



**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION, JOHANNESBURG**

Case number: 2026-027560

(1)	REPORTABLE: YES / NO
(2)	OF INTEREST TO OTHER JUDGES: YES / NO
(3)	REVISED: YES / NO
11 February 2026 _____ DATE SIGNATURE	

In the matter between:

PETER PAULOS MOLOKO MONYAPAO

Applicant

and

THE CITY OF EKURHULENI METROPOLITAN MUNICIPALITY

First Respondent

ADVOCATE BRIDGETTE SEHLAPELO N.O

Second Respondent

ADVOCATE SANELE SIBISI N.O

Third Respondent

Heard: 10 February 2026

Delivered: 11 February 2026

Headnote: Urgent application — Interdict to halt pending disciplinary proceedings —
Self-created urgency — Applicant delaying review for several months after knowledge of

alleged irregularities and contributing to postponements in disciplinary enquiry — Legal costs of participation not constituting irreparable harm or absence of substantial redress — Courts intervening in incomplete disciplinary proceedings only in exceptional circumstances — Application dismissed with costs, including costs of two counsel.

JUDGMENT

WINDELL J

Introduction

[1] At its core, this urgent application concerns an attempt by a suspended municipal Chief Information Officer, Mr Monyepao, to halt disciplinary proceedings before they run their course. He seeks an interdict preventing the continuation of the disciplinary enquiry pending a review of the process that gave rise to it.

[2] The application is opposed by the first and second respondents. The first respondent is the City of Ekurhuleni, the applicant's employer. The second respondent is Ms Sehlapelo, the advocate appointed as chairperson of the disciplinary hearing, and the third respondent is Ms Sibisi, the advocate appointed as evidence leader in the disciplinary proceedings

[3] The respondents contend that the matter is not urgent, that any urgency is self-created, and that this Court ought not to intervene in incomplete disciplinary proceedings governed by labour legislation.

[4] The essential facts are largely common cause. The applicant has occupied the position of Chief Information Officer since 1 June 2022, subject to the Municipal Systems Act and the Local Government: Disciplinary Regulations for Senior Managers, 2010. In April 2025 he was placed on precautionary suspension and disciplinary proceedings were initiated soon thereafter.

[5] On 22 January 2026 the applicant instituted review proceedings in this Court challenging the lawfulness of the disciplinary process. The disciplinary enquiry was scheduled to proceed from 16 to 20 February 2026. In anticipation of that hearing, the applicant sought a postponement pending the outcome of the review.

[6] The chairperson, the second respondent, refused the request for postponement. Faced with the imminent continuation of the disciplinary enquiry, the applicant launched the present urgent application to prevent the proceedings from continuing before the review is determined.

Urgency

[7] Urgency is the gateway to relief in the urgent court. An applicant must set out explicitly the circumstances rendering the matter urgent and demonstrate why substantial redress cannot be obtained in due course.¹ Where urgency is self-created, a court will ordinarily decline to exercise its discretion in favour of urgent intervention.²

[8] The respondents contend that the present application is a clear instance of self-created urgency. That submission must be evaluated against the full chronology of

¹ *East Rock Trading 7 (Pty) Ltd and Another v Eagle Valley Granite (Pty) Ltd and Others* (11/33767) [2011] ZAGPJHC 196 (23 September 2011) para 6.

² *Twentieth Century Fox Film Corp v Anthony Black Films (Pty) Ltd* 1982 (3) SA 582 (W) at 586.

events and, importantly, the role played by the applicant in delaying the progression of the disciplinary process.

[9] The timeline emerging from the papers is largely undisputed. The applicant was placed on precautionary suspension on or about 15 April 2025 to permit an investigation. Shortly thereafter, on 23 April 2025, he launched urgent proceedings in the Labour Court seeking to declare the suspension unlawful and to secure his reinstatement. That application was argued in May 2025 and dismissed on 29 May 2025, on the same date that the municipal council resolved to proceed with disciplinary action.

[10] Formal notice of a disciplinary hearing scheduled for 9 July 2025 was issued to the applicant on 30 June 2025. The hearing did not proceed on that date due to the applicant's illness and was postponed by agreement to 27–28 August 2025.

