

IN THE LABOUR COURT OF SOUTH AFRICA

HELD AT CAPE TOWN

CASE NO: C1126/2010

In the matter between:

POPCRU

First Applicant

SS BANGANI & OTHERS

Second to further Applicants

and

THE REGIONAL COMMISSIONER FOR CORRECTIONAL
SERVICES, WESTERN CAPE

First Respondent

THE AREA COMMISSIONER OF CORRECTIONAL
SERVICES, GOODWOOD MANAGEMENT ARE

Second Respondent

JUDGMENT

FRANCIS J

1. This is an application by the applicants for leave to appeal against the whole of my judgment and order of 7 January 2011 on an urgent basis.
2. The applicants have raised several grounds for leave to appeal. I do not deem it necessary to repeat those grounds for leave to appeal.
3. In terms of section 166(1) of the Labour Relations Act 66 of 1995 (“the Act”), an appeal lies from a judgment of the Labour Court to the Labour Appeal Court with leave of the Labour Court. The traditional test in deciding whether leave to appeal should be granted is whether there is a reasonable prospect that another court may come to a different conclusion to that reached by me.

4. The fact is that the second to further applicants were not rendering any services at all since 1 to 20 December 2010 either in terms of the old arrangement or the new interim arrangement. This was not disputed by the applicants who are engaged in essential services. They felt aggrieved with the new shift arrangement.

5. I have carefully considered the grounds for leave to appeal, the parties' submissions and my judgment and am not persuaded that another court may come to a different conclusion to that reached by me in my judgment.

6. In the circumstances I make the following order:
 1. The application for leave to appeal is dismissed.
 2. There is no order as to costs.

FRANCIS J

JUDGE OF THE LABOUR COURT OF SOUTH AFRICA

FOR THE APPLICANTS	:	J L BASSON INSTRUCTED BY GROSSKOPF ATTORNEYS
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FOR RESPONDENTS	:	T J GOLDEN INSTRUCTED BY STATE ATTORNEY
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DATE OF HEARING	:	13 JANUARY 2011
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DATE OF JUDGMENT	:	13 JANUARY 2011
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