

Sneller Verbatim/HvR

IN THE LABOUR COURT OF SOUTH AFRICA

BRAAMFONTEIN

CASE NO: J130/01

2001-05-22

In the matter between

B A MAHLANGU

Applicant

and

TEE-EFF SUPERMARKET

Respondent

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J U D G M E N T

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REVELAS J:

- 1.The applicant applied in terms of section 158(1)(c) of Labour Relations Act 66 of 1995 ("the Act") for an arbitration award made in his favour, dated 20 November 2000, to be made an order of court.
- 2.The matter was opposed by the respondent.
- 3.Mr Malebane appeared on behalf of the respondent. He stated that he wished to oppose the application on the basis that he was not aware of the arbitration proceedings and that he wished to bring an application for the recission of the award.
- 4.It has been noted by judges of the Labour Court that there is a tendency which is prevalent particularly amongst employers, not to comply with awards and to oppose matters at the last minute.
- 5.This court would assist such a respondent if it is apparent from the evidence that the respondent indeed intended to bring in application for recission and show good cause.
- 6.At the time the application in terms of Section 158 (1)(c) was opposed by

the respondent, Mr Malebane indicated that he had applied for rescission of the matter but could not provide proof thereof. I then made an order to the effect that should the respondent fail to provide proof of service of the application for rescission on 8 May 2001, the matter would proceed by way of default.

7. On 4 May 2001 Mr Malebane, on behalf of the respondent, filed an application for rescission. There is, however, no proof of service of this award on the Commission of Conciliation, Mediation and Arbitration ("the CCMA"), in other words there is no proof that the CCMA received the application. The respondent therefore did not comply with the court order.

8. Since there has been non-compliance with the court order and the applicant has waited a considerable period to enforce the award in his favour, I make the following order:

1. The award dated 20 November 2000 issued by Commissioner L Dreyer is made an order of court.

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E. Revelas