within the 15-day period.

[3] Rule 67(4) requires that service of the application for leave to appeal to be effected on the secretary to the judge from whom leave to appeal is sought or on the secretary of any other judge in the seat where the matter was heard. The applicant did not provide proof of this and did not serve the application on the secretary.

[4] The applicant has also not complied with Rule 67(5), which provides that submissions should be filed within 10 days of filing the application for leave to appeal. The applicant has to date not filed the submissions. The application does not comply with the rules of this Court. It therefore falls to be struck from the roll.

[5] In the premises, the following order is made:

Order:

1. The application for leave to appeal is struck from the roll for non-compliance with Rule 67 of the Labour Court rules.

M. Makhura
Judge of the Labour Court of South Africa