

LOM Business Solutions t/a Set LK Transcribers

IN THE LABOUR COURT OF SOUTH AFRICA

BRAAMFONTEIN

CASE NO: JR169/07

2007-09-04

NOT REPORTABLE

In the matter between

MS ELIZABETH BROWN

Applicant

10 and

CASH BUILD

1st Respondent

SEBOTH A N.O.

2nd Respondent

CCMA

3rd Respondent

J U D G M E N T

PILLAY D, J:

20 The second respondent in the application for review, the commissioner found and it was common cause that the applicant, the employee, had signed the documentation acknowledging receipt of cash and cheques in her capacity as the system supervisor. It was also her responsibility to ensure that the cheques were not post-dated.

The employee acknowledges that it was a rule of the employer not to receive post-dated cheques. However, she denies that it was her responsibility to ensure that the cheques collected were not post-dated. She contends that her responsibility was only to ensure that the cash and cheques presented on the documentation tallied with the physical amount collected by the cashier.

The arbitrator found that the ultimate responsibility for the cash lay with the system supervisor and that the employee in her capacity as system
10 supervisor had signed the documentation and the post-dated cheques that were kept in the safe. The manager, who was also co-responsible for the supervision of the cash and cheques collected, was dismissed following this incident, as was the employee.

The court notes that the employee did not authorise receipt of the post-dated cheques and that her liability stems purely from her negligence to ensure that the cheques for which she counter-signed were not post-dated. The court finds that the award is unassailable on the admitted and proven facts.

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In the circumstances the **application for review is dismissed with no order as to costs. The application for condonation must also fail.**

PILLAY D, J

Date of Hearing: 04 September 2007

Date of Judgment: 04 September 2007

Date of Editing: 29 January 2008

APPEARANCES:

For the Applicant: In person

10 For the Respondent: Snyman Attorneys