



JUDICIAL CONDUCT COMMITTEE

Ref no: JSC/1168/23

In the matter between:

MR SEPHEU SEFOKA

COMPLAINANT

and

JUDGE MOLAHLEHI

RESPONDENT

Date: 13 November 2024

Decision: The appeal is dismissed.

RULING

**THE JUDICIAL CONDUCT COMMITTEE (JAFTA J, SALDULKER AND
MABINDLA-BOQWANA JJA)**

[1] This appeal was lodged by Mr Sepheu Sefoka against the decision of the Acting Chairperson of the Judicial Conduct Committee (Committee) in terms of

which the complaint filed against Acting Judge President Molahlehi of the Labour Court was dismissed on the grounds that it dealt with the merits and did not fall within the ambit of the Judicial Service Commission Act (JSC Act).¹

[2] Dissatisfied with the decision to dismiss his complaint Mr Sefoka lodged an appeal in terms of section 15(5) of the JSC Act with the Committee against the dismissal, which vests every complainant with a right to appeal against a summary dismissal of the complaint.

[3] Mr Sefoka set out his complaint in the affidavit dated 16 October 2022. The gist of his complaint was that he had written to Acting Judge President Molahlehi in connection with a date in a review matter relating to the ‘violation of customers rights at the Pick n Pay company’. He was informed that his request for a date to be allocated in his review matter was unsuccessful because of the backlog of case challenges. On appeal he contended that the Acting Judge President had failed to take his request for an expedited hearing into consideration.

[4] It is clear the complaint does not fall within the parameters of any grounds set out in section 14(4).² Therefore, it was correctly dismissed by the Acting Chairperson.

¹ 9 of 1994 as amended.

² Section 14(4) – The grounds upon which any complaint against a judge may be lodged, are any one or more of the following:

- (a) Incapacity giving rise to a judge's inability to perform the functions of judicial office in accordance with prevailing standards, or gross incompetence, or gross misconduct, as envisaged in section 177 (1) (a) of the Constitution;
- (b) Any wilful or grossly negligent breach of the Code of Judicial Conduct referred to in section 12, including any failure to comply with any regulation referred to in section 13 (5);
- (c) Accepting, holding or performing any office of profit or receiving any fees, emoluments or remuneration or allowances in contravention of section 11;
- (d) Any wilful or grossly negligent failure to comply with any remedial step, contemplated in section 17 (8), imposed in terms of this Act; and
- (e) Any other wilful or grossly negligent conduct, other than conduct contemplated in paragraph (a) to (d), that is incompatible with or unbecoming the holding of judicial office, including any conduct that is prejudicial to the independence, impartiality, dignity, accessibility, efficiency or effectiveness of the courts.

[5] Consequently, the appeal is dismissed.



THE JUDICIAL CONDUCT COMMITTEE