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IN THE LABOUR COURT OF SOUTH
AFRICA HELD AT CAPE TOWN

CASE NO: **2026-042659**

In the matter between:

MBULELO MEMANI

Plaintiff / Applicant

and

**SYDWELL SIBONGILE MKETSU NO
,BITOU LOCAL MUNICIPALITY,JESSICA
KAMKAM NO**

Defendant / Respondent

JUDGMENT

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Cape Town**



- (1) Reportable: Yes
(2) Of interest to other Judges: Yes

Signature

23/03/2026

Date

**THE LABOUR COURT OF SOUTH AFRICA
HELD AT CAPE TOWN**



Case no: 2026-042659

In the matter between:

MBULELO MEMANI

Applicant

and

SYDWELL SIBONGILE MKETSU N.O

First Respondent

BITOU LOCAL MUNICIPALITY

Second Respondent

JESSICA KAMKAM N.O

Third Respondent

Heard: 17 March 2026

Delivered: 23 March 2026

Summary: (Urgent interdict – suspension of employee and status of disciplinary enquiry – Disciplinary Regulations for Senior Management of Municipalities – when disciplinary enquiry commences – effect of postponement granted at behest of employee – employee cannot reprobate and approbate – no right to interdict postponed enquiry in such circumstances – application to set aside suspension struck off for lack of urgency – costs)

JUDGMENT

LAGRANGE, J

Nature of the application

[1] The applicant in this urgent application is Mr M Memani ('Memani') the Municipal Manager of the second respondent, Bitou Local Municipality ('the municipality'). The first respondent Mr S Mketsu is the chairperson of a disciplinary enquiry in which Memani is facing various charges of misconduct.



[2] The relief sought by the applicant, was in two parts as follows:

'PART A:

TAKE NOTICE THAT *the applicant intends to apply on an urgent basis and on the date to be determined by the registrar of this honourable court, for the following relief:*

- 1. The applicant's noncompliance with the time periods and forms contained in the rules is condoned in this matter is heard as one of urgency.*
- 2. The suspension of the applicant, Mbulelo Memani, is declared to have automatically lapsed on 12 November 2025 in terms of Regulation 6 [6] [a] of the Local Government Regulations for Senior Managers, 2011.*
- 3. The second respondent is directed to reinstate the applicant as Municipal Manager of the second respondent with immediate effect.*
- 4. The first and second respondents are interdicted from proceeding with the disciplinary hearing against the applicant before the final determination of the review application sort under part B of the above case number.*
- 5. Costs in this application shall be determined in the review application under part B under the above case number.*

PART B:

TAKE FURTHER NOTICE THAT the applicant intends to apply, on a further date to be determined by the registrar of this honourable court, for the following relief:

1. The decision and ruling of the first respondent dated 18 February 2026, in the disciplinary hearing of the applicant, is declared unconstitutional and unlawful, reviewed and set aside.

2 The decision is substituted with the following ruling:

a. The point in limine of the employee is upheld.

b. The time within which to commence the disciplinary hearing has lapsed.

3. The costs of this application, including parts A and B, ought to be paid by such respondent opposing this application, including the costs of counsel on scale B, alternatively no order as to costs.'



[3] Disciplinary proceedings for municipal managers are governed by the Local Government: Disciplinary Regulations for Senior Managers¹, ('the regulations'). Two linked regulations are relevant to the application:

3.1 Regulation 6(6)(a) provides for precautionary suspension and reads as follows:

'If a senior manager is suspended, a disciplinary hearing must commence within three months after the date of suspension, failing which the suspension will automatically lapse.'

3.2 Regulation 10 (Conducting disciplinary hearing) reads:

'10. Conducting disciplinary hearing
(1) The disciplinary hearing must commence—
(a) within three months of the resolution to institute disciplinary action; and
(b) on a date not less than seven days and not more than 10 days from the date of service of the charge sheet and the written notice of the disciplinary hearing on the senior manager.
(2) The hearing must be conducted by the presiding officer who may determine the procedures to be followed, provided that the—

¹ Reg No 344, G. 34213, dated 21/04/2011.

