

**IN THE LABOUR COURT OF SOUTH AFRICA
(HELD AT JOHANNESBURG)**

Case No.: J 1521/10

On the 26th day of August 2010
Before the Honourable Mr Justice Molahlehi

In the matter between:

MAMODUPI MOHLALA

APPLICANT

AND

MINISTER OF COMMUNICATIONS

1ST RESPONDENT

PRESIDENT OF THE REPUBLIC OF
SOUTH AFRICA

2ND RESPONDENT

HAROLD WESSO

3RD RESPONDENT

ORDER

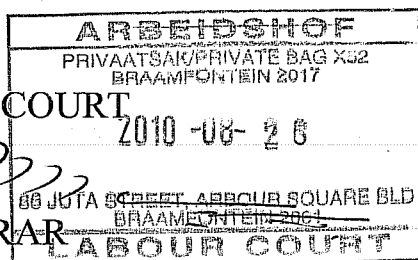
Having read the documents and having considered the matter:

IT IS ORDERED THAT:

1. The agreement marked "X" is made an order of Court.

BY THE COURT

REGISTRAR



IN THE LABOUR COURT OF SOUTH AFRICA

HELD AT JOHANNESBURG

CASE NO. J1521/10

MAMODUPI MOHLALA

Applicant

and

MINISTER OF COMMUNICATIONS

First Respondent

PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

Second Respondent

HAROLD WESSO

Third Respondent

AGREEMENT

Whereas the applicant has brought the present application against the respondents, arising from the dispute between her and the first respondent;

Whereas the applicant and the first and second respondents, acting in conjunction with the Minister for Public Service and Administration, have agreed to a resolution of the present legal proceedings; and

ARBEIDSHOF
PRIVAATSAK/PRIVATE BAG X22 BRAAMFONTEIN 2017
2010-08-25
88 JUTA STREET, ARBOUR SQUARE BLD BRAAMFONTEIN 2001

Now the parties in the present application agree to settle the present legal proceedings on the terms that follow.

1. The first respondent withdraws the letter of termination of the applicant's contract of employment, which letter is dated 23 July 2010, and is annexure "J" of the application.

In consequence the applicant –

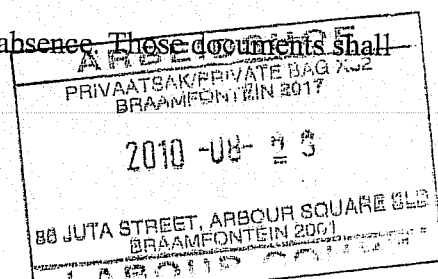
- 1.1. is a member of the civil service under the prescripts of the PSA;

- 1.2. continues to enjoy the rights and benefits of her contract of employment contained in annexure "A" of the application, but subject to what is stated herein.

2. The applicant withdraws the application.

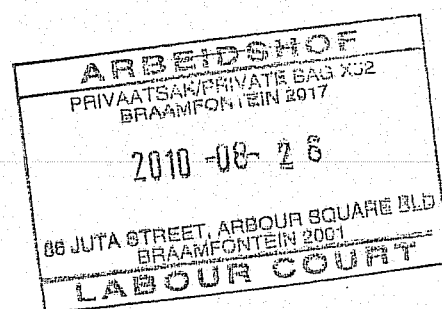
3. The applicant agrees to take leave of absence as the Director-General of Communications, with effect from 26 August 2010 to 27 September 2010, and shall, during the period of leave of absence, be entitled to payment of her normal salary, financial emoluments, and other employment benefits.

4. To the extent necessary, the applicant shall complete the relevant leave forms and other documents as are necessary to give effect to her leave of absence. ~~Those documents shall~~

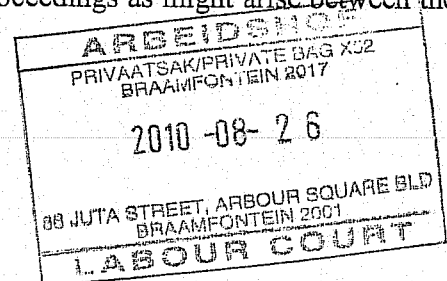


be completed and executed by all the relevant parties by 27 August 2010 at a place to be determined by both parties.

5. The Minister for Public Service and Administration will endeavour to find a suitable solution to the current dispute within the confines of the national PSA and the State Owned Enterprises during the period in which the applicant is on leave of absence, that is, within a period of thirty (30) days from 27 August 2010.
6. If the Minister for Public Service and Administration identifies a post to which the applicant may be deployed, he will negotiate and endeavour to conclude a contract with her reflecting, amongst others:
 - 6.1. The terms of the deployment;
 - 6.2. The terms and conditions of the employment of the applicant in the relevant post;
 - 6.3. The nature and extent of the applicant's responsibilities in the new post;
 - 6.4. The terms upon which the applicant shall cease to be the Director-General of Communications.



7. For the avoidance of doubt, it is expressly recorded that –
- 7.1. the applicant will not accept a solution on terms and conditions less favourable than she enjoyed as the Director-General of Communications;
- 7.2. in the absence of the conclusion of an agreement on the applicant's deployment by 27 September 2010, the applicant will continue in office in the capacity of Director-General of Communications within her contract of employment ;
- 7.3. nothing in this agreement or the resulting order of court constitutes –
- 7.3.1. a determination of the extent to which the applicant's conduct to date was, or was not, in accordance with her obligations as Director General of Communications, or
- 7.3.2. a waiver of such rights as the Minister for the Public Service and Administration and/or the respondents (or one or more of them) may have to –
- 7.3.2.1. invoke and rely upon on the applicant's conduct in such future processes or proceedings as might arise between the parties



and/or

7.3.2.2. redetermine the term of her contract, it being specifically recorded that the applicant does not accept the first respondent's right, in law or fact, to redetermine applicant's contract or any terms and conditions thereof..

8. The respondents will pay the applicant's costs of the present application on the attorney and own client scale, which costs will include the costs incurred by the applicant up to 26 August 2010.

