THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

JUDGMENT

Not Reportable

Not of interest to other judges

Case No: J 447/2007

In the matter between:

HEAD OF DEPARTMENT: DEPARTMENT OF EDUCATION, NORTHERN CAPE	**Applicant**
and	
D BOBBEJAAN	**First Respondent**
EDUCATION LABOUR RELATIONS COUNCIL	**Second Respondent**
LH CHRISTOPHER	**Third Respondent**
WILLIAM PESCOD SECONDARY SCHOOL	**Fourth Respondent**
GOVERNING BODY OF WILLIAM PESCOD SECONDARY SCHOOL	**Fifth Respondent**
R PRINSLOO	**Sixth Respondent**

Heard: **24 August 2021**

Delivered: **This judgment was handed down electronically by circulation to the parties' representatives by email and release to SAFLII. The date**

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and time for hand-down is deemed to be 10h00 on 25 August 2021.

Summary: Condonation for late filing of heads

Application to dismiss the review application

Review application

Application in terms of S158(1)(c)

JUDGMENT

COETZEE AJ

[1] The applicant approaches this Court to review and set aside an arbitration award PSES 298-06/07 NC dated 11 December 2006.

[2] The third respondent applied to have the award made an order of Court and in addition for an order that the review is deemed to have been withdrawn, alternatively dismissing the review application because it was launched outside 6 weeks. The applications are opposed.

[3] The parties agreed to remove the matter from the roll as the Court file is not in order. Having spent time in unravelling the Court file, I recorded in the presence of the parties that there are matters to attend to before the matter may be re-enrolled:

3.1 The Court file must be updated and properly paginated and indexed according to the Practice Manual.

3.2 There is the matter of the record. It appears that the transcript may have been served after 60 days. Does the Practice Manual of 2013 apply?

3.3 Has the review been launched within 6 weeks? The service sheet shows service on some respondents on 1 March 2007 and others on 7 March 2007. The application was received by the registrar on 5 March 2007. It is stamped 5 March. Is there a review before Court?

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3.4 If there is no review before Court, has the award prescribed?

Order

[4] I make the following order:

4.1 The matter is removed from the roll by agreement with no cost order.

4.2 Before the matter can be re-enrolled, the parties must see to it that the file is properly updated, paginated, and indexed and that the issues in paragraph 3 are addressed.

4.3 The parties may then jointly request the Registrar to re-enroll the matter.

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F. Coetzee

Acting Judge of the Labour Court of South Africa

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Appearances

For the applicant:	Ms MP Olivier of the Office of the State Attorney
For the First Respondent:	Mr Makinta of ES Makinta Attorneys

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