



**IN THE LABOUR COURT OF SOUTH AFRICA, CAPE TOWN**

Not Reportable  
Case no: JS 287/12

In the matter between:

**MADELINE DOREY**

**Applicant**

and

**TSB SUGAR RSA LTD**

**Respondent**

**Heard: 22 June 2017 (In Chambers)**

**Delivered: 30 June 2017**

**Summary:** Application for leave to appeal. The test remains that of reasonable prospects that another court may arrive at a different conclusion. Held: (1) The application for leave to appeal is dismissed with costs.

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**JUDGMENT-LEAVE TO APPEAL**

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**MOSHOANA, AJ**

### Introduction

- [1] This is an application for leave to appeal against the whole judgment and order of this court handed down on 03 May 2017. The application is opposed.

### Background facts

- [2] The applicant, Ms Dorey was charged and dismissed for alleged misconduct. The applicant considered her dismissal to be in contravention of the Protected Disclosure Act and accordingly automatically unfair. She approached this court for relief. After a protracted trial, this court concluded that her dismissal is automatically unfair and granted her maximum compensation. The respondent, TSB Sugar was aggrieved thereby and launched the present application for leave to appeal.

### Evaluation

- [3] The test whether leave to appeal should be granted remains that spelled out in section 17(1) of the Superior Courts Act<sup>1</sup>. If an applicant fails to meet the test, like the applicant before me, leave should be refused. I have carefully considered the applicant's grounds for leave to appeal and I am firmly of the view that there are no reasonable prospects that another court may come to a different conclusion.
- [4] Accordingly, I conclude that the application should fail.

### Order

- [4] In the results, I make the following order:
1. The application for leave to appeal is hereby dismissed.
  2. The respondent, TSB Sugar is to pay the costs.

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<sup>1</sup> Act 10 of 2013. See *Seathlolo and Another v CEPPWAWU and others* [2016] 37 ILJ 1485 (LC)

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GN Moshwana

Acting Judge of the Labour Court of South Africa

Appearances

For the Applicant: S Lancaster of Lancaster Kungoane Attorneys,  
Centurion.

For the Respondent: Adv O Mooki, instructed by Norton Rose Fulbright  
SA Inc, Sandton.