

SOUTH AFRICA / JUDGMENT

Erens and Another v EnValue AG (Pty) Ltd (JS 285/14) [2015] ZALCJHB 118 (17 March 2015) [2015] ZALCJHB 118

COURT

Labour Court Johannesburg

BEFORE

Molahlehi

CASE / FILE NUMBER

JS 285/14

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REPUBLIC OF SOUTH AFRICA

THE LABOUR COURT, JOHANNESBURG

JUDGMENT

Case no: JS 285/14

DATE: 17 MARCH 2015

Not Reportable

In the matter between

DYLAN ERENS.....First Applicant

MYLES PETER RENNIE.....Second Applicant

And

EnVALUE AG (PTY) LTD.....Respondent

Heard:10 March 2015

Delivered: 17 March 2015

MOLAHLEHI J

- [1] The applicants who prior to the termination of their employment contracts were employed by the respondent alleged that the respondent was in breach of their contracts in that it failed to pay them their monthly salaries including in certain instances short-paying them. This the applicants accepted as the repudiation of their employment contracts by the respondent and it is for that reason that they are claiming damages.
- [2] The applicant's claims are based on failure to pay their salaries for certain months, payment of accrued leave, notice pay, travelling allowances, cellphone allowances and IT allowances.
- [3] The breakdown of the amount due and owing to the applicants are set out in the order made at the end of this judgment.
- [4] The applicants contend that despite proper service, the respondent has failed to file its statement of opposition to their statement of claim. The dies for filing the statement of defence have expired. It is on this basis that they are seeking a default judgment.
- [5] I am satisfied that there has been proper service of the statement of claim on the respondent and therefore I see no reason why the applicants claims should not be considered. In addition in the absence of opposition and challenge to the version presented by the applicants in their statement of claim I see no reason why their version should not be believed.

Order

- [6] In the premises the following order is made:

1. The Respondent is in breach of the employment contracts of the applicants.
2. The Respondent is ordered to pay the applicants amounts due and owing the applicants to them in the following terms:

2.1 For the first applicant

2.1.1 A total amount of: R603 119.51 which amount is calculated as follows:

- i. September 2013 salary: R113 259.50
- ii. Period 1 to 11 October 2013: R47 645.53
- iii. Leave days due R103.035.98
- iv. Notice Pay: R339 778.50
- v. Interest in the above amount.

2.2 For the Second Applicant

2.2.1 A total amount of R464 667.18 which is calculated as follows:

- i. September 2013 salary: R86 509.50

ii. Period 1 – 11 October 2013: R35 934.16

iii. Leave days due R78 700.60

iv. Notice pay R259 528.50

3. There is no order as to costs.

E MOLAHLEHI

Judge of the Labour Court Johannesburg

Appearances:

For the Applicant: Q. Horn of Horn Attorneys

For the Respondent: No Appearance.

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