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IN THE LABOUR COURT OF SOUTH AFRICA, CAPE TOWN

JUDGMENT

Not Reportable

Case Number: C292/2015

In the matter between:

ROLAND BETRAN JETHRO **Applicant**

and

MEC FOR DEPARTMENT OF EDUCATION

WESTERN CAPE GOVERNMENT **Respondent**

Date heard: 26 November 2015

Delivered: 22 April 2016

JUDGMENT

RABKIN-NAICKER J

[1] The applicant seeks the following relief:

"(a) Reviewing, correcting and setting aside in terms of section 158(1)(h) of the Labour Relations Act 66 of 1995 read with section 6 of the Promotion of Administrative Justice Act 3 of 2000 the decision of the respondent taken

on 29 November 2013 to dismiss the Applicant in terms of section 14(1)(a) of the Employment of Educators Act No. 76 of 1998.

(b) Substituting the decision of dismissal with an order of retrospective reinstatement with full back pay and benefits.

(c) To the extent that may be necessary, granting condonation for the late service and filing of the review application…."

[2] The applicant was employed as a teacher since 27 March 1995. At the time of the termination of his employment contract on 1 March 2013, he occupied the post of Head of Department at Gugulethu Comprehensive (Intshukumo Secondary) High School, in the Western Cape. He had been employed in this post for 17 years.

[3] Applicant suffered from stress and hypertension which caused lengthy period s of illness from August 2012 to early 2013. He was booked off sick as reflected in medical certificates annexed to the papers from the 13 to 17 August 2012; 23 to 27 August 2012; 28 August 2012; 9 to 19 October 2012, 23 October 2012 to 16 November 2012; and 19 November 2012 to 10 December 2012.

[4] On 16 December 2012 he was attacked with a blunt instrument at his home in Hanover Park. He suffered injuries to his neck and hand. He was referred by the Hanover Park Community Health Centre Service to Groote Schuur Hospital. The applicant was then booked for sick during January, February and March 2013. On 18 February 2013, Dr Mitchell Gates, a psychiatrist from Vincent Pallotti Hospital, certified that the applicant was suffering from depression and was not ready to return to work. He booked the applicant off for a further two weeks from 18 February 2013 in terms of a medical certificate. Medical certificates confirming his depression are contained in the record provided by the respondent in this application.

[5] The respondent froze the applicant's salary for the month of February 2013, i.e. at the end of January 2013. On 4 April 2013 the Principal of applicant's school, Mr Booi (Booi), wrote to the respondent as follows:

"Mr Jethro's Medical Aid Certificate dated 18/02/2012 was faxed on the 21 February 2013 at 12h05 and Mr Jethro called me (Mr Booi) at 12h30 to find out about his salary. I told him that the temporary incapacity leave for period 25 October 2012 to 16 November 2012 were still pending and annexure A is requested for the period 25 October 2012 to 11 December 2012 and his salary has been frozen, could he please contact Bernie Tataw.

That was the last time I spoke to Mr Jethro and after the end of his leave on 01 March 2013, he did not report to work or had in a Medical Certificate hence I wrote an attached letter dated 05 March 2013 so that we could continue having a substitute in his place until 31 March 2013."

[6] The letter referred to by him dated 5th March 2013, stated as follows:

"This is to confirm that MR R.B. JETHRO'S (persal no: 51496780) sick leave ended on the 01 March 2913. He has not contacted the school or fax a medical certificate up until Tuesday the 5th March 2013, time 14h30. Mr Jethro has been on leave since 25 October 2012 and he has not been proactive in submitting his medical certificate. Ms Bernie Tataw recommended that I write this letter so that the IMG can recommend for a substitute while she and Mr Booi (principal) are busy with Mr Jethor's issue of being absent at school. Ms Bernie Tataw has told Mr Booi that she has frozen Mr Jethro's salary and is ready to take the issue to labour…."

[7] In a letter dated 9 April 2013 addressed to the Director of Labour Relations, the Head of Education in the Western Cape Education Department wrote the following:

"CONTINUED ABSENCE FROM DUTY: MR RB JETHRO: INTSHUKUMO HIGH SCHOOL

Mr Jethro has been absent from duty since 18 January 2013.

He submitted medical certificates covering the periods 17 January 2013 to 15 February 2013 and from 18 February for another two weeks (to 1 March 2013). Although submitting medical certificates, he has not applied for leave of absence in

the prescribed manner. Since then he has also made no further contact with his supervisor.

