



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

Signature

14 September 2026
Date

THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Case No. JS584/17

In the matter between:

KENNETH MABUNDA

Applicant

and

SCHNEIDER ELECTRIC SOUTH AFRICA (PTY) LTD

First Respondent

KIM NAIDOO

Second Respondent

Heard: In Chambers

Delivered: 14 September 2026

JUDGMENT: APPLICATION FOR LEAVE TO APPEAL

MAKHURA, J

- [1] On 27 May 2026, this Court delivered an *ex tempore* judgment dismissing the applicant's contempt application and made no order as to costs. The applicant has subsequently sought leave to appeal against that judgment.

- [2] The applicant sought an order holding the respondents in contempt of an arbitration award in terms of which he was deemed to be employed by the first respondent and reinstated into its employ. On 15 November 2017, under case number JS584/17, the applicant and the first respondent concluded a settlement agreement providing for his retrospective reinstatement with effect from 1 December 2016.
- [3] There is no dispute that the applicant was reinstated by the first respondent pursuant to the settlement agreement, which had overtaken the award. The applicant continued working for the first respondent until his transfer to Bollore Logistics with effect from 1 January 2021. Given the first respondent's compliance with the award and, importantly, the settlement agreement, the contempt application is devoid of merit.
- [4] In the *ex tempore* judgment delivered on 27 May 2026, I cautioned the applicant that his application was frivolous, constituted an abuse of the Court's processes, and exposed him to the risk of a punitive costs order. I did not, however, make a costs order because the respondents did not persist in seeking costs. Notwithstanding that warning, the applicant has proceeded with an application for leave to appeal.
- [5] The respondents now seek the dismissal of the application together with a punitive costs order. In my view, this is a matter that justifies not only a departure from the ordinary costs principle applicable in this Court, but also an award of costs on the attorney and client scale.
- [6] In the premises, the following order is made:

Order

1. The application for leave to appeal is dismissed.
2. The applicant is ordered to pay the respondents' costs on an attorney and client scale.

M. Makhura

Judge of the Labour Court of South Africa

LABOUR COURT