



REPUBLIC OF SOUTH AFRICA
IN THE LABOUR COURT OF SOUTH AFRICA, CAPE TOWN
JUDGMENT

Not Reportable
C351/2020

In the matter between:

VINCENT NCUBE

Applicant

and

**COMMISSION FOR CONCILIATION, MEDIATION
 AND ARBITRATION**

First Respondent

COMMISSIONER STEPHEN CLOETE

Second Respondent

**SHIRAZ AHMED
 (QUEBEC PARKING MANAGEMENT SERVICES cc)**

Third Respondent

Date heard: 22 July 2021 on the papers

Delivered: 26 November 2021 by email to third respondent and to the Labour Court for collection by the applicant. Deemed received at 10.00hr on Tuesday 30 November 2021.

JUDGMENT

RABKIN-NAICKER J

- [1] This is an opposed application to review an Award under case number WECT 8713/20. The third respondent is cited as a natural person but it appears from the Award that she is the managing member of the employer. The applicant brought this review unassisted.
- [2] The applicant has deposed to a pro-forma affidavit. The bulk of this affidavit consists of various allegations including that no arbitration hearing was held at the CCMA, and references to what allegedly transpired regarding off the record conciliation of the dispute.
- [3] In fact, the transcribed record that was filed by the applicant is the record of the arbitration proceedings which took place on the 24 August 2020. The dispute was referred to the CCMA after the applicant was dismissed for alleged dishonesty. He had been working for the employer as a parking attendant for some 14 years. The second respondent, the Commissioner, found the dismissal to have been substantively fair.
- [4] No case is made out by the applicant in his founding affidavit which could lead to the review of the Award. Indeed the allegations contained in it have no bearing on the arbitration proceedings and Award. These allegations also contain the lie that there was no arbitration hearing at the CCMA. As is the Court's duty in a review, and taking into account the applicant is a layperson, I have read the record and what I consider to be a reasonable Award. It is regretted that the Labour Court should have to spend time in dealing with such a clearly unmeritorious application. Particularly when a litigant has seen fit to lie under oath.
- [5] I make the following order:

Order

1. The review application is dismissed.

H.Rabkin-Naicker

Judge of the Labour Court

Representation on the papers

Applicant: In person

Third Respondent managing member: In person

LABOUR COURT