

Sneller Verbatim/MS

IN THE LABOUR COURT OF SOUTH AFRICA

BRAAMFONTEIN

CASE NO: J4701/02

2002-12-06

In the matter between

1st Applicant

RE "PPK A"

2nd To Further

Applicant

s

and

MEC FOR EDUCATION ARTS, SPORTS AND

1st Respondent

CE

REGIONAL SENIOR MANAGER (SOUTHERN

REGION) DEPARTMENT OF EDUCATION,

ARTS, SPORTS AND CULTURE LIMPOPO

2nd Respondent

3rd Respondent

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J U D G M E N T

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REVELAS, J:

1. This is an urgent application. The applicants are staff of the Mohlarutse Secondary School who are all employed by the first respondent as teachers. The applicants have approached this court on an urgent basis, to obtain an interdict, to restrain the first respondent from deducting certain remuneration from the applicants.
2. On the applicants' version, the first respondent has deducted money from the applicants for unpaid leave on five days, without justification. The last of the alleged deductions were made in September of this year. It is now three months later. The applicants further states that there might be further deductions in future. It is not apparent from the papers that there is any real danger of this occurring.
3. In my view, this matter is not urgent and the applicants' have an alternative remedy, namely to refer a dispute about the alleged unfair deductions to the Commission for Conciliation Mediation and Arbitration. The application before me has no merits insofar as the urgency thereof is concerned.
4. I have been urged, on behalf of the respondent, to make

a cost order in this matter. I decline to make a cost order today, since I believe that a cost order against the applicants would not be beneficial, when the parties attempt to resolve this dispute at the CCMA.

5. Consequently I make the following order.

1. The application is dismissed.
2. The costs of the application is to be determined on a future date after the dispute had been finalised at the Commission for Conciliation Mediation and Arbitration.

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E. Revelas