

IN THE LABOUR COURT OF SOUTH AFRICA

BRAAMFONTEIN

CASE NO: JS1247/02

2003-02-13

In the matter between

M MOALAH

Applicant

and

CHUBB PROTECTIVE SERVICES (PTY) LIMITED

Respondent

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J U D G M E N T

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LANDMAN J: This is an application brought by Mr Moalahi and 18 others against Chubb Protective Services (Pty) Limited. Yesterday eight of the applicants appeared.

One of the applicants gave evidence relating to the alleged unfair dismissal. It appears from his evidence that he and his colleagues had been on strike. It is not clear whether this was a protected or an unprotected strike, but that is not of major consequence. The result of the strike, as he pointed out, was that the employer lost some contracts and as a result of that retrenchments occurred. These retrenchments were

preceded by consultation with a certain union and with other persons, according to the letter which was handed in regarding the notification of retrenchment. Severance pay was paid to those selected for retrenchment.

I am unable to find on the facts which were placed before me that the retrenchment was unfair. Consequently I am unable to conclude that the dismissal was an unfair one and in the circumstances I grant absolution from the instance.

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LANDMAN J

ON BEHALF OF THE APPLICANTS: NOT ON RECORD

ON BEHALF OF THE RESPONDENT: NOT ON RECORD