[11] Before that postponed hearing could proceed, the applicant launched a second urgent application in the Labour Court on 15 August 2025, contending that his suspension had lapsed and seeking to interdict the disciplinary enquiry. That application was struck from the roll for lack of urgency on 26 August 2025.

[12] The disciplinary enquiry thereafter commenced on 27 August 2025 and the first witness was called to testify. On the following day, the applicant raised a point in limine challenging the authority of the evidence leader and chairperson, which resulted in a postponement to 4 November 2025 to enable formal filing of that point. The point in limine was ultimately dismissed on 3 November 2025.

[13] When the matter reconvened on 4 November 2025, it again could not proceed due to the unavailability of the applicant's counsel, and the enquiry was postponed by agreement to 16 February 2026.

[14] Crucially, on the applicant's own version, he became aware by the end of August 2025 of the alleged irregularities forming the basis of the present review. Yet the review application was instituted only on 23 January 2026, nearly five months later, followed immediately by this urgent application shortly before the disciplinary enquiry was due to resume.

[15] No adequate explanation is furnished for this extended period of inaction. The delays in the progression of the disciplinary enquiry are, to a significant degree, attributable to the applicant himself — through illness-related postponement, successive urgent litigation in the Labour Court, interlocutory challenges within the enquiry, and the late institution of review proceedings.

[16] Against that background, the urgency relied upon cannot be said to arise from external circumstances or impending irreparable harm. It is the direct consequence of the applicant's own litigation choices and delaying conduct. The inference that the present urgent application constitutes a further attempt to disrupt, derail, or postpone the disciplinary proceedings is difficult to avoid.

[17] The approach of the courts in comparable circumstances confirms this conclusion. In *Yako v National Lotteries Commission & Others*,³ the Court held that a delay of several months between suspension, knowledge of charges, and the institution

³ (2024) 45 ILJ 1352 (GJ).

of urgent proceedings rendered the matter not urgent, and reaffirmed that intervention in incomplete disciplinary proceedings is reserved for exceptional cases. Likewise, in *Nene v National Lotteries Commission*,⁴ the Court emphasised that the urgent roll is reserved for genuinely urgent matters and that enrolling proceedings without primary facts establishing urgency constitutes an abuse of urgent-court process warranting punitive consequences.

[18] The present matter is no different. The chronology, the unexplained delay, and the applicant's own conduct in repeatedly postponing or interrupting the disciplinary process all point to self-created urgency.

[19] Against that background, the applicant further contends that he will not obtain substantial redress in due course. This submission rests on a single premise, namely that he will incur legal costs in participating in the disciplinary enquiry, which he says was initiated before the completion of a full report.

[20] That submission does not establish urgency. The incurring of legal costs in the ordinary course of disciplinary proceedings is neither exceptional nor irreparable, and it does not distinguish this matter from the many employment disputes that must proceed through established statutory processes before judicial intervention is sought. To accept such a proposition would be to render virtually every pending disciplinary process susceptible to urgent interruption, contrary to the well-established principle that urgent

⁴ (2024) 45 ILJ 1334 (GJ).

court intervention in incomplete disciplinary proceedings is reserved for truly exceptional circumstances.

[21] In those circumstances, the application falls to be struck on urgency alone. It is therefore unnecessary to determine the jurisdictional challenge raised by the respondents or any of the remaining merits.

[22] In the result the following order is made:

1. The application is struck from the roll with costs including the costs of two counsel where so employed.

L. WINDELL

JUDGE OF THE HIGH COURT

**GAUTENG LOCAL DIVISION,
JOHANNESBURG**

Delivered: This judgement was prepared and authored by the Judge whose name is reflected and is handed down electronically by circulation to the Parties/their legal representatives by email and by uploading it to the electronic file of this matter on CaseLines. The date for hand-down is deemed to be 11 February 2026.

APPEARANCES

For the Applicant: V S Notshe SC

Instructed by: Shamase Ramotswedi Attorneys

For the First Respondent: J Peter SC

Instructed by: Saljee Govender Van Der Merwe Attorneys

Date of hearing: 10 February 2026

Date of judgment: 11 February 2026