

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

(HELD AT JOHANNESBURG)

**CC 29/21**  
CC CASE NO:

LAC CASE NO: J500/20

In the matter between:

**PUBLIC SERVANTS ASSOCIATION** First Applicant

**NATIONAL PROFESSIONAL TEACHERS** Second Applicant

**ORGANISATION OF SOUTH AFRICA** Third Applicant

**HEALTH AND OTHER SERVICES PERSONNEL** Fourth Applicant

**TRADE UNION OF SOUTH AFRICA** Fifth Applicant

**SOUTH AFRICAN TEACHERS UNION** Sixth Applicant

**NATIONAL TEACHERS UNION** Seventh Applicant

and

**THE MINISTER OF PUBLIC SERVICE  
AND ADMINISTRATION** First Respondent

**THE MINISTER OF BASIC EDUCATION** Second Respondent

**THE MINISTER OF JUSTICE AND  
CORRECTIONAL SERVICES** Third Respondent

**THE MINISTER OF POLICE** Fourth Respondent

**THE NATIONAL DIRECTOR  
OF PUBLIC PROSECUTIONS** Fifth Respondent

**THE MINISTER OF FINANCE** Sixth Respondent

**THE DEPARTMENT OF PUBLIC SERVICE  
AND ADMINISTRATION** Seventh Respondent

**THE PUBLIC SERVICE CO-ORDINATING  
BARGAINING COUNCIL** Eighth Respondent



<b>DEMOCRATIC NURSING ORGANISATION OF SOUTH AFRICA</b>	Ninth Respondent
<b>NATIONAL EDUCATION HEALTH AND ALLIED WORKERS UNION</b>	Tenth Respondent
<b>POLICE AND PRISONS CIVIL RIGHTS UNION</b>	Eleventh Respondent
<b>NATIONAL UNION OF PUBLIC SERVICE AND ALLIED WORKERS UNION</b>	Twelfth Respondent
<b>SOUTH AFRICAN POLICING UNION</b>	Thirteenth Respondent
<b>SOUTH AFRICAN DEMOCRATIC TEACHERS UNION</b>	Fourteenth Respondent

---

### **NOTICE OF APPLICATION FOR LEAVE TO APPEAL**

---

**BE PLEASED TO TAKE NOTICE** that the first to fourth applicants hereby make application to this Honourable Court for an order in the following terms:

1. Granting the first to fourth applicants leave to appeal to this Court against the whole of the judgment and order handed down by the Labour Appeal Court on 15 December 2020 under case number J500/20;
2. Upholding the leave to appeal and setting aside the judgment and order of the Labour Appeal Court and replacing it with the following:

2.1. The failure by the first to fifth respondents to implement salary adjustments as contemplated in Clause 3.3 of Resolution 1 of 2018 of the Public Service Co-Ordinating Bargaining Council is in breach of the contracts of employment of the first to fourth applicants' members;

2.2. The first to fifth respondents are ordered to implement the salary adjustments, as contemplated in Clause 3.3 of Resolution 1 of 2018 of the Public Service Co-Ordinating Bargaining Council, to the contracts of employment of the first to fourth applicants' members, with effect from 1 April 2020;

2.3. Further or alternative relief as the Court deems just and equitable;

2.4. Costs against any party that opposes this application, such costs be paid jointly and severally.

**TAKE NOTICE FURTHER** that the affidavit of **LEON ANDRE GILBERT**, attached hereto, is filed in support of this application.

**TAKE NOTICE FURTHER** that any party may respond to this application in writing within 10 (ten) days from the date upon which this application is lodged, indicating whether or not the application for leave to appeal is being opposed, and if so, the grounds of such opposition.

**TAKE NOTICE FURTHER** that the first to fourth applicants will accept service of all notices and processes in these proceedings at the address of its attorneys set out below.

**DATED AT SANDTON ON THIS THE** 29<sup>th</sup> **OF JANUARY 2021.**



**BOWMAN GILFILLAN INC.**

**First to Fourth Applicants'**

**Attorneys**

**11 Alice Lane**

**SANDTON**

**Tel:(011) 669 9602/25**

**Fax:(011) 669 9001**

**Ref: Helen Wilsenach/Nadine Mather/6113295**

**TO: THE REGISTRAR CONSTITUTIONAL COURT**

Constitutional Hill  
1 Hospital Street  
Johannesburg  
Fax: (011) 339 5098  
E-mail: [generaloffice@concourt.org.za](mailto:generaloffice@concourt.org.za)

