



IN THE LABOUR COURT OF SOUTH AFRICA, DURBAN

JUDGMENT

Reportable

Case no: D377/13

In the matter between:

SOMAHKHANTI PILLAY & 37 OTHERS

Applicants

and

MOBILE TELEPHONE NETWORKS

(PROPRIETARY) LIMITED

Respondent

In Chambers: 7 February 2018

JUDGMENT: APPLICATION FOR LEAVE TO APPEAL

GUSH J

1. The respondent in this matter applies for leave to appeal against the judgment handed down on 4 May 2017.
2. The notice of application for leave to appeal was filed on 19 May 2017 and the written submissions on 26 May 2017.
3. The applicant opposes the application for leave to appeal and filed its notice of opposition on 24 May 2017 and its written submissions in opposition to the application for leave to appeal on 6 June 2017.

4. For reasons unknown the file with the application for leave to appeal was only placed before me today 7 February 2018.
5. I have considered the written submissions filed by both parties and I am satisfied that the issue justifies consideration by another court and that there is a reasonable prospect that another court might come to a different decision.
6. In its submission in support of the application for leave to appeal the respondent “requests the opportunity to make oral submissions” in support of its application. I am not satisfied that it is necessary for oral submissions be made in this matter particularly given the delay in the application being placed before me.

D H Gush

Judge of the Labour Court of

South Africa