- (a) *rules of natural justice are adhered to at all times;*
- (b) *matter is speedily resolved with the minimum of legal formalities;*
- (c) *presiding officer in discharging his or her obligations—*
 - (i) *exercises care, diligence and acts impartially; and*
 - (ii) *does not consult or confer with any of the parties or their representatives on the merits or demerits of the case.*
- (3) *The officer leading evidence—*
 - (a) *must commence the disciplinary hearing by reading out the charges to the senior manager;*
 - (b) *may call witnesses and produce book[s], document[s] or object[s];*
 - (c) *may cross-examine any witness called to testify on behalf of the senior manager;*
 - (d) *may inspect any book[s], document[s] or object[s] produced by the senior manager; and*
 - (e) *must present arguments on the merits of the case.*



(emphasis added)

- [4] The decision of the chairman referred to in part B of the notice of motion refers to a ruling on an *in limine* objection raised by the applicant, in which the chairperson found that the disciplinary hearing had commenced on 12 November 2026, even though charges were not read out by officer leading evidence on that occasion. Accordingly, he found that the hearing had commenced within three months of the resolution to institute disciplinary action.
- [5] After the application was argued, the consent of the applicant and the municipality was sought by the court to deal with the urgent application as an application for final relief. The parties agreed to this on 20 March 2026 and the municipality agreed it would not proceed with the disciplinary hearing scheduled to resume on Monday 22 March. Whether it resumes

on 23 March and runs for the rest of the week depends on the outcome of this application.

Brief chronology

- [6] The applicant provided a useful chronology, to which additional details have been added.
- [7] On 30 July 2025, the Bitou Municipality Council resolved to conduct an investigation into alleged misconduct by applicant.
- [8] On 31 July 2025, he was issued with a notice by the Municipality regarding allegations of misconduct.
- [9] 5 August 2025 he responded, through his attorney, to the allegations.
- [10] On 12 August 2025, the M2 resolved to suspend him. This marks the commencement of the three month period mentioned in regulation 6(6)(a) within which the disciplinary hearing must commence, failing which the suspension lapses.
- [11] On 12 September 2025 the Bitou Municipality Council resolved to institute disciplinary proceedings against the applicant. This commenced the three month period within which the disciplinary enquiry must commence under regulation 10(1)(a).
- [12] On 4 November 2025, he was issued with a charge sheet and notice of disciplinary hearing scheduled for 12, 13, and 14 November 2025. This satisfied the requirements of regulation 10(1)(b), provided the hearing commenced on 12 November 2025. The notice contained eight charges of varying severity which, if proven, might warrant serious disciplinary action including dismissal.
- [13] On 6 November 2025, the applicant's attorney requested a postponement of the disciplinary hearing and asked for further particulars. The attorneys letter motivating the request did so on the basis of the difficulty of the attorney clearing his diary for three days on six days' notice, which made it impossible for him to attend and represent the applicant at the inquiry. Secondly, it pointed out that it was unlikely the municipality would be able to provide the further particulars requested before the first hearing date.



- [14] This led to a pre-disciplinary meeting on 11 November being held telephonically between the legal representatives of both parties, the result of which was recorded in a joint minute. The minute recorded, amongst other things, that: the applicant would apply for a postponement when the inquiry convened on 12 November and the municipality would not oppose the application; the applicant would provide the municipality with his bundle of documents for the hearing by 30 January 2026; both parties would exchange witness lists by 13 February 2026, and dates of the hearing would be canvassed with the chairperson on 12 November.
- [15] On 12 November 2025, when the hearing convened virtually before the chairperson, the hearing was postponed to 17, 18, and 19 February 2026 by agreement.
- [16] On 5 January 2026, the applicant's attorney wrote to the municipality and the chairperson, advising that the documents and information requested from the municipality were still outstanding.
- [17] On 20 January 2026 the applicant's attorney informed the municipality that his suspension had lapsed and that he would return to work the following day, relying on the judgment of the Labour Appeal Court in *Tshabalala v Moqhaka Local Municipality & another*²
- [18] On 21 January 2026 the applicant returned to work but was asked to leave the office by municipal officials. His security clearance was revoked.
- [19] On 28 January 2026 the municipality provided the applicant with an electronic link containing the bundle of documents for the disciplinary hearing.
- [20] On 30 January 2026, the municipality issued an amended charge sheet to Applicant.
- [21] On 6 February 2026 Municipality's attorneys provided a reply to the request for further particulars
- [22] On 12 February 2026 the applicant's attorney received the Bitou Municipal Council resolution of 12 September 2025 to institute disciplinary



² (2025) 46 ILJ 590 (LAC)

proceedings. This prompted them to advise the municipality that the applicant intended to raise an *in limine* point when the enquiry convened. This concerned his contention that the disciplinary hearing had not commenced within three months of the resolution to take disciplinary action as required by Regulation 10(1)(a) and, consequently, the hearing was unlawful and the resolution instituting it was void.

