

SOUTH AFRICA / JUDGMENT

Motaung v Department of Higher Education and Training (JS304/24)

[2025] ZALCJHB 262 (7 May 2025)

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COURT

Labour Court Johannesburg

BEFORE

Phehane

CASE / FILE NUMBER

JS304/24

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THE

LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Not reportable

Case No: JS 304/24

In the matter between:

HOFI
PAUL
MOTAUNG
Applicant
and
DEPARTMENT
OF HIGHER EDUCATION &
TRAINING
Respondent

Considered:

In Chambers

Delivered:

7 May 2025 (This judgment was handed down electronically by circulation to the parties' legal representatives by email, publication on the Labour Court website and release to SAFLII. The date and time for handing-down is deemed to be 10h00 on 7 May 2025.)

JUDGMENT

PHEHANE, J

[1] This is a default judgment application in which the applicant seeks an order reviewing and setting aside the decision by the respondent to terminate his employment. He also seeks an order that he be reinstated. The applicant brings his action in terms of section

158(1)(h) of the Labour Relations Act.[1]

[2] The applicant approaches this Court by way of action proceedings.

[3] Rule 37 of the Rules regulating the Conduct of the Proceedings in the Labour Court[2] sets out the procedure to pursue review applications- that is, review applications such as the current matter must be initiated by way of motion proceedings, that is a notice of motion and a supporting affidavit.

[4] The matter is thus not properly before the Court and falls to be struck off the roll for this reason.

[5] In the premises the following order is made:

Order

1. The matter is struck off the roll.
2. There is no order as to costs.

M. T. M. Phehane

Judge of the Labour Court of South Africa

[1] Act 66 of 1995, as amended. See: Pleadings, statement of claim at para 7 on p 15.

[2] Published under GN 4775a in GG 50608 of 3 May 2024.

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