

SOUTH AFRICA / JUDGMENT

Makau v Commission for Conciliation, Mediation and Arbitration and Others (Application for Leave to Appeal) (JR1503/22) [2025] ZALCJHB 308 (24 July 2025)

[2025] ZALCJHB 308

COURT

Labour Court Johannesburg

BEFORE

M Makhura

CASE / FILE NUMBER

JR1503/22

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THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Not Reportable

Case No. JR1503/22

In the matter between:

TEBOHO VICTOR MAKAU

Applicant

and

COMMISSION FOR CONCILIATION,

MEDIATION AND ARBITRATION

First Respondent

MATSHEKGA, JN N.O.

Second Respondent

COMPANIES AND INTELLECTUAL

PROPERTY COMMISSION (CIPC)

Third Respondent

Heard: In Chambers

Delivered: 24 July 2025

JUDGMENT: APPLICATION FOR LEAVE TO APPEAL

MAKHURA, J

[1] This is an application brought by the third respondent for leave to appeal the whole of the judgment and order of this Court handed down on 17 June 2025, in which this Court granted the review application, substituted the award with an order declaring the applicant's dismissal substantively unfair, ordering reinstatement and payment of backpay.

[2] I have read the grounds upon which the third respondent seeks leave to appeal the judgment. I have reflected on the judgment and considered the test for leave to appeal as set out under section 17(1) of the Superior Court Act (SC Act).[1] I am not persuaded that the appeal would have prospects of success. Further, there are no conflicting judgments on any of the issues

considered and decided in the judgment and the matter does not raise any arguable point of law. The application for leave to appeal stands to fail.

[3] In the premises, the following order is made:

Order

1. The third respondent's application for leave to appeal is dismissed.

M. Makhura

Judge of the Labour Court of South Africa

[1] Act 10 of 2013. Section 17(1) provides that: "Leave to appeal may only be given where the judge or judges concerned are of the opinion that – (a)

(i) the appeal would have a reasonable prospect of success; or (ii) there is some other compelling reason why the appeal should be heard, including conflicting judgments on the matter under

consideration;..."

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consideration;..."

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