



JUDICIAL CONDUCT COMMITTEE

Ref no: JSC/131/01/2025

In the matter between:

MR RT MOLUPE

COMPLAINANT

and

JUDGE C PRINSLOO

RESPONDENT

Date: 13 July 2026

Decision: The appeal is dismissed.

RULING

**JUDICIAL CONDUCT COMMITTEE (JAFTA J, MAJIEDT J AND
SALDULKER JA)**

INTRODUCTION

[1] The complainant, Mr Molupe, lodged a complaint against the respondent, Judge Prinsloo of the Labour Court, with the Judicial Conduct Committee (Committee). The Acting Chairperson considered the complaint and dismissed it in terms of section 15(2)(c)¹ and 15(2)(e)² of the Judicial Service Commission Act 9 of 1994 (Act), finding that the complaint related solely to the merits of the judgment or order, and that it was hypothetical.

[2] Aggrieved by that decision, the complainant noted this appeal seeking to set aside the decision of the Acting Chairperson. Various grounds have been advanced in support of the appeal. Before considering those grounds, it is necessary to examine the complaint.

COMPLAINT

[3] The complaint arises from proceedings in the Labour Court between the complainant and Sibanye Gold Limited (Sibanye Gold). The central complaint concerns the correctness of the respondent's judicial findings and orders in the Labour Court proceedings, including the costs order granted against the complainant. He alleges that the respondent denied him a fair hearing, and failed to properly consider documentary evidence, which, according to him, established an employment relationship with Sibanye Gold. He further alleges, *inter alia*, bias, racism, abuse of power, misconduct, and collusion with court officials and representatives of Sibanye Gold to prevent him from obtaining relief. He also suggests the possibility of judicial capture and improper influence.

¹ Section 15(2)(c) of the Act provides:
A complaint must be dismissed if it –
(c) is solely related to the merits of a judgment or order’.

² Section 15(2)(e) of the Act provides:
‘A complainant must be dismissed if it –
(e) is hypothetical’.

[4] The complainant further alleges that the respondent acted in a manner unbecoming of a judicial officer during the proceedings. He contends that the respondent demonstrated gross incompetence, or gross misconduct and wilfully, alternatively, with gross negligence, breached various provisions of the Judicial Code of Conduct (Code) and the Constitution. In support of these allegations, he also relies upon other judgments delivered by the respondent, including *MEC for Gauteng Department of Infrastructure v Rampepe* and *Solidarity obo Barkhuizen v Governing Body of Laerskool Schweizer-Reneke*, contending that the outcomes in those matters demonstrate inconsistency and discrimination. Similar allegations are repeated in the grounds of appeal.

[5] The Code constitutes the prevailing standard of judicial conduct. For conduct to amount to judicial misconduct, there must be facts capable of establishing conduct that is gross incompetence, or gross misconduct, wilful or gross negligence, dishonesty, bias or otherwise incompatible with judicial office.

[6] The respondent filed detailed submissions in response to the complaint, and categorically denied the allegations levelled against her by the complainant. She contended, *inter alia*, that the issues raised by the complainant were matters that related not only to the merits of the judgment or order, but were rooted in the complainant's dissatisfaction with not being employed by Sibanye Gold and his unhappiness with the outcome of every legal process he followed challenging his non-recruitment.

[7] Having considered the complaint, the grounds of appeal and the respondent's submissions, it is apparent that the complaint concerns the correctness of the Labour Court judgment. The complainant asserts that the respondent ignored evidence, failed to accept his interpretation of the employment documents,

reached conclusions inconsistent with other judgments, incorrectly struck the matter from the roll, and improperly awarded costs against him. All of these are quintessentially judicial findings, reasoning, and outcome relating to the merits of the complainant's matter. This Committee is not an appellate court. Its function is not to reconsider the correctness of judicial decisions or to determine whether a judge reached the correct legal conclusions. Allegations that a judge erred in fact or law are matters for appeal or review through the ordinary judicial hierarchy and legal procedures.

[8] The fact that the legal processes which the complainant pursued through the Labour Court, the Labour Appeal Court and ultimately to the Constitutional Court, did not produce the outcome desired by the complainant, cannot transform a dissatisfaction with a judicial decision into judicial misconduct. There is no evidence of any misconduct on the respondent's part, nor has there been any violation of the Code, the Constitution, or conduct unbecoming of judicial office been established.

[9] The allegations of racism, dishonesty, abuse of power and discriminatory conduct are serious, and require proper evidential support. However, there is no objective evidence before this Committee that demonstrates any dishonesty, racial prejudice, personal bias, corruption, bad faith or improper motive on the respondent's part. An adverse judicial decision, without more, does not establish bias, racism or misconduct. The complaint and the grounds of appeal reveal conclusions and suspicions rather than facts capable of substantiating the allegations made.

[10] The complainant has alleged collusion between the respondent, court officials, legal representatives, and Sibanye Gold. He has further suggested the

possibility of judicial capture and improper influence. These allegations are unsupported by any evidence. No factual material has been provided demonstrating communications, agreements, financial interests, improper relationships or any conduct from which collusion could reasonably be inferred. These allegations remain speculative and hypothetical. The Committee cannot act on suspicion, conjecture or inference unsupported by evidence. The Acting Chairperson therefore correctly dismissed the complaint in terms of sections 15(2)(c) and 15(2)(e) on the basis that it relates to the merits of the judgment and order issued by the respondent and is hypothetical.

[11] Accordingly, the appeal is dismissed.

A handwritten signature in black ink, appearing to be 'S. D.', is positioned above a horizontal line.

JUDICIAL CONDUCT COMMITTEE