

SOUTH AFRICA / JUDGMENT

Emfuleni Local Municipality v Munayi NO and Others (JR73/2020) [2021] ZALCJHB 363 (19 October 2021) [2021] ZALCJHB 363

COURT

Labour Court Johannesburg

BEFORE

F Coetzee

CASE / FILE NUMBER

JR73/2020

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IN

THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Not

Reportable

Not

of interest to other judges

Case

no: JR 73-2020

In

the matter between:

EMFULENI

LOCAL

MUNICIPALITY Applicant

and

N MUNAYI

N.O. First

Respondent

SALGB Second

Respondent

FLORENCE MOLEFE

RANAKE Third

respondent

Heard: 19

October 2021

Delivered: This

judgment was handed down electronically by circulation to the parties' representatives by email and release to SAFLII.

The

date and time for hand-down is deemed to be 10h00 on 19 October 2021.

Summary:

Review

JUDGMENT

COETZEE AJ

- [1] This is a very brief synopsis of this matter.
- [2] The applicant approaches this Court to review and set aside an arbitration award. The application is unopposed.
- [3] The complaint in essence is that the commissioner allowed the third respondent to testify by reading her evidence from text on her cell phone.
- [4] The second ground is that the commissioner held that an unfair suspension rendered the outcome of the disciplinary enquiry invalid. The commissioner erroneously did not determine the alleged unfair suspension but ordered that the disciplinary charges be withdrawn.
- [5] The applicant is entitled to relief.

Order

[6] I make the following order:

1. The arbitration award under case no GPD041910 is reviewed and set aside and the matter is remitted back to the SALGBC for a fresh hearing before a Commissioner other than N Munyai

F. Coetzee

Acting Judge of the Labour Court of South Africa

Appearances

For the applicant: Adv N Kekana

Instructed by: Leepile Attorneys Inc.

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CASE PAGE <https://chat.esheria.ai/case-law/south-africa/emfuleni-local-municipality-v-munayi-no-and-others-unknown-topic-alcjhb-2021>

Prepared on 23 October 2026 · Esheria