



# JOINDER RULING

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**Case Number:** GPBC155/2019  
**Commissioner:** Mavhungu Musiwalo Seth  
**Date of Ruling:** 10 October 2019

**In the matter between**

**PSA obo M.Z Mabaso**

**Applicant**

**And**

**Department of Agriculture, Rural Development, Land and  
Environmental Affairs (DARDLEA)**

**1<sup>st</sup> Respondent**

**Office of the Premier (MP)**

**2<sup>nd</sup> Respondent**

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### BACKGROUND TO THE MATTER

1. The applicant party referred an alleged unfair Labour Practice dispute to the Council. The applicant alleged that she was unfairly treated when her Department failed to upgrade her post to the higher level.
2. The applicant made an application that the Council joins the Department of Finance as the Third respondent.
3. The respondent did not object to the application for joinder.

## **ISSUE TO BE DECIDED**

4. I am required to decide whether or not to join the Department of Finance as the Third respondent.

## **ANALYSIS**

5. The rules for the conduct of proceedings before the GPSSBC sets out in terms of rule 27, that the Commissioner may make an order joining any person as a party in the proceedings if the party to be joined has a substantial interest in the subject matter of the proceedings.
6. The test to determine whether a party should be joined to proceedings was discussed in **Gordon v Department of Health, KwaZulu-Natal**. In that case the Supreme Court of Appeal confirmed that the test to apply when considering whether or not a party should be joined, is whether he has a direct and substantial interest in the matter
7. It is unclear at this point as to what will be the role to be played by Department of Finance (Mpumalanga). In the interest of fairness and justice it will be important to afford them an opportunity to give their side of the story. Having considered the submissions, I am satisfied that the Department of Finance (Mpumalanga) must be joined in the process as it is alleged that they are an interest party in the dispute.
8. In accordance with the Rules for the Conduct of Proceedings a commissioner may make such a ruling on application by a party, as I accordingly do.

## **RULING:**

Accordingly, I order the following;

9. The application for joinder is granted and the Department of Finance (Mpumalanga) is joined into the proceedings as the third respondent.

10. Case Management is requested to serve all documentation related to the matter and on file, on the abovementioned respondent. The documents must be served at the following address Department of Finance, No 7 Government Boulevard, Nokuthula Building No 4, Riverside Park, Mbombela, 1200.

11. The matter must be set down for Arbitration.

A handwritten signature in black ink, appearing to be 'Mavhungu M.S.', written over a horizontal line.

Signature:

Commissioner:

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***Mavhungu M.S***

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