- [23] When the enquiry convened on 17 February 2026, the applicant raised his *in limine* objection that the enquiry had not commenced within three months of the resolution to institute disciplinary action and therefore the hearing was unlawful and the resolution authorising disciplinary action was void.



The chairperson's ruling

- [24] The chairperson handed down a concise ruling. He noted that the applicant based his objection on a strict, literal reading of the LAC decision in *Tshabalala*, namely that because the charges against him had not been read by the officer presenting evidence for the employer when the enquiry convened on 12 November, it had not yet begun. He considered that it was not only '*the letter of the law*' which had to be considered but the conduct of the parties and the interests of justice.
- [25] He noted that the enquiry had been set down to commence on 12 November 2025, a date well within the three month window since the resolution was taken on 12 September 2025. Crucially, the only reason the charges were not read on that date was because of the unopposed application for postponement brought by the applicant. By applying for the postponement, the applicant had effectively '*waived the right to insist on the strict 'reading of the charges' within that specific window*'. To allow him to seek a postponement and subsequently argue that the delay he created rendered the process unlawful, was at odds with the principle that a party could not rely on a state of affairs they had brought about and would subvert the disciplinary process.
- [26] Even though Regulation 10 had been intended to expedite disciplinary proceedings, the regulations had to be interpreted in a way that id not

lead to absurdity or injustice. The regulation was intended to prevent dilatoriness on the part of the employer and not to provide a *technical escape hatch* for an employee who request more time for their own purposes. When the parties appeared before the chairperson on 12 November and dealt with the postponement application, they had accepted that the process had commenced in a functional sense.

- [27] *Tshabalala* was distinguishable because it dealt with a situation in which the employer was dilatory or no sitting had occurred at all. It was not dealing with a situation in which the employee sought a delay which it now relied on to dispute the lawfulness of the enquiry. The chairperson concluded that the municipality was ready and willing to proceed on 12 November 2025 and that it was at the instance of the employee that the charges were not read. Accordingly, the applicant was *'estopped'* from relying on the delay he requested. Consequently, the *in limine* point was dismissed.



Urgency

- [28] The applicant argues that he acted promptly once he learned on 12 February that the resolution instituting disciplinary action had been taken on 12 September 2025. Instead of rushing to court he first placed the matter before the chairperson for consideration as he ought to have. The application was then launched on 24 February 2026, within six days of the chairperson's ruling. He argues that before 12 February because he did not know when the resolution was taken he could not determine when the three months would have expired.
- [29] It is arguable that he would have known that he could not be charged without the resolution having been taken and, assuming in his favour that he was truly ignorant of the council's deliberations, he would at least have known that the resolution must've been taken at the very latest the day before he was issued with the charges, which means the three month period would have expired on 4 February 2026. Arguably, because that is only eight days before he claims he actually learned of the resolution date, and because the inquiry was not due to reconvene before 17 February, it

would still have been incumbent on him to raise the matter in that forum first before having recourse to court, relying on the authority of the Constitutional Court decision in *SA Informal Traders Forum v City of Johannesburg*.³ On balance, I accept that the applicant did act with sufficient expedition in relation to challenging the status of the disciplinary hearing.

- [30] However, that explanation only applies to the status of the disciplinary inquiry. By 20 January 2026, he already disputed the status of his suspension, but took no action on that issue until he also was advised that he could dispute the status of the inquiry on 12 February. He also provides no explanation why he only became aware that he could dispute his suspension in January. There is no plausible explanation advanced for his dilatoriness in respect of relief relating to his suspension. In this respect, he did not act with sufficient urgency in challenging his suspension. Consequently, the application relating to the applicant's suspension must be struck off the roll.