The matter is herewith referred to you for further attention."

[8] The record filed by the respondent in this matter contains an email dated Friday April 19 2013 from a Ms Lee-Ann Bathgate to Mr Paul Augustinus Adams and copied to Bernadette Tataw which states, inter alia the following:

"We received the request to abscond and I in turn requested the principal to determine the whereabouts of Mr Jethro since this was not done.

Mr Jethro contend that he stayed absent from work since his salary was frozen for February 2013 without notification. He was under the impression that he no longer had to report for duty.

Upon perusing his file I noticed that he did submit medical certificates to warrant his absence. Can you please advise as to why his salary was frozen when he substantiated his absence with a medical certificate."

[9] The record of the decision contains the recommendation given to the Department prepared by Ms Bathgate on the 25 April 2013 to 'abscond' the applicant and regard the matter as finalised. The said memorandum reads as follows:

"ABSCONDMENT: MR RB JETHRO: EDUCATOR: GUGELETHU COMPREHENSIVE SECONDARY SCHOOL (INTSHUKOMO SECONDARY SCHOOL)

[1] PURPOSE

The purpose of this submission is to obtain approval to:

(a) abscond the above-mentioned educator from duty in terms of section 14(1) (a) of the Employment of Educators Act, 76 of 1988 and,

(b) to regard the matter as finalised.

[2] BACKGROUND

[2.1] On 04 April 2013 the Department received correspondence from Mr Booi, the principal of the above-mentioned school with regard to Mr Jethro's unauthorised absence. [Folio 01-14]

[2.2] According to the said correspondence Mr Jethro has been absent since 04 March 2013.

[2.3] An attempt was made by the principal of Gugulethu Comprehensive Secondary School, Mr Booi to contact Mr Jethro on 15 April 2013. To this effect he noted that since his salary was frozen for February 2013, he did not report for duty or submit medical proof to substantiate his absence as he was not sure whether he still has a job. [Folio 15]

[2.4] The writer consulted with Ms B Tataw, Deputy Director at DLA (M) during April 2013 on Mr Jethro's February 2013 salary that was frozen, in particular the fact that his medical certificates submitted covered him for part of this period. He thus had to get part of his salary for the period in question. She undertook to reimburse Mr Jethro for part of his February 2013 salary.

[Folio 16-19]

[2.5] Mr Booi further noted although Mr Jethro contended that he was not sure whether he still has a job, no effort was made prior to 09 April 2013 (the day he visited the school to inquire why his salary has been frozen) on the status herein.

[2.6] To date Mr Jethro failed to contact the said school about his whereabouts and neither did he submit proof to them in order to substantiate his absence.

[2.7] Mr Jethro's conduct tarnished the image of the school and has a detrimental effect on the learners.

[2.8] As a HOD of the school, Mr Jethro dismally failed the learners and his fellow colleagues.

[3] COMMENTS

[3.1] Section 14 (1) (a) of Employment of Educators Act 1998, stipulates that:

"An educator appointed in a permanent capacity who is absent from work for a period exceeding 14 consecutive days without permission from the employer, shall unless the employer directs otherwise, be deemed to have been discharged from service on account of misconduct….".

[3.2] Mr Jethro failed to report for duty or inform the employer on his whereabouts since his last medical proof submitted to substantiate his absence makes reference to 01 March 2013 and no period hereafter.

[3.3] The school has been extremely diligent and patient in this regard and Mr Jethro in turn totally disregarded the workplace rules herein.

[3.4] Mr Jethro failed to carry the interest of the learners at heart by being continuously absent and not informing the school of his whereabouts.

[3.5] Only on 09 April did Mr Jethro visit the school to inquire why his salary was frozen. He did not report for duty.

[3.6] The writer is of the opinion that this situation must not and can no longer be tolerated any further as she undermines the efficiency at the school.

[3.7] It is the request of the writer that since Mr Jethro absented for longer than 14 consecutive days, that approval be granted that he be absconded.

[3.8] His last working day being 01 March 2013.

[4] RECOMMENDATION

In light of the above it is recommended that:

(a) the educator be absconded in terms of Section 14 (1) (a) of Employment of Educators Act 1998 and,

(b) to regard the matter as finalised.

