

SOUTH AFRICA / JUDGMENT

Nehawu and Others v Minister of Public Service and Administration and Others (J 2372/08) [2008] ZALC 150 (15 November 2008)

[2008] ZALC 150

COURT
Labour Court

BEFORE
Ngalwana

CASE / FILE NUMBER
J 2372/08

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IN THE LABOUR COURT OF SOUTH AFRICA

(HELD AT JOHANNESBURG)

Case No.: J 2372/08

On the 15th day of November 2008

Before the Honourable Mr Acting Justice Ngalwana

In the matter between:

NEHAWU 1ST APPLICANT

DENOSA 2ND APPLICANT

SADNU 3RD APPLICANT

HOSPERSA 4TH APPLICANT

PSA 5TH APPLICANT

NUPSAW 6TH APPLICANT

AND

THE MINISTER OF PUBLIC SERVICE

AND ADMINISTRATION 1ST RESPONDENT

THE MINISTER OF HEALTH 2ND RESPONDENT

THE MEC FOR HEALTH: GAUTENG 3RD RESPONDENT

THE MEC FOR HEALTH: LIMPOPO 4TH RESPONDENT

THE MEC FOR HEALTH: MPUMALANGA 5TH RESPONDENT

THE MEC FOR HEALTH: NORTH WEST 6TH RESPONDENT

THE MEC FOR HEALTH: KWAZULU NATAL 7TH RESPONDENT

THE MEC FOR HEALTH: FREE STATE 8TH RESPONDENT

THE MEC FOR HEALTH: NORTHERN CAPE 9TH RESPONDENT

THE MEC FOR HEALTH: EASTERN CAPE 10TH RESPONDENT

THE MEC FOR HEALTH: WESTERN CAPE 11TH RESPONDENT

ORDER

Having read the documents and having considered the matter:

IT IS ORDERED THAT:

Pending the finalisation of the dispute currently pending at the PHWSBC and which was referred on 15 October 2008, the following order is made:

This Court dispensed with the requirements and time periods

provided for in Rule 8 of the Labour Court Rules and this application is heard on an urgent basis;

The Respondents are interdicted and restrained from deducting

any amounts from the remuneration of the Applicants' members in respect of alleged overpayments arising from an allegedly erroneous implementation of the Occupational Specific Dispensation for Nurses ("OSD") agreement;

The Respondents are ordered further to repay any amounts

deducted from the remuneration of the Applicants' members in respect of alleged OSD overpayments.

The Respondents are to bear the costs of the application including 12 November 2008 and 15 November 2008 on an attorney and client scale.

BY THE COURT

REGISTRAR

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