

SOUTH AFRICA / JUDGMENT

Mlungu v Commission for Conciliation, Mediation and Arbitration and Others (JR1865/19) [2021] ZALCJHB 296 (22 September 2021)

[2021] ZALCJHB 296

COURT

Labour Court Johannesburg

BEFORE

Tlhotlhamajane

CASE / FILE NUMBER

JR1865/19

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IN THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Not Reportable

JR 1865/19

In the matter between:

SIBONILE MLUNGU Applicant

and

COMMISSION FOR CONCILIATION

MEDIATION AND ARBITRATION First

Respondent

ZANELE SIBAYA N.O. Second

Respondent

IMPALA PLATINUM LIMITED Third

Respondent

Decided in Chambers:

Delivered: This judgment was handed down electronically by circulation to the parties' legal representatives by email and publication on the Labour Court's website. The date and time for hand-down is deemed to be 22 September 2021 at ...

JUDGMENT:**LEAVE TO APPEAL**

TLHOTLHALEMAJE, J

- [1] On 13 April 2021, this Court dismissed the applicant's application to review and set aside the second respondent's ruling in terms of which his late referral of an alleged unfair dismissal dispute to the first respondent was not condoned.
- [2] The applicant has since filed an application for leave to appeal against the order of the Court. The application for leave to appeal was filed on 28 April 2021. In terms of rule 30(3A) of the Rules of this Court read with paragraph 15.2 of the Practice Manual, the applicant ought to have filed his written submission within 10 days from the filing of the application for leave to appeal. As at the writing of this judgment, the applicant had not filed his written submission in support of the leave to appeal. The purported application for leave to appeal is therefore defective and not properly before the Court. In such circumstances, the application ought to be dismissed.
- [3] Accordingly, the following order is made;

Order:

- 1 The applicant's application for leave to appeal is dismissed.
2. There is no order as to costs.

Edwin Tlhotlhemaje

Judge of the Labour Court of South Africa

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