Jurisdiction

- [31] In his founding affidavit the applicant asserts a right to fair labour practices and rule of law in characterising the nature of his claim. He made no reference to any provision of the Labour Relations Act, 66 of 1995 ('the LRA'), nor the Basic Conditions of Employment Act, 75 of 1996 ('the BCEA') to establish on what basis this court is required to assume jurisdiction over the matter.
- [32] When pressed on the statutory source for establishing the court's right to entertain the application, applicant's counsel argued that unlike the situation in *Cibane & another v Premier, Province of KwaZulu-Natal & another*⁴, which dealt with s 157(1) of the LRA (discussed below), the applicant's recourse to this court fell under s 157(2)(a) and (b) of the LRA, which states:

³ 2014 (6) BCLR 726 (CC), paras 37 – 38. See also *Jako-Wutu v Ntabankulu Local Municipality and Others* (P332/14) [2016] ZALCPE 1 (16 February 2016) at paragraph 16.

⁴ (2025) 46 ILJ 2587 (LAC)

'(2) The Labour Court has concurrent jurisdiction with the High Court in respect of any alleged or threatened violation of any fundamental right entrenched in Chapter 2 of the Constitution of the Republic of South Africa, 1996, and arising from-

(a) employment and from labour relations;

(b) any dispute over the constitutionality of any executive or administrative act or conduct, or any threatened executive or administrative act or conduct, by the State in its capacity as an employer; and

(c) the application of any law for the administration of which the Minister is responsible.'

[33] Further, he argued that he was attacking the legality of the municipality's action which was a constitutional challenge. Applicant's counsel conceded this should have been expressly pleaded. The municipality argued that the applicant's case fell short of the requirements set out in *Cibane*, namely that:



*' [27] In the absence of any statutory provision conferring jurisdiction on the Labour Court both in respect of employer conduct alleged to be unlawful and in employment-related matters generally, there can thus be no general rule, as the judgment in *Booyesen* might be construed, to the effect that the Labour Court has jurisdiction to intervene in *medias res* to restrain any alleged illegalities, irregularities or unfairness in incomplete disciplinary proceedings*

[28] As with all matters that serve before the Labour Court, the court's jurisdiction is ultimately a matter that must be determined from the pleadings (and not the substantive merits of the case), 11 and by reference to a provision of the LRA (or other legislation) that specifically confers jurisdiction on the court in relation to the dispute disclosed by the pleadings.'

(emphasis added)

[34] Despite the applicant's submission that the LAC was not concerned with jurisdiction arising under s157(2) but with matters falling within the exclusive jurisdiction of the court under s 157(1), the principle that the basis of jurisdiction must be specifically pleaded applies equally to a matter supposedly resorting under s 157(2). It is not enough to refer in sweeping terms to infringement of a constitutional right without identifying which constitutional right is implicated. It is not for the court or the

respondent to parse the text of the founding pleading and read between the lines to speculate what the jurisdictional foundation of a claim might be, and only to obtain clarity when the matter is argued. If a claim is based on lawfulness, the applicant must set out in their founding affidavit or pleading on what specific basis a claim of unlawfulness rests if it does not relate to a breach of contract enforceable under s 77(3) of the BCEA. That said, if it is clear from the facts alleged which section of the LRA is relevant and operative, then the lack of precision in pleadings might be excused⁵. In this instance it is not clear. It is noteworthy that no reference was made to section 158(1)(h) either in the founding affidavit or the applicant's heads.

- [35] I am not satisfied the applicant has clearly pleaded what rights, in particular, are being violated and on what basis the labour court has the power to adjudicate such a dispute.



Substantive merits

Existence of a clear right?

- [36] Even if I am wrong about the court's jurisdiction to determine the status of the disciplinary enquiry, I am not persuaded that the applicant has demonstrated a clear right to the relief sought.
- [37] Irrespective of defects in the pleadings, insofar as the applicant seeks relief on the basis that it would be competent for the court to make a declaration on whether the enquiry may no longer proceed and whether his suspension has automatically lapsed, both those claims rest on a proper interpretation of when a disciplinary enquiry under the regulations will be held to have commenced.
- [38] There was a line of earlier cases in which it was held that the disciplinary enquiry commenced when charges were issued to the employee⁶. Starting

⁵ See *Bato Star Fishing (Pty) Ltd v Minister of Environmental Affairs and Tourism and Others* 2004 (4) SA 490 (CC) at paragraph 27.

