NOT REPORTABLE

CASE NO: JR 113/08

In the matter between:

AMANDLA TOKWE APPLICANT

AND

BONGE MASOTE N.O. 1ST RESPONDENT

COMMISSION FOR CONCILIATION

MEDIATION AND ARBITRATION 2ND RESPONDENT

SOUTH AFRICAN BROADCASTING

CORPORATION LIMITED 3RD RESPONDENT

JUDGMENT

Molahlehi J

[1] This is an application for leave to appeal against my judgment handed down on

27th February 2009, in which I reviewed and set aside the arbitration award issued by

the first respondent under case number GAJB18159-07 dated 29th November 2007

with costs. This matter was considered only on the written submissions made by the

parties.

[2] The third respondent in this application for leave to appeal has raised several

grounds for leave to appeal. I do not deem it necessary to repeat those grounds in this judgment.

[3] In terms of s166(1) of the Labour Relations Act 66 of 1995 (the Act) a party wishing to appeal to the Labour Appeal Court against a judgment of the Labour Court has to obtain leave to do so from the Labour Court. The test to apply when considering whether or not to grant leave to appeal is whether there is a reasonable prospect that another Court may come to a different conclusion to that of the Labour Court.

[4] I have carefully considered the grounds for leave to appeal as set out in the application for leave to appeal to the Labour Appeal Court. I have also considered my judgment including the written submissions made by both parties. I am not persuaded that another Court may come to a different conclusion to the one reached by me in my judgment.

[5] In the circumstances the following order is made:

(i) The application for leave to appeal to the Labour Appeal Court against the whole judgment is dismissed.

(ii) There is no order as to costs.

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Molahlehi J

Date of Judgment: 30th October 2009
Appearances

(Leave to appeal decided on papers)