

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

Case No.: J 2386/08

On the 15th day of November 2008
Before the Honourable Mr Acting Justice Ngalwana

In the matter between:

DEMOCRATIC NURSING ORGANIZATION
OF SOUTH AFRICA

1ST APPLICANT

HEALTH AND OTHER SERVICE
PERSONNEL TRADE UNION OF
SOUTH AFRICA

2ND APPLICANT

AND

THE DIRECTOR GENERAL
DEPARTMENT OF HEALTH

1ST RESPONDENT

THE MEC FOR HEALTH
NORTH WEST PROVINCE

2ND RESPONDENT

THE MEC FOR HEALTH
NORTHERN CAPE PROVINCE

3RD RESPONDENT

ORDER

Having read the documents and having considered the matter:

IT IS ORDERED THAT:

1. Pending the finalisation of the dispute currently pending at the PHWSBC and which was referred on 15 October 2008, the following order is made:

- 1.1 This Court dispensed with the requirements and time periods provided for in Rule 8 of the Labour Court Rules and this application is heard in an urgent basis;

- 1.2 The Respondents are interdicted and restrained from deducting any amounts from the remuneration of the Applicants' members in respect of alleged overpayments arising from an allegedly erroneous implementation of the Occupational Specific Dispensation for Nurses ("OSD") agreement;

- 1.3 The Respondents are ordered further to repay any amounts deducted from the remuneration of the Applicants' members in respect of alleged OSD overpayments.

2. The Respondents are ordered to pay the costs of this application including 13 November 2008 and 15 November 2008 on an attorney and client scale.

BY THE COURT

REGISTRAR