

VIC & DUP/JOHANNESBURG/LKS

**IN THE LABOUR COURT OF SOUTH AFRICA
HELD AT JOHANNESBURG**

DATE: 23 MARCH 2000CASE NO. J3166/99

In the matter between:

NKOSI, SAMUEL SIPHO

Applicant

and

HUDSON, JOHN E c/o MARKO SA AND OTHERS

Respondents

J U D G M E N T

PILLAY, AJ:

- [1] The application is for an order declaring that the second respondent's refusal of condonation should be reviewed and set aside. It would appear from the award that by agreement with the parties, the commissioner had arranged for affidavits to be filed on the basis of which she would make a decision about the condonation.
- [2] Having regard to the material before the commissioner in making this decision, namely the applicant's statement which appears at pages 42 and 43 of the bundle and the respondent's affidavit which appears from pages 16A to 16F of the bundle, I cannot find fault with the commissioner's decision.
- [3] The commissioner methodically went through each element of the tests for condonation. The award manifests that she applied her mind to all the material issues relevant to an application for condonation.
- [4] In the circumstances the application is dismissed. I make no order as to costs.

PILLAY, AJ

LABOUR COURT OF SOUTH AFRICA

: IN PERSON
:
: MR D WOODHOUSE
: Perrott, Van Niekerk & Woodhouse
:
: 23 MARCH 2000