



THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Not Reportable
Case No. JR1471/21

In the matter between:

BIDVEST PROTEA COIN (PTY) LTD

Applicant

and

PTAWU

First Respondent

MAKHOLA, WINNIE MOKGADI

Second Respondent

ABNER CHOKWE N.O.

Third Respondent

**COMMISSION FOR CONCILIATION,
MEDIATION AND ARBITRATION**

Fourth Respondent

Heard: In Chambers

Delivered: 13 May 2025

This judgment was handed down electronically by consent of the parties' legal representatives by circulation to them via email. The date for hand-down is deemed to be 13 May 2025.

**JUDGMENT:
APPLICATION FOR LEAVE TO APPEAL**

MAKHURA, J

[1] On 14 March 2025, this Court handed down a judgment dismissing the applicant's review application. The applicant has now filed an application for leave to appeal against the whole of the judgment and order. The first and second respondents oppose the application.

[2] The applicant seeks to challenge the findings of this Court made in paragraphs 16 to 19 of the judgment. These paragraphs dealt with the nature of the charge, the impact or less thereof of the misconduct on its operations, sanction and reinstatement. The applicant then sets out what it believes the Court ought to have found.

[3] The test applicable to an application for review of an arbitration award is trite. The applicant does not complain that the Court applied the test incorrectly. To obtain leave to appeal, the applicant must satisfy the test set out in section 17 of the Superior Court Act¹. It must show that the appeal would have prospects of success or that there are compelling reasons for the higher court to consider the appeal. Mere unhappiness with the judgment is not sufficient. Having considered the grounds upon which leave to appeal is sought, I am not persuaded that the appeal would have prospects of success. There are no compelling reasons to burden the Labour Appeal Court with this matter. The application for leave to appeal stands to fail.

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

Order

¹ Act 10 of 2013.

1. The application for leave to appeal is dismissed.

M. Makhura

Judge of the Labour Court of South Africa

LABOUR COURT