



(1) Reportable Yes/No
(2) Of interest to other Judges: Yes/No
(3) Revised

Signature

Date

THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

case No: JR2093/16

In the matter between:

SOUTH AFRICAN AIRWAYS (SOC) LIMITED

Applicant

and

COMMISSION FOR CONCILIATION, MEDIATION

AND ARBITRATION

First Respondent

COMMISSIONER BONGE MASOTE N.O.

Second Respondent

NTM obo REGGY MASHEGO

Third Respondent

Considered: In chambers

Delivered: 28 January 2026

This judgment was handed down electronically by circulation to the parties' representatives by email. The date for hand-down is deemed to be on 28 January 2026

LEAVE TO APPEAL JUDGMENT

SCHENSEMA, AJ

Introduction

- [1] This is an application for leave to appeal brought by the third respondent against the judgment of this Court handed down on 1 August 2025 and furnished to the parties on the same date.
- [2] In terms of the judgment, the arbitration award issued by the second respondent was reviewed and set aside in its entirety and substituted with an award to the effect that the dismissal of the third respondent was both procedurally and substantively fair.
- [3] The third respondent's notice of application for leave to appeal, together with his written submissions and the applicant's written submissions opposing the application, came before this Court on 21 January 2026.
- [4] As stated above, the parties received the judgment on 1 August 2025. Accordingly, the notice of application for leave to appeal was required to be filed on or before 22 August 2025. The third respondent failed to comply with this time period and has further failed to file an application for condonation in respect of the late filing of the notice of application for leave to appeal.
- [5] The third respondent likewise failed to timeously file his written submissions, which were due on or before 17 September 2025, and has similarly not sought condonation for the late filing thereof.

- [6] It is trite that the failure to file a condonation application for non-compliance with the stipulated time frames, results in the matter not being properly before Court.
- [7] In the absence of any application for condonation, no explanation has been placed before this Court for the third respondent's failure to comply with the prescribed time frames as set out in rule 67 of the Rules Regulating the Conduct of the Proceedings of the Labour Court.
- [8] In the premises, the following order is made:

Order

1. The application for leave to appeal is struck off for lack of jurisdiction.
2. There is no order as to costs.

H. Schensema

Acting Judge of the Labour Court of South Africa