

Practice Directive 61

IN THE LABOUR COURT OF NAMIBIA

Case Title: TRANSNAMIB HOLDINGS LTD vs BEN DANIEL NAKAMBONDE	Case No: HC-MD-LAB-APP-AAA-2017/00024
	Division of Court: HIGH COURT(MAIN DIVISION)
Heard before: Honourable Mr Justice Unengu	Date of hearing: 25 October 2019.
	Date of order: 01 November 2019
Neutral citation: <i>Transnamib Holdings Ltd vs Ben Daniel Nakambonde</i> (HC-MD-LAB-APP-AAA-2017/00024) [2019] NALCMD 26 (01 November 2019)	
Results on merits:	
Having read the record of proceedings as well as submissions made by counsel for the applicant and the respondent: IT IS HEREBY ORDERED THAT: a) The application for leave to appeal against the ruling of the condonation application for failure to file the statement in terms of rule 17 (16) of the Labour court rules is refused; b) The application for leave to appeal against the judgment on the merits is also refused.	
Reasons for orders:	
<u>Application for condonation</u> [1] This court is of the view that the Supreme Court will not come to a different conclusion as the	

application

for leave against the refusal of condonation has no prospect of success on appeal.

Merits

[2] This court is of the view that the Supreme Court will also not come to a different conclusion as one reached by this court, based on the evidence placed before the arbitrator. There is also no prospect of success on appeal.

Judge's Signature	Note to the parties:
E P UNENGU ACTING JUDGE	Not applicable.
Counsel:	
Applicant	Respondent
<i>Mr Rukoro</i> <i>On instruction of the Directorate of Legal Aid</i>	<i>Mr Phatela</i> <i>On instruction of ENSafrica</i>