

Sneller Verbatim/IL

IN THE LABOUR COURT OF SOUTH AFRICA

BRAAMFONTEIN

CASE NO: J1401/97

2001-08-20

In the matter between

A MTINI

Applicant

and

KAGISO KHULANI SUPERVISION

FOOD SERVICES

Respondent

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J U D G M E N T

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REVELAS J:

1. In this matter the applicant has asked for leave to appeal against a decision that I gave on 23 March 2001. I have nothing to add to the reasoning in that judgment, save to state the following:
2. In his application for leave to appeal the applicant does not make submissions as to why I have jurisdiction, to overturn the judgment of GROGAN AJ dated 2 December 1998, seeing that I am not a Court of Appeal. In response thereto the applicant suggested that I should just accept the submissions of the respondent like I “did the previous time”, and decide the matter.
3. I then pointed out to him that he could have taken the decision of the Commissioner who did not find in his favour on review, and has not done so.
4. I was told by the applicant, that I tried to confuse him and that the matter is in the Labour Court now, and would not address me further on the issue.
5. JAMMY AJ has on a previous occasion expressed some form of censure against the

applicant for the comments he has made about judges of this Court throughout the proceedings, which Jammy AJ termed as "possibly defamatory."

6.The applicant has brought one defective application after another. He has also stated that this matter "would not go away".

7.The applicant's approach to this litigation, (which the respondent had to defend), is vexatious in the extreme.

8.In the circumstances leave to appeal is refused and the applicant is to pay the respondent's costs on an attorney and own client scale.

9.It is necessary to point out to the applicant that in the event of him wishing to proceed with the matter, the correct forum would be the Labour Appeal Court from which he must seek leave to appeal on petition.

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E. Revelas