

LAC/A/01/2013

IN THE LABOUR APPEAL COURT OF LESOTHO

In the matter between

THAMAHANE RASEKILA**APPELLANT****And****TELECOM LESOTHO (PTY) LTD****1ST RESPONDENT****PRESIDENT OF THE LABOUR COURT****2ND RESPONDENT****DDPR (ARBITRATOR KETA)****3RD RESPONDENT**

JUDGMENT

CORAM : The Hon. Acting Justice KL Moahloli**ASSESSORS** : Mr R. Mothepu
Mr S. Kao**Date of heard** : 8 September 2015**Date of delivered** : 8 September 2015**Moahloli AJ** (the assessors concurring)

[1] When this matter came up for hearing, it emerged from the court's interaction with the Appellant and 1st Respondent's counsel that:-

- (a) There is no record of the proceedings of the court *a quo* in LC/REV/106/2010 because there was never any formal hearing of the review application by the late President of the Labour Court Mr L.A. Lethobane.
- (b) Instead on the day in question the President discussed the matter out of court with the parties and they came to some agreement.
- (c) Consequently the order of court drafted and signed by the registrar on 27/09/2011 was not consequent of a proper hearing of the matter, and is therefore void *ab initio*.

[2] In the premises, it is ordered that:-

- 1. The appeal partly succeeds.
- 2. The "order" of the Labour Court (LC/REV/106/2010) dated 27/09/2011 is set aside, and the matter remitted to the Labour Court to be heard afresh.
- 3. The Labour Court is directed to give the matter priority on its roll.
- 4. There is no costs order.

KL MOAHLOLI, AJ
JUDGE OF THE LABOUR APPEAL COURT

For Appellant : In person

For Respondent : Adv. Ratau