



**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, PRETORIA**

**CASE NO: 014981/2024**

(1) REPORTABLE: NO  
(2) OF INTEREST TO OTHER JUDGES: NO  
(3) REVISED: YES

Date: 8 August 2024

In the matter between:

<b>THE MINISTER OF DEFENCE AND MILITARY VETERANS</b>	<b>1<sup>st</sup> Applicant</b>
<b>THE SECRETARY FOR DEFENCE</b>	<b>2<sup>nd</sup> Applicant</b>
<b>THE CHIEF OF THE SOUTH AFRICAN NATIONAL DEFENCE FORCE</b>	<b>3<sup>rd</sup> Applicant</b>
<b>THE CHIEF OF THE SOUTH AFRICAN ARMY</b>	<b>4<sup>th</sup> Applicant</b>
<b>CHIEF HUMAN RESOURCES</b>	<b>5<sup>th</sup> Applicant</b>
<b>ADJUTANT GENERAL: DEFENCE LEGAL SERVICES DIVISION</b>	<b>6<sup>th</sup> Applicant</b>
<b>DEPUTY DIRECTOR, SECRETARIAT OF THE GRIEVANCE BOARD</b>	<b>7<sup>th</sup> Applicant</b>
<b>and</b>	
<b>VUKILE EZROM SIBIYA</b>	<b>Respondent</b>

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## LEAVE TO APPEAL: JUDGEMENT

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### ALLY AJ

[1] This is an application by the Applicants for leave to appeal against the order and reasons given for such order. Applicants' Counsel in argument sought leave to the Full Bench of this Division.

[2] In this application, the Applicants were represented by Adv. W. Mokhare SC and Adv. D. Mtsweni. The Respondent was once again represented by Adv. H. Scholtz.

[3] It has now become trite that the test in applications for leave to appeal has changed to one which is heightened<sup>1</sup>. The Applicant is accordingly required to convince this Court that another Court 'would' come to another conclusion.

[4] I do not deem it necessary to repeat the grounds of appeal in this judgement save to state that I have considered all the grounds as well as the submissions and heads of argument of both parties in this application.

[5] As indicated in the written reasons for the Order, the Order is an interim one and as such I remain unconvinced that another Court would come to a different conclusion and as such there are no reasonable prospects of success nor, in my

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<sup>1</sup> The Mont Chevaux Trust v Tina Goosen 3 November 2014 (unreported judgement LCC Case No: LCC14R/2014; The Acting National Director of Public Prosecution v Democratic Alliance (unreported case no: 19577/09 dated 24 June 2016); First Reality (Pty) Ltd v Mitchell & Others 2021 ZALCC 21 dated 23 August 2021 @ para 2

considered view, are there any compelling reasons why leave to appeal ought to be granted.

## **CONCLUSION**

[6] Accordingly the following Order shall issue:

- a). the application for leave to appeal is dismissed;
- b). the Applicants are to pay the costs of this application, the one paying the other to be absolved on scale B.



*G A L E P*

**ACTING JUDGE OF THE HIGH COURT**

**GAUTENG DIVISION OF THE HIGH COURT, PRETORIA**

*Electronically submitted therefore unsigned*

Delivered: This judgement was prepared and authored by the Judge whose name is reflected and is handed down electronically by circulation to the Parties/their legal representatives by email and by uploading it to the electronic file of this matter on CaseLines. The date for hand-down is deemed to be 8 August 2024.

Date of virtual hearing: 24 July 2024

Date of reasons for judgment: 8 August 2024

**Appearances:**

Attorneys for the Applicants:

**STATE ATTORNEY PRETORIA**

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Counsel for the Applicant:

**Adv. W. Mokhare**

**[with Adv. D. Mtsweni]**

Attorneys for the Respondent:

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Counsel for the Respondent:

**Adv. H. Scholtz**