JUDICIAL CONDUCT COMMITTEE

Ref No: JSC/269/11/2025

In the matter between:

MR M NGADLELA **COMPLAINANT**

and

JUDGE R LAGRANGE **RESPONDENT**

Date: 05 November 2026

Decision: The complaint against Judge Lagrange is dismissed in terms of section 17(4)(*a*) of the Judicial Service Commission Act 9 of 1994.

RULING

THE JUDICIAL CONDUCT COMMITTEE (MLAMBO DCJ)

Introduction

[1] Mr Ngadlela lodged a complaint, dated 2 November 2025, against Judge Lagrange of the Labour Court, Cape Town. The complaint concerns the alleged delay in providing the complainant with a written order following an

ex tempore order issued on 12 August 2025 in an interlocutory application under case number C327/2024.

[2] The complaint was referred for an inquiry under section 17 of the Judicial Service Commission Act 9 of 1994 (the Act). The respondent was invited to answer it and delivered written submissions dated 3 May 2026. The complainant was invited to comment on those submissions. His reply is dated 15 May 2026. I have considered the complaint and its annexures, the respondent's submissions and annexures, and the reply.

[3] Section 17 of the Judicial Service Commission Act 9 of 1994 (the Act) requires an inquisitorial inquiry into the merits of the complaint. No person bears an onus to prove or disprove a fact,[1] and the determination must be made on the information obtained under section 17(3).[2]

The Complaint

[4] On 2 August 2024, the complainant instituted proceedings in the Labour Court to review a decision by the Minister of Forestry, Fisheries and Environment. He later

---

[1] Sections 17(1) and (2) of the Act provide, "If—

(a) the Chairperson is satisfied that, in the event of a valid complaint being established, the appropriate remedial action will be limited to one or more of the steps envisaged in subsection (8); or

(b) a complaint is referred to the Chairperson in terms of section 15 (1) (b) or section 16 (4) (a), or section 18 (4) (a) (ii), the Chairperson or a member of the Committee designated by the Chairperson must inquire into the complaint in order to determine the merits of the complaint.

(2) Any inquiry contemplated in this section must be conducted in an inquisitorial manner and there is no onus on any person to prove or to disprove any fact during such investigation."

[2] Section 17(3) of the Act provides, "[f]or the purpose of an inquiry referred to in subsection (2), the Chairperson or member concerned—

(a) must invite the respondent to respond in writing or in any other manner specified, and within a specified period, to the allegations;

(b) may obtain, in the manner that he or she deems appropriate, any other information which may be relevant to the complaint; and

(c) must invite the complainant to comment on any information so obtained, and on the response of the respondent, within a specified period."

applied to compel the respondents in that matter to file the record of the decision under review. The application to compel was heard by the respondent on the unopposed roll on 12 August 2025.

[5] The complainant states that the respondents had delivered an incomplete record on the day before the hearing. At the hearing, the respondent directed them to provide the outstanding documents and asked the complainant to forward an email identifying those documents so that a specific order could be prepared. The complainant forwarded the email to the respondent's secretary on the morning of 12 August 2025.

[6] The complainant alleges that he had not received the written order when he lodged the complaint, more than three months after the hearing. He had followed up with the respondent's secretary on 10 and 21 September 2025 and referred to the outstanding order again in correspondence of 20 October 2025, but received no response. He says that the absence of the written order prevented him from progressing the review proceedings and enforcing the relief granted.

The Response and Reply

[7] The respondent denies delaying the order. He states that his role was to settle its wording and that his secretary was then required to transmit it to the Registrar for endorsement. According to the respondent, the parties would ordinarily be notified when the original order bearing the Registrar's seal was available for collection.

[8] The respondent's emails and attached drafts show that the wording of the order was prepared and formatted on 12 August 2025. At 11:14 that morning, he

returned the formatted order to his secretary as an attachment. He states that he made no changes to it and had finalised the written order on the day of the hearing.

[9] The respondent says that he then assumed that the ordinary administrative process would follow. His secretary advised him that she had been on leave during September 2025 and had no record of the complainant's emails of 10 and 21 September. When she received a further email from the complainant on 17 February 2026, she replied that the order had been available for collection since the day it was issued.

[10] The respondent states that he became aware of the complainant's difficulty only when the complaint was sent to him in April 2026. He regrets the apparent breakdown in communication, but denies responsibility for the complainant's late receipt of the order. He also states that he would ask the Court Manager to investigate the administrative failure and report on measures to prevent a recurrence.

