

SOUTH AFRICA / JUDGMENT

Chaka-Ramela v Department of Correctional Services (J 272/11) [2013] ZALCJHB 207 (29 July 2013)

[2013] ZALCJHB 207

COURT

Labour Court Johannesburg

BEFORE

R Lagrange

CASE / FILE NUMBER

J 272/11

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REPUBLIC OF SOUTH AFRICA

THE LABOUR COURT OF SOUTH AFRICA,

IN JOHANNESBURG

JUDGMENT

Case no: J1272/11

In the matter between:

THABISO ELIZABETH CHAKA-RAMELA Applicant and DEPARTMENT OF CORRECTIONAL
SERVICES Respondent

Heard: 26 July 2013

Delivered: 29 July 2013

Summary: (Unlawful deductions).

judgment

LAGRANGE, J

Brief written reasons will be filed shortly. Having considered the matter and

having heard both parties' representatives,

IT IS ORDERED THAT –

Monthly deductions made by the respondent from the applicant's salary in respect of a so called state guarantee debt from 1 August 2010 onwards, whether in the form of purported repayment of the principal amount of such debt or in the form of interest purportedly owed by the applicant thereon, were unlawful, save for those amounts deducted prior to 1 August 2010 on the written authorisation of the applicant.

Within 20 days of this order, the respondent must repay the applicant all amounts deducted from her salary after 1 August 2011

whether for the purported principal amount of the state guarantee debt or the purported interest levied on the outstanding balance

thereof.

In the event the parties cannot, within 20 days of this order, agree on the quantification of the amount of deductions to be repaid to the applicant in terms of paragraph [2] of this order, the applicant may submit a further supplementary affidavit on the determination of the said amount, to which the respondent may answer within 10 days, and the applicant may correspondingly reply thereto within 5 days. The matter will then be enrolled for a further hearing.

The respondent must pay the applicant's costs.

R LAGRANGE, J

Judge of the Labour Court of South Africa

APPEARANCES

APPLICANT: N LEWIS instructed by Howes Incorporated

RESPONDENT: M.B. Matlejoane for The State attorney

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