
SOUTH AFRICA / JUDGMENT

Ramayapedi v Transnet Bargaining Council and Others (JR60/2016) [2017] ZALCJHB 171 (21 February 2017) [2017] ZALCJHB 171

COURT

Labour Court Johannesburg

BEFORE

Van Niekerk

CASE / FILE NUMBER

JR 60/2016

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THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

JUDGMENT

Not reportable

Case no: JR 60/2016

THABO RAMAYAPEDI Applicant

and

TRANSNET BARGAINING COUNCIL First

Respondent

LUNGILE MTIYA Second

Respondent

TRANSNET FREIGHT RAIL Third

Respondent

Chambers 21 February 2017

RULING:

APPLICATION FOR LEAVE TO APPEAL

VAN NIEKERK J

- [1] The applicant applies for leave to appeal against the whole of the judgment delivered by this court on 1 September 2016. In the judgment, the court dismissed with costs an application to review and set aside an arbitration award issued by the second respondent.
- [2] First, the application was filed late. In terms of rule 30, the application ought to have been filed by no later than 6 January 2016. The application was filed a week later, with no application for combination. On this basis, the court has no jurisdiction to entertain the application and it stands to be dismissed on that basis.
- [3] In any event, as I observed in the judgment, the application for review was confused and the founding and supplementary affidavits

virtually incomprehensible. The application for leave to appeal does not advance any grounds not already considered in the reasons for judgment. The applicant appears not to appreciate the nature of the test to be applied in the present instance and has simply restated, in a possibly more coherent form, the basis of the review application. In particular, seems to me that the applicant fails to appreciate the nature of arbitration proceedings and their relation to a disciplinary enquiry.

- [3] In the circumstances, I do not intend to burden this ruling with a detailed consideration of the applicant submissions in support of his application for leave to appeal. In my view, the applicant has failed to meet the required threshold and leave to appeal stands to be refused.

I make the following order:

1. The application for leave to appeal is dismissed.

ANDRE VAN NIEKERK

JUDGE OF THE LABOUR COURT

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