[5] Attached please find a letter addressed to the educator and a memorandum to DHA for your signature should you concur with the content thereof.

ASD/ LR4: Ms L Bathgate

DATE: 2013-04-25”

[10] In a letter sent by the Head of Education on the next day, 26 April 2013, the following was stated:

“Dear Mr Jethro

ABSCONDMENT: YOURSELF

The above mentioned matter refers

Please be advised that according to departmental records, you have been absent without permission since 02 March 2013.

As you have failed to report for duty, you are hereby informed that in terms of section 14(1) (a) of the Employment of Educators Act, 76 of 1998 (hereinafter referred to as the Act) you are deemed to be discharged from service on account of misconduct.

Please be informed that 01 March is considered to be your last working day. Arrangements are being made for the withdrawal of your pension benefits and the recovery of any departmental debt, if applicable.

Furthermore, your attention is drawn to section 14(2) of the Act, in terms of which you have the right to make representations against this decision. These representations must be forwarded to the Director: Labour Relations.”

[11] What is evident from the record of the decision of significance to this application, is at least the following:

11.1 The applicant’s salary was frozen as of 25 January 2013 before the period of 14 days starting 1st March 2013, on the basis of which the Department invoked the deeming provision contained in the Act to terminate his employment.

11.2 The principal of the school only sought to find out the applicant's whereabouts on 15 April 2013;

11.3 Although the medical certificates contained in the record reflect that a psychiatrist at Vincent Palloti Hospital, Dr Michael Gates, show that the applicant was suffering from depression and not fit for work up until the end of February, this is not highlighted in the recommendation on 'absconding' in any form whatsoever.

[12] The applicant's representations are contained in a letter from the regional secretary of SADTU dated 18 June 2013 and read as follows:

"SADTU Western Cape is registering an appeal against the dismissal of Mr Jethro on account of abscondment. Mr Jethro feel aggrieved by sudden dismissal after he had communicated all his leaves application to WCED via his Principal. There was no communication between him and the employer even as advice that his application for incapacity leave was decline or his leave was not approved. He only became aware of the problem when his salary was blocked and even the Principal never informed him as he claimed that he was also surprised by the action of WCED.

Mr Jethro is aggrieved because he had informed the Principal of the School about his absence and submitted all the relevant medical evidences. According to s14(1)(a) Mr Jethro's discharge on account of abscondment had no basis because he communicated his absence to the Principal.

Mr Jethro still have a passion for teaching to mould the future of the generation of this country. He still need to be given an opportunity to fulfil his dream. We therefore humbly requesting that the WCED relook at it decision and bring back Mr Jethro to the classroom."

[13] On the 27 November 2013, the Head of Department approved a recommendation from the Acting Director of Labour Relations that his application for reinstatement not be approved. The recommendation is contained in the record and refers to

comments by the Department of Labour Relations in reference to the application for reinstatement. The folios referred to in the recommendation are not contained in the record of the decision because the respondent avers they comprised a legal opinion which is privileged. On the 29 November 2013, the following letter written by the Head of Education was sent to the applicant:

"Dear Mr Jethro

APPLICATION FOR RE-INSTATEMENT: YOURSELF

We refer to your request for reinstatement submitted on 15 November 2013.

Please be advised that after careful consideration of the representations and other relevant factors, we hereby confirm your dismissal in terms of section 14(1)(a) of the Employment of Educators Act 1998.

The afore-mentioned decision is based on the fact that we are not convinced that you have shown cause for your unauthorised absence and cannot therefore consent to your reinstatement.

Arrangements are being made for the withdrawal of your pension benefits and the recovery of departmental debt, if any."

Grounds of Review

[14] The grounds of review set out in the founding papers are as follows:

"**G.1 Contravention of sub-sections 6(2)(b),(c) and (d) of the Promotion of Administrative Justice Act 3 of 2000 ("PAJA")- a mandatory and material procedure or condition prescribed by section 14 (1)(a) of the Act was not complied with; the dismissal was procedurally unfair; and was materially influenced by an error of law**

50. In terms of Annexure "RBJ13", I was booked off for a further two weeks from 18 February 2013. Contrary to Mr Booi's communication to the WCED to the effect that my sick leave had ended on 1 March 2013, which formed the basis for my deemed dismissal on 1 March 2013 (Annexure "RBJ20" above), the period of "14

consecutive days absence from work" prescribed in terms of section 14(1)(A) of the Act, had not expired. I am advised and believe that, in these circumstances, the dismissal is reviewable and should be set aside.

