

SOUTH AFRICA / JUDGMENT

SATAWU obo Members v Command Security Services (Pty) Ltd and Others (JR437/01, JR787/02) [2016] ZALCJHB 141 (8 April 2016)

[2016] ZALCJHB 141

COURT

Labour Court Johannesburg

BEFORE

AC Basson

CASE / FILE NUMBER

JR437/01, JR787/02

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REPUBLIC OF SOUTH AFRICA

THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

JUDGMENT

Not reportable

Case no: JR 437/01 & J787/02

In the matter between:

SATAWU obo 212 MEMBERS

Applicant

(Respondents in the application for leave to appeal)

and

COMMAND SECURITY SERVICES (PTY) LTD

First Respondent

MOHAMMED IQBAL PARKER

Second Respondent

KALMAN GORDON DRUKER

Third Respondent

MAURICE MUSA MDLOLO

Fourth Respondent

SIMON BANDA

Fifth Respondent

WILSON RICH and ASSOCIATES

Sixth Respondent

STEPHEN VAN DIGGELE

Seventh Respondent

SUSANNA HENDRINA RENTZKE

Eighth Respondent

CHAGAN JADAV VAGHELA

Ninth Respondent

MARIUS POTGIETER

Tenth Respondent

MOHAMMED SHAFFIE MOWZER

Eleventh Respondent

IXIA TRADING 234 (PTY) LTD

Twelfth Respondent

(Applicants in the application for leave to appeal)

Decided: In Chambers

Judgment:

8 April 2016

Summary: Application for leave to appeal against the judgment regarding the dispute about the true identity of the employer referred to oral evidence.

JUDGMENT- APPLICATION FOR LEAVE TO APPEAL

AC BASSON, J

[1] The respondents applied for leave to appeal against that part of the judgement handed down on 10 February 2016 in terms of which this Court held that the first respondent was the employer of the applicant's members and liable to comply with the reinstatement order of this Court.

[2] I have considered the submissions filed on behalf of both parties and I am of the view that there is a reasonable prospect of a different court concluding differently on any of the grounds relied on in the Notice of Application for Leave to Appeal.

Order

[3] In the event the following order is made:

3.1 Leave to appeal is granted.

3.2 Costs to be cost in the appeal.

AC Basson, J

Judge of the High Court

Former Judge of the Labour Court

Appearances:

For the Applicant:

Advocate Van der Riet SC

(Respondent in the application for leave to appeal)

Instructed by:

Masondo Attorneys Inc,

For the Respondents: Advocate Stelzner SC

Instructed by:

T Erasmus & Associates c/o Goldberg Attorneys.

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