



IN THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

CASE NO: J617/22

Honourable Justice **NKUTHA- NKONTWANA ORDERED on 25 MAY 2022**

In the matter between:

MAQUASSI LOCAL MUNICIPALITY	1 st Applicant
MAQUASSI LOCAL MUNICIPALITY COUNCIL	2 nd Respondent
And	
SOUTH AFRICAN MUNICIPAL WORKERS' UNION (SAWMU)	1 st Respondent
INDEPENDENT MUNICIPAL AND ALLIED TRADE UNION (IMATU)	2 nd Respondent
AFRICA KAGISO AMBROSE NKAELANG	3 rd Respondent
MOLATLHEGI COLLEN MAFULAKO	4 th Respondent
KEDIBEETSE JOYCE LEPHOLLETSA	5 th Respondent
MOTSEOTHATA NQOBIZITHA THOMAS NTULI	6 th Respondent
MONNAPULE PETRUS TLHOMEDI	7 th Respondent
NOSIBOHNISO MARIA PITSO	8 th Respondent
DUMISANI TIMOTHY XHOBAS	9 th Respondent
DAVID JONGILIZWE JIMMY	10 th Respondent
MANINI DEPHNEY RASEAPEI	11 th Respondent



THALITA FENNY MOGAPI	12th Respondent
PONTSHO ANNA GELLEBOE	13th Respondent
KELEBOGILE ENGELINE KADI	14th Respondent
MONNAPULA LAZARUS LEBITSO	15th Respondent
OKAYENG JOHN PITSO	16th Respondent
LASU HEADMAN MHLABA	17th Respondent
OLEBALELO DANIEL SLINDIYA	18th Respondent
THEBENG REGINALD MOPELOA	19th Respondent
KILOBI JOEL MADITO	20th Respondent
MOTLHABA PIET MKGASA	21st Respondent
MOREMI JOHANNES LIKHETHE	22nd Respondent
AUBREY METLOHO SHUPING	23rd Respondent
ISAAC KAGISO SELEKE	24th Respondent
STATION COMMANDER. WOLMARANSTAD POLICE STATION	25th Respondent

ORDER

Having read the documents and having considered the matter:

IT IS ORDERED THAT:

1. The provisions of the Rules of the above Honourable Court relating to times and manner of service referred to therein are dispensed with and the matter is dealt with as one of urgency in terms of Rule 8 of the Rules for the Conduct of Proceedings in the Labour Court.
2. Condonation of the Applicant's Failure of to have given 48hours' Notice in terms of s 68 (2) of the Labour Relations Act No. 66 of 1995 of this application and /or abridging the time periods provided for in section 68 (2) of the Labour Relations Act No. 66 of 1995 is hereby granted.

3. A *Rule Nisi* is hereby issued calling upon the Respondents to show cause on **01 September 2022** why the following order should not be made final:

3.1. It is hereby declared the current strike by the 1st – 24th Respondents constitutes an unprotected strike as contemplated in the Labour Relations Act No. 66 of 1995.

3.2. The 1st – 24th Respondents are hereby Interdicted and restrained from participating in the current unprotected strike, any other unprotected strike, unprotected industrial action, unprotected go slow, unprotected overtime ban and any other form of unprotected industrial action whatsoever related to the present demands and the issues raised by the Respondents as set out in the Applicant's Founding Affidavit until such a time that the Respondents comply with the prescripts of the LRA.

3.3. The 1st – 24th Respondents are hereby interdicted and restrained from intimidating, assaulting, harassing, or in any way interfering with any employees, customers, clients, community members, service providers, stakeholders, suppliers and or any other person connected to the Municipality.

3.4. The 1st – 24th Respondents are hereby interdicted and restrained from in any way unlawfully interfering with or damaging the property or assets of the Applicant and its service providers or any of its employees, or any other person (natural or juristic) involved in or connected to the Municipality and its service providers.

- 3.5. The 1st – 24th Respondents and any other employee be and are hereby interdicted and restrained from inciting or encouraging any other person to commit any of the aforesaid acts.
- 3.6. The 1st – 24th Respondents are hereby interdicted and restrained from Locking the Applicants' offices and gates and from interfering in any way with the Applicant's locks and security system.
- 3.7. The 1st – 24th Respondents are Interdicted and restrained from confiscating Municipal movable assets including but limited to Municipal vehicles and its keys or accessories.
- 3.8. The Fifth Respondent and or anyone in possession of the Keys of the water tanker of the Municipality is/are hereby ordered to hand them over to the Acting Municipal Manager upon presentation or becoming aware of this court order.
- 3.9. The 1st – 24th Respondents and or any other employee are interdicted and restrained from, manhandling, abusing, impeding the Acting Municipal Manager from performing her statutory obligations and or having access to her office.
- 3.10. The 25th Respondent is hereby directed to assist in enforcing this court order and arresting anyone reported to be contravening this court order.
- 3.11. The 1st and 2nd Respondents are hereby ordered to do all such things and take all such steps as are necessary to ensure that the provisions of paragraphs 3.1 – 3.10 hereof are complied with.

4. The First – Twenty Fourth Respondents be and are hereby ordered to pay the costs of this application which include the costs of employing two Counsel on attorney and client scale jointly and severally the one paying the other to be absolved.
5. That prayers 3.1 – 3.10 operate with immediate effect as an interim order pending the final determination of this application.
6. Directing the service of this order to be affected as follows:
 - 6.1. Serving a copy of the Court order upon the First and Second Respondents' offices as follows:
 - 6.2. Serving a copy of the Court order upon the 3rd – 24th Respondents via their What's App and email addresses as furnished to the Employee Relations Department of the Municipality.
 - 6.3. By Leaving 25 Copies of the Court order with the Employee Relations Department of the Municipality.
 - 6.4. Upon the 3rd – 24th Respondents by reading out the court order by a representative of the Applicant and read out by the Sherriff to so many of them as are present at the Applicant's premises at No. **No. 19 Kruger Street; Wolmaranstad; Northwest Province** and for the Sheriff to give copies of the order to so many of the Respondents that are present at the Municipality's premises.
 - 6.5. By affixing a copy of the court order on the Notice Board, main door, and

REGISTRAR OF THE LABOUR COURT OF SOUTH AFRICA Private Bag X52, Braamfontein 2017	
BY THE COURT REGISTRAR	2022 -05- 2 5
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REGISTRAR OF THE LABOUR COURT OF SOUTH AFRICA BRAAMFONTEIN	