

RESCISSION RULING

Panelist: Dialwa Mathala
Case No.: GPBC 598/2017
Date of Ruling: 21st March 2019

In the matter between:

PSA obo BT Mdluli

(Union / Employee)

And

Department of Education

(Employer)

BACKGROUND

[1]

This is a rescission application for the arbitration award issued by myself, Commissioner Dialwa Mathala on the 04th February 2019. Application is brought in terms of section 144 of the Labour Relations Act 66 of 1995 as amended (hereinafter referred to as the LRA) and was done on paper and opposed.

FACTS RELIED UPON IN THIS APPLICATION

[2]

In a nutshell the Applicant deposed that the Commissioner committed an error in stating that the parties calculated and agreed that the Respondent would have been entitled to the amount of R15 905.01 and that it was open to the Commissioner to interfere with the provisions of the PMDS policy and the functions of the PMDMC.

ANALYSIS OF THE APPLICATION

[3]

In terms of section 144 of the LRA, when a rescission is sought, any Commissioner who has issued an arbitration award/ruling, or any other Commissioner appointed by the director for that purpose, may on that Commissioner's own accord or on the application of an affected party, vary or rescind an arbitration award or ruling if-

- a. Erroneously sought or erroneously made in the absence of any party affected by that award/ruling.

- b. In which there is an ambiguity , or an obvious error or omission, but only to the extent of that ambiguity, error or omission; or
- c. Granted as a result of a mistake common to the parties to the proceedings
- d. Made in the absence of any party, on good cause shown.

[4]

I have considered the submission by the Applicant in conjunction with the grounds for rescission outlined above. The only issue arising from the application is the assertion that the commissioner breached the PMDS policy by interfering with the functions of the PMDMC and that the amount he awarded was not agreed to by the parties.

[5]

Considering the above grounds for a rescission application I found none referred to in this application.

RULING

[6]

It is therefore my finding that a rescission application is not granted. The Award dated the 04th February 2019 is upheld and this application is dismissed.

Signature: _____



Panelist/s: Dialwa Mathala