**AND TO: NATIONAL TEACHERS UNION**

Fifth Applicant  
47 Biyela Street  
Empangeni  
Durban, Kwazulu-Natal  
3880  
Tel: (035) 772 1608  
Fax: (035) 772 1651  
E-mail: [csbarnes@natu.org.za](mailto:csbarnes@natu.org.za)

**AND TO: THE MINISTER OF PUBLIC SERVICE AND ADMINISTRATION**

First Respondent  
Batho Pele House  
546 Edmond Street  
Arcadia  
Pretoria  
0083  
Tel: (012) 336 1063/1183  
Fax: (012) 336 1809/10  
E-mail: CCory@justice.gov.za /  
cronje.cin@gmail.com

**AND TO: THE MINISTER OF BASIC EDUCATION**

Second Respondent  
222 Struben Street  
Pretoria  
0001  
Tel: (012) 357 3000  
Fax: (012) 323 5989/5027  
E-mail: CCory@justice.gov.za /  
cronje.cin@gmail.com

**AND TO: THE MINISTER OF JUSTICE AND  
CORRECTIONAL SERVICES**

Third Respondent  
124 WF Cnr Nkomo Street & Sophie De Bruyn Streets  
Poyntons Building (West Block)  
Pretoria  
0001  
Tel: (012) 305 8874  
Fax: (012) 406 4680  
E-mail: CCory@justice.gov.za /  
cronje.cin@gmail.com

**AND TO: THE MINISTER OF POLICE**

Fourth Respondent  
231 Pretorious Street  
756-7<sup>th</sup> floor  
Wachthuis Building  
Pretoria  
0002  
Tel: (012) 393 2800  
Fax: (012) 393 2812  
E-mail: CCory@justice.gov.za /

cronje.cin@gmail.com

**AND TO: THE NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS**

Fifth Respondent  
VGM Building  
123 Westlake Avenue  
Weavind Park  
Silverton  
Pretoria  
0084  
Tel: (012) 845 6758  
Fax: (012) 804 7335  
E-mail: CCory@justice.gov.za /  
cronje.cin@gmail.com

**AND TO: THE MINISTER OF FINANCE**

Sixth Respondent  
40 Church Street  
Old Reserve Bank Building, 2<sup>nd</sup> Floor  
Pretoria  
0001  
Tel: (012) 323 8911  
Fax: (012) 323 3262  
E-mail: ZZenani@justice.gov.za /  
Zingisa.Zenani@treasury.gov.za

**AND TO: THE DEPARTMENT OF PUBLIC SERVICE AND ADMINISTRATION**

Seventh Respondent  
Batho Pele House  
546 Edmond Street  
Arcadia  
0083  
Tel: (012) 336 1063/00  
Fax: (012) 336 1809/10  
E-mail: CCory@justice.gov.za /  
cronje.cin@gmail.com

**AND TO: THE PUBLIC SERVICE CO-ORDINATING BARGAINING COUNCIL**

Eighth Respondent  
Public Service  
Co-ordinating Bargaining Council  
Building B & D

260 Basden Avenue  
Lyttleton  
0176  
Tel: (012) 644 8100  
Fax: (012) 664 5834  
E-mail: petuniab@pscbc.org.za /  
frikkie@pscbc.org.za

**AND TO: DEMOCRATIC NURSING ORGANISATION  
OF SOUTH AFRICA**

Ninth Respondent  
605 Stanza Bopape Street  
Pretoria  
0001  
Tel: (012) 343 2315  
Fax: (012) 344 0750  
E-mail: phillip@cth.co.za /  
ntombi@cth.co.za

**AND TO: NATIONAL EDUCATION HEALTH AND ALLIED WORKERS UNION**

Tenth Respondent  
NEHAWU House  
56 Marshall Street  
Marshalltown  
Johannesburg  
2000  
Tel: (011) 833 2902 / (082) 455 2934  
Fax: (011) 833 0757  
E-mail: matome@mpmgroup.co.za /  
mlungisi@mpmgroup.co.za

**AND TO: POLICE AND PRISONS CIVIL RIGHTS UNION**

Eleventh Respondent  
1 Marie Road  
Auckland Park  
Johannesburg  
2006  
Tel: (011) 242 4600  
Fax: (086) 625 3054  
E-mail: phillip@cth.co.za /  
ntombi@cth.co.za

