

Sneller Verbatim/MS

IN THE LABOUR COURT OF SOUTH AFRICA

BRAAMFONTEIN

CASE NO: JS1060/02

2003-02-05

In the matter between

GATUSA obo M NAKEDI AND 5 OTHERS

Applicant

and

SIBUKHALI CORPS CC

Respondent

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J U D G M E N T

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REVELAS, J:

1. Based on the evidence, which was presented in the absence of the respondent, I come to the conclusion that the six applicants in this matter have been dismissed for participating in what seems to be a protected strike. The respondent, due to its absence, is therefore unable to discharge the onus, that the termination of the services of the six applicants was fair.
2. Accordingly, I find that the dismissals were procedurally and substantively unfair. The dismissals took place on 5

August 2002 and accordingly it is ordered, that the applicant pay the six respondents compensation equal to 7 months remuneration, at the rate of the remuneration applicable to them at the time of their dismissal.

1.

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E. Revelas