⁶ See *Ntsimane v Tshwane Municipal Council and another* (J761/21); *Goba v Rand West City Local Municipality and Another* (J1069/21) [2021] ZALCJHB 301 at paragraph 16; *Matatiele Local Municipality v Shaik and Others* (DA3/2016) [2017] ZALAC 37; (2017) 38 ILJ 2280 (LAC); [2017] 11 BLLR 1090 (LAC) (13 June 2017) at paragraph 17. In *Shaik* the court was interpreting when a disciplinary enquiry 'proceeds' rather than when it commenced but the reasoning is analogous.

with *Moloto & another v Kagisano Molopo Local Municipality & others*⁷, the date of commencement of the enquiry was identified as taking place only when the presiding officer takes control of the proceedings. By contrast, In *Mgengo v Lekwa-Teemane Local Municipality*⁸ the Labour Court followed *Moloto*:

[22] The issuing of the charge-sheet and the notice to attend the disciplinary hearing does not commence the disciplinary hearing but facilitates the process towards its commencement. I agree with Cele J that the disciplinary hearing can only commence in the actual sitting when the presiding officer officiates over the proceedings or proverbially takes the captainship and navigates the ship. This construction accords with regulation 10(1)(a) which states that the disciplinary hearing must commence within three months from the date that the municipal council resolved to institute a formal disciplinary hearing.

[23] I get the impression that the purpose of the disciplinary regulation is to ensure that the suspension and disciplinary hearing of a senior manager in the municipality is attended to expeditiously so as to avoid prolonged leadership vacancy which could impede the rendering of the municipal services. Also, it cannot be overstated that "suspension is a measure that has serious consequences for an employee, and is not a measure that should be resorted to lightly". Hence it is perfectly logical that, once the three-month period of suspension lapses, the municipal council is debarred by regulation 6(6)(b) from extending it. In my view, it is incumbent upon the municipal council to act with the speed of a gazelle consequent to the resolution to institute a formal disciplinary hearing against a senior manager.'



[39] In *Tshabala*, the Labour Court had followed the approach in the first line of cases and decided that the disciplinary enquiry commenced when charges were served on the employee before the three month period had expired. The LAC agreed that the court had conflated the commencement of disciplinary proceedings with the commencement of the disciplinary hearing:

⁷ (J4415/18 [2019] ZALCJHB (21 February 2019).

⁸ (J452/20) [2020] ZALCJHB 255 (11 June 2020).

[6] The appellant submits that the Labour Court erred by failing to draw a distinction between the commencement of disciplinary proceedings and the commencement of a disciplinary hearing. There is merit in this submission. While disciplinary proceedings in a broad sense may commence with the service of a charge-sheet, the regulations contain an internal definition of the point at which a disciplinary hearing commences. Regulation 5 contemplates the appointment of an independent external presiding officer and an officer to lead evidence. The officer leading evidence must formulate and serve charges of misconduct within 30 days of appointment. Regulation 6 provides that if a senior employee is suspended, the disciplinary hearing must commence within three months of the date of suspension; regulation 10(3) provides that:

'The officer leading evidence —

(a) must commence the disciplinary hearing by reading out the charges to the senior manager.'

[7] What this construction contemplates is a disciplinary process that is commenced by the service of charges on the employee and which culminates in the conclusion of a disciplinary hearing. A disciplinary hearing is an integral part of the disciplinary process or proceedings; it does not constitute the proceedings in themselves. Read sequentially, the regulations contemplate that the disciplinary hearing is convened by the presiding officer and commenced by the reading of the charges to the senior manager accused of misconduct.



[40] The LAC found this approach was in line with the approach in *Mgengo* and expressly disapproved of the approach in *Goba*⁹, which the court *a quo* had followed. After citing the extracts from *Mgengo* quoted in paragraph 38 above the LAC continued:

[9] *To that construction I would add that the regulation of precautionary suspension is directed not only at the interests and protection of the affected employee; the general public has an interest in the funds expended on public sector employees who remain on suspension for inordinate periods. As the court in Mgengo observed, the regulations hold municipalities to tight timetables. The interpretation for which the municipality contends is more likely than not to protract periods of suspension, particularly where charges of misconduct are served and the convening of disciplinary hearings are delayed.'*

⁹ *Tshabalala* at paragraph 10.