51. I had applied for temporary incapacity leave and such application was still pending, given that no feedback had been given to me. I verily point out that the Respondent should have complied with section 7.2 of PILIR, which he failed to do. I annex hereto marked ANNEXURE "RBJ39", a copy of section 7.2 of PILIR. I am advised and believe that in the light of a pending PILIR application section 14 of the Act was not of application.

G.2 Contravention of section 6(2)(f) of PAJA- The dismissal was not rationally connected to the purpose for which it was taken; the information before the Respondent and the reasons given for my dismissal by the Respondent.

52. I am advised and believe that the purpose of the section 14 (1)(a) of the Act is to dismiss an Educator who has absconded and whose whereabouts were unknown to the Respondent. I verily state that I did not abscond and I was not absent without authorisation because I was genuinely ill and had submitted a just reason for my absence from work.

53. Not only did I inform Mr Booi of my illness, but I had also handed in the relevant medical certificates to him. The Respondent was therefore fully aware of the reasons for my absence. Furthermore, the WCED could easily have contacted me, which it failed to do. It is also evident from the exchange of correspondences between Mr Booi and the WCED, that Mr Booi had in his possession the relevant medical certificates, including the last one on which my deemed dismissal was based (Annexure "RBJ13").

G.3 Contravention of section 6(2)(e)(V) and (vi) of PAJA in that the decision to dismiss me was taken in bad faith and was arbitrary and capricious.

54.I am advised and believe that the Respondent had taken the decision of dismissal in bad faith and such decision was arbitrary and capricious because it was contrary to the spirit and letter of paragraphs 5 and 6 of Annexure “RBJ32” (the agreement of common understanding) in that:

a. The WCED did not give me any support, even though my illness related to depression. The Respondent did not refer my case to the Employee Health and Wellness Programme.

b. Given that I had made an application for incapacity leave and my illness fell within PILIR, the WCED should not have applied section 14 of the ACT and was obliged to contact SADTU, which it failed to do.

c. I was not untraceable.

d. The WCED failed to consult with SADTU prior to the deemed dismissal…

G.4 **Non-compliance with section 6 off PAJA and Rule 7A(b) of the Rules of this Honourable Court – Failure to provide reasons for decision**…..”

Evaluation

[15] Section 14 of the EEA provides that:

Section 14(1) of the EEA reads as follows:

'An educator appointed in a permanent capacity who –

(a) is absent from work for a period exceeding 14 consecutive days without permission of the employer;

(b) while the educator is absent from work without permission of the employer, assumes employment in another position;

(c) while suspended from duty, resigns or without permission of the employer assumes employment in another position; or

(d) while disciplinary steps taken against the educator have not yet been disposed of, resigns or without permission of the employer assumes employment in another position,

shall, unless the employer directs otherwise, be deemed to have been discharged from service on account of misconduct, in the circumstances where -

(i) paragraph (a) or (b) is applicable, with effect from the day following immediately after the last day on which the educator was present at work; or

(ii) paragraph (c) or (d) is applicable, with effect from the day on which the educator resigns or assumes employment in another position, as the case may be.'

[16] Section 14(2) provides as follows:

"(2) If an educator who is deemed to have been discharged under paragraph (a) or (b) of subsection (1) at any time reports for duty, the employer may, on good cause shown and notwithstanding anything to the contrary contained in this act, approve the reinstatement of the educator in the educator's former post or in any other post on such conditions relating to the period of the educator's absence from duty or otherwise as the employer may determine."

[17] The respondent has based its defence in these proceedings on the submission that PAJA is not applicable to the application before me because the decision sought to be reviewed was the discharge contemplated in section 14(1) of the EEA and thus the grounds for review provided for in section 6 of PAJA do not arise.

[18] The manner in which the relief was framed in this application was problematic. The decision sought to be reviewed was framed as: "the decision of the respondent taken on 29 November 2013 to dismiss the Applicant in terms of section 14(1)(a) of the Employment of Educators Act No. 76 of 1998." The respondent's decision taken on the 29th November 2013 involved a refusal to reinstate the applicant in terms of section 14(2) of the EEA. It confirmed the 'deemed dismissal for misconduct' in terms of section 14(1)(a) of the EEA. Although the framing of the relief sought could have been clearer, given that the date of the decision referred

to is the date of the decision confirming the deemed dismissal (i.e. that of the decision in terms of section 14(2) of the EEA), I find the prayer sufficiently cogent. The grounds of review on which the applicant relies cover both section 14(1)(a) and 14 (2) of the EEA as I deal with below.

