

Sneller Verbatim/JduP

IN THE LABOUR COURT OF SOUTH AFRICA

BRAAMFONTEIN

CASE NO: J3203/01

2001-10-09

In the matter between

REMY NKOSI

Applicant

and

JUNKMAIL AND SCHOEMAN

Respondent

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J U D G M E N T

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LANDMAN, J: This award is *ultra vires* the powers of the commissioner, because it deals with a dismissal allegedly for operational requirements.

The applicant was represented by an attorney, a certain B Malibana. It is unclear why the attorney and the commissioner did not realise that the CCMA had no jurisdiction. There had been no consent to jurisdiction because the employer was not present, and there appears to be no record of any such consent, therefore this award is *ultra vires*, it cannot be made and order of court.

The applicant should therefore institute proceedings in this court and she should refer this matter to the Law Society for further attention.

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