

SOUTH AFRICA / JUDGMENT

Mphela v Commission for Conciliation and Arbitration and Another (JR 521/20)

[2020] ZALCJHB 213 (1 September 2020)

[2020] ZALCJHB 213

COURT

Labour Court Johannesburg

BEFORE

F Coetzee

CASE / FILE NUMBER

JR 521/20

Source: saflii.org · Research copy typeset by Esheria. Not court-issued or certified.

Source record

IN

THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Not Reportable

Case no: JR 521/20

In the matter between:

SARAH
S
MPHELA
Applicant
and
COMMISSION
FOR CONCILIATION AND ARBITRATION
First
Respondent
FOODLOVERS
MARKET
Second
Respondent

Heard:

18 August 2020

Delivered:

This judgment was handed down electronically by circulation to the parties' representatives by email. The date hand-down is deemed to be 01 September 2020.
Summary: Review

JUDGMENT

COETZEE AJ

[1] The applicant approaches this Court to review and set aside a ruling dismissing an application for commendation for the late referral of an alleged unfair dismissal dispute to the CCMA.

[2] The application is unopposed.

[3] The Commissioner made the following ruling:

"1. The model 7.11 referral is 269 days late, which in my view is excessive.

2. The applicant failed to account for the delay in that the reasons proffered, in my view, or unreasonable.

3. Although the application as reasonable prospects of success, the delay and failure to account does not compensate granting of condonation.

4. Condonation application is refused. CCMA to close the file."

[4] The applicant furnished the following explanation for the delay:

"The applicant was not around Middleburg due to sickness since someone has to take care for her, she has to go home for someone to look after her, she was in MO STO RUG"

[5] The ruling of the Commissioner is one that a reasonable Commissioner could have made.

[6] The application stands to fail.

[7] I make the following order:

1. The application is dismissed with no order as to costs.

F. Coetzee

Acting Judge of the Labour Court of South Africa

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.saflii.org/za/cases/ZALCJHB/2020/213.html>

CASE PAGE <https://chat.esheria.ai/case-law/south-africa/mpihela-v-commission-for-conciliation-and-arbitration-and-others-unknown-topic-alcjhb-2020>

Prepared on 11 October 2026 · Esheria