[19] Does the decision to refuse the applicant reinstatement in terms of section 14(2) of the EEA constitute administrative action? The respondent has argued that the discharge of an educator is by operation of law. There is no doubting this submission. However the discretion exercised by the MEC in terms of section 14(2) demonstrably does amount to administrative action. Dealing with the similar provision in the Public Service Act i.e. the decision of a public service employer in refusing to reinstate an employee in terms of *s* 17(5)(b) of PSA, this court in **Grootboom v National Prosecuting Authority & others (2010) 31 ILJ 1875 (LC)** opined that it constituted the exercise of statutory power vested in an employer after an employee's employment contract already terminated, and was therefore administrative action. That matter subsequently appealed in the LAC, and then in the Constitutional Court was concerned with section 17(5) (a)(i) of the PSA i.e. the deemed discharge. The interpretation of section 17 (5) (b) by Molahleli J in the **Grootboom** matter is respectfully, in my view correct. I find that it is applicable to the similar provision in the EEA.

[20] In **Hendricks v Overstrand Municipality & another**[1] , the LAC found that 'permissible grounds in law' for the purposes of s 158(1)(h) comprise '(i) the grounds listed in PAJA, provided the decision constitutes administrative action; (ii) in terms of the common law ...; or (iii) in accordance with the requirements of the constitutional principle of legality ... .' I am therefore of the view that the bringing of the application in terms of section 158(1)(h) read with section 6 of PAJA cannot be faulted.

[21] The respondent has submitted in its answering affidavit, deposed to by the Head of the Education Department, that the applicant's discharge came about when the jurisdictional requirements of section 14(1)(a) of the EEA were satisfied. The

[1] (2015) 36 ILJ 163 (LAC); [2014] 12 BLLR 1170 (LAC) at para 29

applicant has relied on the period before March 2013 to submit that the jurisdictional requirements of section 14(1)(a) were not satisfied. However, it is the period which started from 1 March 2013 (being his last day for which he had a medical certificate) up until the letter sent in terms of section 14(1)(a) on the 25 April 2013, that is material. Review grounds G.1 and G.2 (above) of the application, which relate to the requirements of section 14(1) of the EEA, falter on this incorrect reliance on events before the *dies* relied on by the respondent.

[22] In as far as review ground G.3 is concerned, there is no indication that the respondent applied its mind to the terms of an agreement it had entered into with the applicant's union before the deemed dismissal was activated by its letter dated April 25 2013. The said agreement entered into in Education Labour Relations Council entitled: "Agreed upon Procedure pertaining to the Policy and Procedure on Incapacity Leave and Ill-health Retirement (PILIR)." This was brought to its attention in the representations on behalf of applicant. The agreement states in salient part that:

"5. SUPPORT TO EMPLOYEES

The WCED will endeavour to refer all employees absent from duty as a result of incapacity leave, especially as a result of depression-related illnesses, to the Employee Health and Wellness Programme.

APPLICATION OF SECTION 14 OF THE EMPLOYMENT OF EDUCATORS ACT (EEA),1998.

6. The parties agree that the stipulations of Section 14 of the EEA, 1998, i.e. that an employee will be regarded as absconded, will not be applied with regard to PILR-cases under normal circumstances.

<u>However, should an employee be untraceable and he/she also did not apply for approval to submit a late application for incapacity leave, the WCED may apply the stipulations of Section 14 after consultation with the union of which the employee is a member. The union will be granted 5 days to respond to the WCED's</u>

intentions and if no imputs are received from the union, the WCED can deal with the case as it deems necessary." (my emphasis)

[23] The respondent admits in the papers before me that Jethro did apply for temporary incapacity leave but states that these applications do not relate to the period after March 2013. One of these applications, annexed to the answering affidavit as annexure "PV5" was supported by annexure 'RBJ12' to the applicant's papers, a certificate by a Psychiatrist at Vincent Palloti Hospital. The respondent does not deny that such application was still pending at the time of his 'abscondment'. The applicant signed it on 12 November 2012, and it was in respect of the period 20 November to 10 December 2012. It is evident from annexure "PV5" that it was not processed by the respondent. It is undisputed that the applicant was traceable after 1 March 2013 as the Principal on the advice of the respondent did contact him on April 15. It is also undisputed that that no steps were taken to refer him to the Employee Health and Wellness Programme.

