

SOUTH AFRICA / JUDGMENT

Ashley v Commission for Conciliation, Mediation and Arbitration and Others (JR627/13) [2016] ZALCJHB 293 (2 August 2016) [2016] ZALCJHB 293

COURT

Labour Court Johannesburg

BEFORE

Cele

CASE / FILE NUMBER

JR627/13

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THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Not Reportable

Case no: JR627/13

In the matter between:

FRANK GAVIN ASHLEY Applicant AND THE COMMISSION FOR CONSILIATION, MEDIATION
AND ARBITRATION First Respondent COMMISSIONER PRAKASH ROOPA N.O Second
Respondent NORTH WEST UNIVERSITY Third Respondent

Date: 02 August 2016

Heard in Chambers

Summary: Application for Leave to Appeal is dismissed.

LEAVE TO APPEAL JUDGMENT

CELE, J

- [1] This is an application for leave to appeal against an ex-tempore judgment of this court handed down on 26 November 2015 in which the review application was dismissed, with no order as to costs.
- [2] The present application was filed on 17 December 2015. The applicant has not prosecuted this application for leave to appeal with the necessary diligence. Seven (7) months have lapsed since the filing of this application, yet no transcript of the judgment has been obtained, filed and served.

[3] Paragraph 14.5 of the Practice manual reads:

“When ex tempore judgments are handed down, it is the responsibility of the parties to arrange for the transcript of the judgment. Awaiting the transcript does not delay the time periods from continuing to run. The time periods run from the day the judgment was handed down.”

[4] On 26 February 2016 a letter from this court was sent to the applicant’s attorneys of record directing the applicant to have the ex-tempore judgment transcribed. The letter further states that the leave to appeal application will not receive any attention until the transcribed judgment is filed. The applicant has failed to file a copy of the judgment and has failed to indicate when the

judgment

will be filed. Failure to file the transcribed judgment renders the application for leave to appeal incomplete and the application stands to be dismissed on that basis alone.

[5] I therefore make the following order:

5.1. The application for leave to appeal is dismissed;

5.2. There is no order as to costs.

Cele, J

Judge of the Labour Court of South Africa

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ORIGINAL SOURCE <https://www.saflii.org/za/cases/ZALCJHB/2016/293.html>

CASE PAGE <https://chat.esheria.ai/case-law/south-africa/ashley-v-commission-for-conciliation-mediation-and-arbitration-and-others-unknown-topic-alcjhb-2016>

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