



Not reportable
Of interest to other judges

THE LABOUR COURT OF SOUTH AFRICA, CAPE TOWN

JUDGMENT

Case no: JR 2425/14

In the matter between:

AMCU obo MONATE

Applicant

and

JOSEPH NGOBENI N.O.

First Respondent

CCMA

Second Respondent

SASOL MINING (PTY) LTD

Third Respondent

Delivered: 15 December 2016

RULING ON LEAVE TO APPEAL

STEENKAMP J

[1] The applicant applied for leave to appeal against my *ex tempore* judgment of 24 August 2016.

- [2] I only received a request to sign the transcript of the judgment on 1 November 2016. I did so on 3 November. The application for leave to appeal was only delivered on 14 November.
- [3] Rule 30(2) contains a peremptory provision that an application for leave to appeal must be made within 15 days of the judgment. The court may only extend that period on good cause shown. And clause 14.5 of the Practice Manual makes it clear that these time periods run from the day that the judgment was handed down.
- [4] The applicant has not applied for condonation. The prescribed time periods have expired. This Court does not have jurisdiction to entertain the application.
- [5] There is no reason in law or fairness why the respondent should pay the applicant's costs in these circumstances.

Order

The application is dismissed for want of jurisdiction. The applicant is ordered to pay the third respondent's costs.

Steenkamp J

APPEARANCES

APPLICANT: C J Malan
Instructed by Larry Dave attorneys.

THIRD RESPONDENT: M J van As
Instructed by M J Ramathe.

LABOUR COURT