



THE LABOUR COURT OF SOUTH AFRICA, CAPE TOWN

Not reportable

Case No: C 351 /2019

GOLDEN ARROW BUS SERVICES (PTY) LTD

Applicant

and

THE SOUTH AFRICAN ROAD PASSENGER

First Respondent

BARGAINING COUNCIL OF SOUTH AFRICA

PAT STONE N.O

Second Respondent

TRANSPORT AND OMNIBUS WORKERS UNION

Third Respondent

**NATIONAL UNION OF METALWORKERS
OF SOUTH AFRICA**

Fourth Respondent

**SOUTH AFRICAN TRANSPORT AND
ALLIED WORKERS UNION**

Fifth Respondent

UNITED ASSOCIATION OF SOUTH AFRICA

Sixth Respondent

NON-UNIONISED EMPLOYEES LISTED

IN ANNEXURE “A” HERETO

**Seventh and Further
Respondents**

Decided: In Chambers

Delivered: 9 June 2020

In view of the measures implemented as a result of the Covid-19 outbreak, this judgment was handed down electronically by circulation to the parties' representatives by email. The date for hand-down is deemed to be 9 June 2020.

JUDGMENT: APPLICATION FOR LEAVE TO APPEAL

PRINSLOO, J.

- [1] The Applicant filed an application for leave to appeal against part of the judgment and order of this Court handed down on 17 October 2019.
- [2] The application for leave to appeal is not opposed by the Respondents.
- [3] The submissions in support of the application for leave to appeal were filed on 20 November 2019. I was unaware of the fact that the Applicant had filed an application for leave to appeal and submissions in support thereof. This fact only came to my attention in May 2020, when I received an enquiry from the Cape Town Labour Court as to the status of a judgment in the application for leave to appeal. The delay in considering this application and finalising the judgment is regretted.
- [4] I have considered the grounds for appeal as raised by the Applicants and the written submissions filed in support thereof .
- [5] It is trite that in order to be entitled to leave to appeal, an applicant in the application for leave to appeal must satisfy this Court that it has reasonable prospects of success on appeal and that based on the facts and the law, another court would arrive at a conclusion different than the one reached by the Court *a quo*. Appeals should be limited to matters where there is a reasonable prospect that the factual matrix could receive a different treatment or where there is some legitimate dispute on the law.

[6] Section 17(1)(a)(ii) of the Superior Courts Act¹ provides that leave to appeal may be granted if there is a compelling reason why the appeal should be heard.

[7] In my view this is a case where the appeal should be heard.

[8] Therefore make the following order:

Order

1. Leave to appeal is granted.
2. There is no order as to costs.

Connie Prinsloo

Judge of the Labour Court of South Africa

¹ Act 10 of 2013.