



THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Case No: JR849/21

In the matter between:

**PUBLIC SERVANTS' ASSOCIATION
OBO LEBOMBO & OTHERS**

Applicant

and

GOVERNMENT PRINTING WORKS

First Respondent

ISAAC KEKANA NO

Second Respondent

**GENERAL PUBLIC SERVICE SECTOR
BARGAINING COUNCIL**

Third Respondent

Decided: In chambers

Date: 3 October 2025

JUDGMENT: LEAVE TO APPEAL

DANIELS J

Introduction

- [1] The applicant seeks leave to appeal against my judgment handed down on 25 March 2025. For ease of reference, the applicant's members are referred to as the "individual applicants".

Condonation

- [2] The first respondent filed its submissions opposing the application for leave to appeal some three days late. The reason for the delay was the first respondent's difficulties in briefing the same counsel it had used in the review application. The submissions were finalised and served as soon as possible after counsel was briefed. The first respondent also experienced logical difficulties filing the submissions. Most importantly, the period of the delay is short, and there is a reasonable explanation for the delay. On a conspectus of all the relevant factors, it is in the interests of justice to grant condonation. The late filing of the first respondent's submissions is condoned.

Legal principles

- [3] Section 17(1) of the Superior Courts Act No. 10 of 2013 provides that leave to appeal may only be given where the judge is of the opinion that the appeal *would* have a reasonable prospect of success or there is some other compelling reason the appeal should be heard. Leave to appeal should not be granted unless there is a sound and rational basis to conclude that there is a reasonable prospect of success.¹ In *Martin & East*

¹ *MEC for Health, Eastern Cape v Mkhitha and Another* [2016] JOL 36940 (SCA) at paras 16 – 17

*(Pty) Ltd v National Union of Mineworkers & others*² the court, per Davis JA stated:

“This was a case which should have ended in the Labour Court. This matter should not have come to this court. It stood to be resolved on its own facts. There is no novel point of law to be determined nor did the court a quo misinterpret existing law. There was no incorrect application of the facts; in particular the assessment of the factual justification for the dismissals/alternative sanctions. I would urge labour courts in future to take great care in ensuring a balance between expeditious resolution of a dispute and the rights of the party which has lost. If there is a reasonable prospect that the factual matrix could receive a different treatment or there is a legitimate dispute on the law, that is different. But this kind of case should not reappear continuously in courts on appeal after appeal, subverting a key purpose of the Act, namely the expeditious resolution of labour disputes.”

(Own emphasis)

Grounds for leave to appeal

[4] The applicant contends that there is a reasonable prospect that another court *would* come to a different decision. It contends that this court erred in the following respects:

4.1 The court erred by finding that section 198B was not applicable because the Public Service Regulation 57(4) permits the employment of individuals on fixed term contracts for periods exceeding twelve consecutive months,

² (2014) 35 ILJ 2399 (LAC) at 2406

4.2 The court erred by finding that the employment of the individual applicants did not exceed twelve consecutive months,

4.3 The court erred by finding that Regulation 57 was applicable to the dispute because the evidence at arbitration did not canvass this issue,

4.4 The court erred by finding that the individual applicants were 'additional to establishment',

4.5 The court erred in finding that the individual applicants had no reasonable expectation of continued employment.

[5] I have considered the grounds upon which the application is based, together with the submissions filed by the first respondent. I align myself with the submissions of the first respondent, which I find compelling. The applicant fails to meet the high threshold for leave to appeal. In my view, there are no prospects that another court *would* come to a different decision. Accordingly, I must refuse leave to appeal.

Conclusion

[6] For the reasons set out above, I make the following order:

6.1 The late filing of the first respondent's submissions is condoned,

6.2 The application for leave to appeal is dismissed,

6.3 There is no order as to costs.

RN Daniels

Judge of the Labour Court of South Africa

LABOUR COURT