[41] The municipality pointed out that *Mgengo* did not appear to adopt the reading of charges as the commencement of the hearing, but rather the point at which the chairperson takes control of the hearing. Secondly, it notes that if the enquiry commences only when the charges are read out, then regulation 10(5)(a)(iv) is difficult to reconcile with this. Regulation 10(5)(a) states:

- (5) *The presiding officer—*
 - (a) *may, at any time during the hearing—*
 - (i) *ask any party any questions to clarify any matter;*
 - (ii) *ask any party or his or her witnesses any question on any matter relevant to the charges;*
 - (iii) *proceed with the hearing if no satisfactory reasons are furnished for the absence of the party against whom charges of misconduct are being brought;*
 - (iv) *make such interim determinations or rulings as he or she deems necessary;*



[42] The implication of *Tshabalala* is that if the charges have not been read, the hearing has not commenced and therefore no interim ruling such as the postponement ruling made by the presiding officer on 12 November 2026 could have been made. The logic of this proposition is difficult to dispute and, no doubt, the LAC was not alerted to this. Be that as it may, the authority of the LAC is binding on this court and the disciplinary hearing did not commence when the chairperson convened the hearing on 12 November 2025.

[43] This brings into sharp focus the question whether an employee can still rely on the failure to have charges read on the date a disciplinary enquiry that was scheduled to commence, when the enquiry is postponed at the request of the employee, to argue that the enquiry could no longer proceed on the postponed date. The time limits in the regulation are, at least in part, for the benefit of the employee to prevent the employer dragging out disciplinary proceedings as *Mgengo* and *Tshabalala* held. In this instance the applicant effectively asked that the hearing should not

commence within the three-month period. In fact the parties agreed to a set of dates in February 2026, well outside the period.

- [44] In my view it would be an absurd reading of the regulations that when an employee, for whose benefit a time limit exists for an employer to act, requests a postponement which would have the effect that the time limit would be exceeded, could argue that despite asking for the commencement of the enquiry to be delayed, they can turn around and argue that having obtained that concession, the employer cannot proceed on the date they had agreed to. This effectively amounts to a party blowing hot and cold. In this case, the applicant had an election to insist on the disciplinary hearing proceeding, but chose rather to agree it could continue at a later date. In *Chamber of Mines of South Africa v National Union of Mineworkers and Another*¹⁰ the Appellate Division affirmed the principle:

‘One or other of two parties between whom some legal relationship subsists is sometimes faced with two alternative and entirely inconsistent courses of action or remedies. The principle that in this situation the law will not allow that party to blow hot and cold is a fundamental one of general application.’¹¹

- [45] In my view this principle finds application in this matter and the applicant cannot do an about face on its previous request for a postponement which was agreed to and granted by the chairperson, by repudiating the understanding underlying that application, namely that the enquiry could continue at the later date.
- [46] Accordingly, I am not satisfied that the applicant has a clear right to prevent the enquiry continuing.

Intervention in part heard proceedings

- [47] Quite apart from the reasoning above, I am not persuaded that the applicant has demonstrated exceptional circumstances which would warrant the court's intervention in the enquiry.

¹⁰ 1987 (1) SA 668 (A)

¹¹ At 690E-F.

Conclusion

[48] In summary, firstly the application relating to the applicant's continued suspension must be struck off the roll for lack of urgency. Secondly, the application for relief relating to the continuation of the enquiry, either is not within the jurisdiction of the court or, if it is, the applicant has not established a clear right to the relief.

Costs

[49] In view of applicant having sought to rely on a postponement for his benefit and then raise a jurisdictional point taking advantage of the indulgence, this is the type of case where a cost award is appropriate.



Order

1. The application in respect of the relief sought in PART A, paragraph 2 and 3 pertaining to the Applicant's suspension is struck off the roll for lack of urgency.
2. The application for the remainder of the relief sought in PART A of the notice of motion in paragraph 4, relating to the continuation of the disciplinary enquiry is dealt with as a matter of urgency and any non-compliance with the Rules of the Labour Court relating to time limits and service is condoned.
3. The application to interdict the Applicant's disciplinary enquiry proceeding pending the determination of the Applicant's review under part B is dismissed.
4. The applicant must pay the costs of the Second and Third Respondent including the costs of counsel taxed at scale C.

R Lagrange
Judge of the Labour Court of South Africa

Appearances:

For the Applicant: --- B Prinsloo
Instructed by: --- Van der Merwe Attorneys

For the Respondent: --- M Pillemer SC
Instructed by: --- Mhlanga Incorporated

