IN THE LABOUR COURT OF SOUTH AFRICA, DURBAN

JUDGMENT

Not Reportable

Case no: J1388/15

In the matter between:

PHATHUTSHEDSO SOLOMON MONYAI	**Applicant**
and	
FIDELITY SECURITY SERVICES (PTY) LTD	**First Respondent**
W J BARTMAN	**Second Respondent**

Heard: 12 August 2016

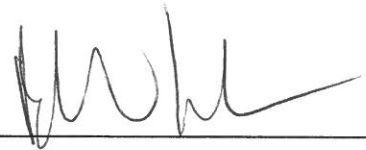Delivered: 12 August 2016

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JUDGMENT

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WHITCHER J

[1]   The contempt application is dismissed with no order as to costs. My reasons are as follows.

[2]   The respondents provided a detailed reasonable explanation which indicated that they are not in contempt of court.

[3]   The applicant did not provide an answering affidavit but I permitted him to respond to the respondent's case in court.

[4]   He did not provide a reasonable probable response. He just gave a bald denial of the respondent's version. It also became clear that he does not want to return to work but wanted the court to order a financial settlement. This lent credence to the respondent's version that the applicant did not tender his services.

[5]   The applicant also refused my suggestion that if he wants a financial settlement as opposed to returning to the respondent's employ he should discuss the matter with their attorney who was present in court. The attorney indicated to the court that he is prepared to discuss same with the applicant. The applicant however refused to do so and insisted that the court make a financial order. I explained I cannot do this.

Order

[6]   In the premises, the following order is made:

1. The contempt application is dismissed with no order as to costs

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Benita Whitcher

Judge of the Labour Court of South Africa