



**IN THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG**

**JUDGMENT**

Not Reportable

**Case no: JS815/16**

In the matter between:

**ASSOCIATION FOR MINE WORKERS AND  
CONSTRUCTION UNION (“AMCU”)**

**First Applicant**

**THE AMCU MEMBERS AS PER ANNEXURE  
“A1”**

**Second-Further Applicants**

and

**OIL SEPARATION SERVICES NORTHERN  
PROVINCE CC**

**Respondent**

**Decided in chambers**

**Delivered: 21 February 2017**

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**RULING – LEAVE TO APPEAL**

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**TLHOTLHALEMAJE, J**

- [1] Judgment was delivered on 11 January 2017 in terms of which the Applicants’ application for condonation for the late filing of their statement of claim was dismissed. The First Applicant was also ordered to pay the costs of that application.

- [2] The Applicants have since filed an application for leave to appeal against the whole of that judgment and order. The application for leave to appeal is vehemently opposed by the Respondent.
- [3] I have had regard to the Respondent's request, that this application should be argued in open court. I however hold the view that in the light of the material placed before the Court, this application can be disposed of in chambers.
- [4] Having reflected on my judgment, and further having had regard to the application for leave to appeal and the opposition thereto, I am not satisfied that there are reasonable prospects that the Labour Appeal Court might come to a different conclusion than that arrived at in my judgment.
- [5] This application for leave for leave to appeal is in my view ill-considered and the requirements of law and fairness dictate that the First Applicant should be burdened with its costs.
- [6] In the premise, I make the following order:
1. The application for leave to appeal is dismissed;
  2. The First Applicant is to pay the costs of this application.

[7]

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**Edwin Tlhotlhemaje**

Judge of the Labour Court of South Africa

LABOUR COURT