



THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Not Reportable

Case No: JR1312/21

In the matter between:

PSA OBO J MANYUWA

Applicant

And

**GENERAL PUBLIC SERVICE SECTORAL
BARGAINING COUNCIL**

First Respondent

COMMISSIONER TAU HLONGWANE N.O.

Second Respondent

**DEPARTMENT OF AGRICULTURE, LAND
REFORM AND RURAL DEVELOPMENT**

Third Respondent

Heard: 13 May 2025

Delivered: 13 May 2025

Reasons delivered: 16 May 2025 (This judgment was handed down electronically by circulation to the parties' legal representatives by email, publication on the Labour Court website and release to SAFLII. The date and time for handing-down is deemed to be 10h00 on 16 May 2025.)

REASONS FOR ORDER

PHEHANE, J

Introduction

[1] This is an application to review and set aside an arbitration award dated 14 May 2021, received by the applicant on 1 June 2021.

[2] The review application was launched on 1 July 2021, when the former Rules and Practice Manual of this Court applied.¹ It transpires that this review application has lapsed by operation of the law.²

[3] Adv Quilliam for the applicant informed this Court that the third respondent indicated that it will not oppose this application, as the parties have consented to an order that the arbitration award be reviewed and set aside and that the matter be remitted to the second respondent for an arbitration hearing *de novo*. As I understand the submission, portions of the record of the arbitration proceedings are missing and efforts to reconstruct the record have failed.

[4] In view of the review application having lapsed with the result that it is archived by operation of the law, this Court lacks jurisdiction to grant the consent order.

[5] As the review application was unopposed and the parties were desirous to have their consent as set out above made an order of Court, in order to expedite the matter, Mr. Quilliam was invited, subject to taking instructions, to make submissions regarding condonation for this Court to consider. Mr. Quilliam submitted that no proper factual basis to explain the non-compliance with the Rules and Practice

¹ GN 1665 of 14 October 1996 and the Practice Manual of the Labour Court of 2013 (repealed on 17 July 2024).

² The notice in terms of the former Rule 7A(6) was delivered on 26 August 2022 ; the notice in terms of the former Rule 7A(8)(b) was delivered on 5 October 2023 and the notice in terms of the former Rule 22B was delivered on 14 February 2024.

Manual as they stood at the time were before the Court, therefore, the applicant sought an indulgence to bring a substantive application for condonation.

[6] In the premises, an order was granted to afford the applicant the opportunity to bring an application to reinstate the review application.

M. T. M. Phehane

Judge of the Labour Court of South Africa