

Sneller Verbatim/idm

IN THE LABOUR COURT OF SOUTH AFRICA

BRAAMFONTEIN

CASE NO: J4267/99

2002-08-19

In the matter between

SAACOWU obo MAJORIE HLONGWANE & 2 OTHERS Applicants

and

PANDROL SOUTH AFRICA

Respondent

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J U D G M E N T

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REVELAS J:

1. On the undisputed evidence before me in this matter, I find that there was no proper procedure followed in terminating the services of the applicant and no valid reason for the termination.
2. The three applicants' services were terminated on 7 May 1999. According to the evidence of the three individual applicants, the reason behind their dismissal was the fact that they refused to work

overtime as offered to them.

1. 1. 3. The respondent, who bears the onus to show that the dismissals were fair, has not appeared in court today, despite the fact that notice of set down had been served on the respondents notifying them of the trial date. Therefore the matter has to be decided by default, and as stated, on the evidence before me the dismissal was unfair.

4. I therefore make the following order:

- 1 The dismissal of the three applicants was procedurally and substantively unfair.

- 2 The respondent is to reinstate the three individual applicants with retrospective effect from the date of their dismissal, on the same terms and conditions applicable to them at the time of their dismissal.

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E. Revelas