[24] The final ground cited by the applicant is the failure of the Respondent to give reasons for its decision i.e. not to reinstate the applicant in terms of section 14(2) of the EEA. In its supplementary affidavit the applicant avers that it requested the missing folios comprising the recommendation regarding applicant's reinstatement and was told this was not available as it comprised a legal opinion. The applicant avers as a result that: "the respondent has failed to provide reasons that it is by law required to provide, for its decision not to reinstate me."

[25] In Baxter's seminal work 'Administrative Law' written before the new constitutional order, the right to reasons is discussed at 228:

'In the first place, a duty to give reasons entails a duty to rationalise the decision. Reasons therefore help to structure the exercise of discretion, and the necessity of explaining why a decision is reached requires one to address one's mind to the decisional referents which ought to be taken into account. Secondly, furnishing reasons satisfies an important desire on the part of the affected individual to know why a decision was reached. This is not only fair: it is also conducive to public confidence in the administrative decision-making process. Thirdly — and probably

a major reason for the reluctance to give reasons — rational criticism of a decision may only be made when the reasons for it are known. This subjects the administration to public scrutiny and it also provides an important basis for appeal or review. Finally, reasons may serve a genuine educative purpose, for example where an applicant has been refused on grounds which he is able to correct for the purpose of future applications.'

[26] In the absence of reasons one is entitled to draw inferences as to the conduct of the decision-maker. As was stated in **Dendy v University of the Witwatersrand and Others 2005 (5) SA 357 (W) ([2005] 2 All SA 490)** in para 53:

'It is well established that the failure to give written reasons has an important bearing on the question whether the decision-maker or makers acted in good faith or had been influenced by ulterior or improper motives.'

[27] Section 6 (5) (3) of PAJA provides that:

"(3) If an administrator fails to furnish adequate reasons for an administrative action, it must, subject to subsection (4)[2] and in the absence of proof to the contrary, be presumed in any proceedings for judicial review that the administrative action was taken without good reason."

[28] Given that the respondent has based its case on the non-applicability of PAJA and did not plead in the alternative that if PAJA applied, the decision of 29 November 2013 was not susceptible to review, the presumption contained in section 6(5)(3) applies to its decision of November 29th 2013. Further, in respect of the deemed dismissal provided for in section 14(1(a) of the EEA, while in a strict sense the jurisdictional requirements were met for same, the Respondent has very laudably reflected its sensitivity to the problems of mental illness amongst educators in the agreement referred to above. I note that the content of this agreement is in line with section 14 of the EEA which provides that an educator who is absent without permission in terms of section 14(1)(a):

[2] Sub-section 4 provides as follows

"shall, unless the employer directs otherwise, be deemed to have been discharged from service on account of misconduct….." (my emphasis) .

[29] The respondent has sought to oppose the applicant's prayer for condonation for the late filing of this review and its tardiness in filing the supplementary affidavit. I take into account that discussions between applicant's union and the respondent were still ongoing in March 2014. In addition, in deciding to grant condonation, I base my decision on the merits of the matter and on the interests of justice in general.

[30] In all the circumstances, I find that the decision taken on November 29th 2013, to refuse the reinstatement of the applicant in terms of section 14(2) of the EEA, falls to be reviewed and set aside. I see no reason why costs should not follow the result. I make the following order:

Order

1. The decision taken by the respondent on the 29 November 2013 in terms of section 14 of the EEA is hereby reviewed and set aside.
2. The respondent is to reconsider whether it should approve the reinstatement of Mr Roland Betram Jethro in his former post or in any other post on such conditions relating to the period of his absence from duty or otherwise as the Respondent may determine should be reinstated.
3. The respondent is to pay the costs of the application.

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H. Rabkin-Naicker

Judge of the Labour Court of South Africa

Appearances:

Applicant: R. Nyman instructed by Moosa, Waglay & Petersen

Third Respondent: E. A. De Villiers-Jansen with P. Long instructed by State Attorney