



JUDICIAL CONDUCT COMMITTEE

Ref No: JSC/123/01/2025

In the matter between:

JABULILE SOLONTSI

APPELLANT

and

JUDGE LALLIE

RESPONDENT

Date: 6 July 2026

Decision: 1. The appeal in relation to the first part of the complaint is dismissed.
2. The second part of the complaint is referred to the Chairperson for reconsideration.

APPEAL RULING

**THE JUDICIAL CONDUCT COMMITTEE (Jafta J, Saldulker JA,
Mabindla-Boqwana JP)**

[1] The appellant, Mr Solontsi, lodged a complaint with the Chairperson of the Judicial Conduct Committee (the Committee) against the respondent, Judge Lallie, in terms of section 14(1)¹ of the Judicial Service Commission Act 9 of 1994 (the Act). The complaint related to the review application brought by the appellant before the Labour Court, in which the respondent presided.

[2] The review application concerned two jurisdictional rulings by the CCMA regarding the identity of the employer party. According to the complainant, the first ruling found two entities to be employers and deferred the substantive aspect of the case to another commissioner. The second ruling, however, reopened the jurisdictional point, finding that neither an employer-employee relationship existed nor had any dismissal occurred.

[3] The appellant filed a review application with the Labour Court in terms of section 158(1)(g) of the Labour Relations Act 66 of 1995 (the LRA), contending, amongst other things, that the CCMA was *functus officio* in relation to the jurisdiction. Presumably, on the footing that it was not open to the second commissioner to reopen the question of jurisdiction. The matter served before the respondent who dismissed the application and the subsequent application for leave to appeal.

[4] The appellant alleges that the respondent:

‘grossly distorted or deliberately misstated [his] review application as pertaining to the grounds of reasonableness (145) when in actuality the review was under the correctness standard, [he] had pellucidly outlined [his] grounds of review not only in [his] founding

¹ Section 14(1) of the Act provides:

‘14 **Lodging of complaints**

(1) Any person may lodge a complaint about a judge with the Chairperson of the Committee: Provided that the Chairperson may refer the complaint to the Deputy Chief Justice to deal with in terms of the provisions of the Act, and the Deputy Chief Justice assumes the role of the chairperson in respect of that complaint’.

affidavit but also in [his] heads of argument leading to a grossly fabricated review standard by the judge. The intentional and strategic rejection of [his] case on a fabricated basis and blatant disregard for settled law is extremely unethical behaviour and a serious contravention of the code of judicial conduct. ’

- [5] The appellant added to his complaint in a supplementary affidavit that:
- ‘This judgment regarding the leave to appeal was handed down on January the 24th 2025; however – I did not receive on that day due to a *deliberate miscitation (sic) of my email by Ms. Lallie’s secretary*This series of events has led me to a conclusion that a serious case of judicial impropriety has occurred—requiring serious investigation by this esteemed body—as it is based in section 14(4)(e) of the JSC Act.’ (Emphasis added.)

- [6] The complaint was dismissed by the Acting Chairperson of the Committee in terms of section 15(2)(c) of the Act, on the grounds that it was solely related to the merits of a judgment or order.

- [7] Aggrieved by the Acting Chairperson’s dismissal of the complaint, the appellant lodged an appeal with the Committee in terms of section 15(5)² of the Act. In the appeal, the appellant states that he does not seek to ‘*review or set aside any judgment or order; that is not the purpose for which this forum is established. Instead: I seek accountability for a gross act of misfeasance and a gross distortion of the judicial process which fall squarely within the jurisdiction of this body.*’

- [8] As the first ground of appeal, the appellant alleges that the respondent deliberately suppressed the primary pleaded ground of review, wherein he had

² Section 15(5) of the Act provides:

‘(5) A complainant who is dissatisfied with a decision to dismiss a complaint in terms of subsection (1) may, within one month after receiving notice of that decision, appeal to the Committee in writing against that decision, specifying the grounds for the appeal’.

expressly invoked section 158(1)(g) of the LRA. This, according to him, amounted to a breach of the Code of Judicial Conduct adopted in terms of section 12 of the Act. The articles stated are article 8(1) – impartiality; article 10 – competence and diligence, and article 12 – duty to give reasons on material issues.

[9] As the second ground of appeal, the appellant alleges that the respondent engineered procedural obstruction via email. According to him, she did this by instructing her secretary to send the judgment to an incorrect email address where his surname was deliberately misspelt, resulting in a 17-day delay and causing him to apply for condonation to the Labour Appeal Court (LAC). This, he submits, undermined his procedural rights and constituted actual bias.

[10] Section 14(4) states:

- ‘(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.'

[11] In terms of section 15(2) a complaint must be dismissed if:

- '(a) does not fall within the parameters of any of the grounds set out in section 14(4)...
- (b) ...
- (c) is solely related to the merits of a judgment or order;
- (d) is frivolous or lacking in substance.'

[12] The first complaint relates solely to the respondent's judgment or order. What the appellant is unhappy about is the respondent's alleged misconstrual of the case he pleaded, in which she did not address or refer to the specific section on which his case was based. Whether the respondent omitted a primary pleaded case is an enquiry beyond the jurisdiction of this Committee. It is a matter for the courts to decide.

[13] As to the second leg of the complaint, in the supplementary affidavit, the appellant attributed the misspelling of his surname in the email address to the judge's secretary. In his condonation application to the LAC, the appellant attributed his lateness in filing the petition to an 'administrative oversight' as his email address was 'miscited', by a court administrator apparently tasked with sending out the judgment.'

[14] The appellant submits in the appeal before us that the 'fabricated misspelling elevates the incident from possible sloppiness to near-irrefutable evidence of intentional misconduct.' Although the allegations may appear unsubstantiated, the Acting Chairperson did not address this aspect of the complaint when dismissing it, as it does not relate solely to the merits of the judgment or order. Consequently, the dismissal by the Acting Chairperson in

terms of section 15(2)(c) can only relate to this first part of the complaint. For that reason, the second part must be remitted to the Chairperson for consideration.

[15] The following order is made:

1. The appeal in relation to the first part of the complaint is dismissed.
2. The second part of the complaint is referred to the Chairperson for reconsideration.

A handwritten signature in black ink, appearing to be 'G. J. M.', is written above a horizontal line.

THE JUDICIAL CONDUCT COMMITTEE