[11] In reply, the complainant accepts that the respondent prepared the order on 12 August 2025. He maintains that the central problem was that he was not told that the order was available. As a self-represented litigant, he says that he could not reasonably have been expected to know that he was required to collect it from the Registrar. He contends that the judicial office should maintain a system to ensure that orders reach the parties.

Applicable Legal Framework

[12] The complaint must be assessed against the statutory threshold of wilfulness or gross negligence. Article 2(3) of the Code of Judicial Conduct (the Code),[3] read with section 14(4)(*b*) of the Act, applies that threshold to an alleged breach of the Code. Section 14(4)(*e*) similarly requires any other conduct alleged to be incompatible with or unbecoming judicial office to have been wilful or grossly negligent.[4]

[13] Article 10 requires a Judge to perform assigned judicial duties diligently,[5] dispose of the business of the court promptly and efficiently,[6] give judgment or any ruling promptly and without undue delay,[7] and perform official duties properly and timeously.[8] Article 10(2) regulates the delivery of reserved judgments.[9]

[14] The statutory threshold for judicial misconduct is stringent. It is not enough to establish an error, an administrative failure or conduct that could have been

---

[3] Article 2(3) of the Code provides, "Any wilful or grossly negligent breach of this Code is a ground upon which a complaint against a judge may be lodged in terms of section 14 (4) (b) of the Act."

[4] Section 14(4) of the Act provides, "[t]he 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] Article 10(1)(a) of the Code.

[6] Article 10(1)(c) of the Code.

[7] Article 10(1)(d) of the Code.

[8] Article 10(1)(g) of the Code.

[9] Article 10(2) of the Code provides, "[a] judge must deliver all reserved judgments before the end of the term in which the hearing of a matter was completed, but may—

(a) in respect of a matter that was heard within two weeks of the end of that term; or

(b) where a reserved judgment is of a complex nature or for any other cogent and sound reason and with the consent of the head of the court, deliver that reserved judgment during the course of the next term".

handled better. Sections 14(4)(*b*) and 14(4)(*e*) require the respondent's own conduct to have been wilful or grossly negligent, which demands something materially more serious than ordinary negligence or oversight.

Evaluation

[15] The complainant's frustration is understandable. He obtained an order on 12 August 2025 in his favour, made repeated enquiries and was not informed until 17 February 2026 that it was available for collection. The failure to notify him was an administrative shortcoming with practical consequences, particularly because he was litigating without legal representation.

[16] The disciplinary question, however, is whether the respondent's own conduct amounted to a wilful or grossly negligent breach of the Code. The documents establish that he delivered the ruling *ex tempore* and finalised the wording of the written order on 12 August 2025. This was not a judgment or ruling that remained reserved for more than three months.

[17] After finalising the order, the respondent returned it to his secretary for the administrative steps leading to endorsement and notification. The complainant's follow-up correspondence was not addressed to the respondent personally, and there is no information showing that he received it or knew, before the complaint was sent to him, that the complainant had not been notified.

[18] The precise point at which the administrative process failed is not established. The file does not independently establish when the Registrar sealed the order. Those gaps do not alter the material facts: the respondent completed his judicial task on the

day of the hearing, and the information does not show that he knew of the subsequent failure and disregarded it.

[19] A breakdown in court administration is a serious matter and should not be minimised. It does not, however, establish personal misconduct by the presiding Judge in the absence of information linking the Judge to that failure. The record does not demonstrate intentional delay, reckless indifference or a total failure by the respondent to take care. The wilfulness or gross negligence threshold required by sections 14(4)(*b*) and 14(4)(*e*) is therefore not met.

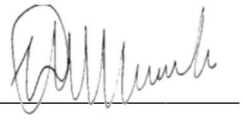
[20] The facts material to the complaint are contained in the written record. There is no reasonable likelihood that a formal hearing will contribute to determining its merits.

Conclusion

[21] The information does not establish that the respondent delayed the giving or finalisation of the order, or that the later failure to notify the complainant resulted from wilful or grossly negligent conduct by him. The complaint must accordingly be dismissed under section 17(4)(*a*) of the Act.

Ruling

[22] The complaint against Judge Lagrange is dismissed in terms of section 17(4)(*a*) of the Judicial Service Commission Act 9 of 1994.



THE JUDICIAL CONDUCT COMMITTEE