**AND TO: NATIONAL UNION OF PUBLIC SERVICE  
AND ALLIED WORKERS UNION**

Twelfth Respondent  
Success Mataitsane House  
814 Stanza Bopape Street  
Eastwood  
Pretoria  
0083  
Tel: (012) 342 1674  
Fax (086) 667 8362  
E-mail: [generalsecretary@nupsaw.co.za](mailto:generalsecretary@nupsaw.co.za) /  
[smataitsane@nupsaw.co.za](mailto:smataitsane@nupsaw.co.za) /  
[casemanagement@nupsaw.org.za](mailto:casemanagement@nupsaw.org.za)

**AND TO: SOUTH AFRICAN POLICING UNION**

Thirteenth Respondent  
85 Rauch Avenue  
Georgeville  
Pretoria  
0184  
Tel: (012) 940 2616  
Fax: (086) 604 8996 / (012) 804 3017  
E-mail: [bridget@makhanyalaw.co.za](mailto:bridget@makhanyalaw.co.za) /  
[admin@makhanyalaw.co.za](mailto:admin@makhanyalaw.co.za)

**AND TO: SOUTH AFRICAN DEMOCRATIC TEACHERS UNION**

Fourteenth Respondent  
SADTU Village, Portion 74  
Corner Dann Road & Loam Street  
Glen Marais, ext 144  
Kempton Park  
1619  
Tel: (011) 331 1444 / (011) 971 2000  
Fax: (011) 331 1445  
E-mail: [phillip@cth.co.za](mailto:phillip@cth.co.za) /  
[ntombi@cth.co.za](mailto:ntombi@cth.co.za)



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

**CC CASE NO:**

**LAC CASE NO: J500/20**

In the matter between:

**PUBLIC SERVANTS ASSOCIATION** First Applicant

**NATIONAL PROFESSIONAL TEACHERS**

**ORGANISATION OF SOUTH AFRICA** Second Applicant

**HEALTH AND OTHER SERVICES PERSONNEL**

**TRADE UNION OF SOUTH AFRICA** Third Applicant

**SOUTH AFRICAN TEACHERS UNION** Fourth Applicant

**NATIONAL TEACHERS UNION** Fifth Applicant

and

**THE MINISTER OF PUBLIC SERVICE  
AND ADMINISTRATION** First Respondent

**THE MINISTER OF BASIC EDUCATION** Second Respondent

**THE MINISTER OF JUSTICE AND  
CORRECTIONAL SERVICES** Third Respondent

**THE MINISTER OF POLICE** Fourth Respondent

**THE NATIONAL DIRECTOR  
OF PUBLIC PROSECUTIONS** Fifth Respondent

**THE MINISTER OF FINANCE** Sixth Respondent

**THE DEPARTMENT OF PUBLIC SERVICE  
AND ADMINISTRATION** Seventh Respondent

**THE PUBLIC SERVICE CO-ORDINATING  
BARGAINING COUNCIL** Eighth Respondent

CA 29/21

**DEMOCRATIC NURSING ORGANISATION  
OF SOUTH AFRICA**

Ninth Respondent

**NATIONAL EDUCATION HEALTH  
AND ALLIED WORKERS UNION**

Tenth Respondent

**POLICE AND PRISONS CIVIL RIGHTS UNION**

Eleventh Respondent

**NATIONAL UNION OF PUBLIC SERVICE  
AND ALLIED WORKERS UNION**

Twelfth Respondent

**SOUTH AFRICAN POLICING UNION**

REGISTRAR OF THE CONSTITUTIONAL COURT  
OF SOUTH AFRICA

Thirteenth Respondent

**SOUTH AFRICAN DEMOCRATIC  
TEACHERS UNION**

Private Bag XI, Constitution Hill, Braamfontein 2017

Fourteenth Respondent



2021 -01- 29



CC-005

HET VAN DIE GRONDWETLIKE HOF

**NOTICE OF APPLICATION FOR LEAVE TO APPEAL**

**BE PLEASED TO TAKE NOTICE** that the first to fourth applicants hereby make application to this Honourable Court for an order in the following terms:

1. Granting the first to fourth applicants leave to appeal to this Court against the whole of the judgment and order handed down by the Labour Appeal Court on 15 December 2020 under case number J500/20;
2. Upholding the leave to appeal and setting aside the judgment and order of the Labour Appeal Court and replacing it with the following:

2.1. The failure by the first to fifth respondents to implement salary adjustments as contemplated in Clause 3.3 of Resolution 1 of 2018 of the Public Service Co-Ordinating Bargaining Council is in breach of the contracts of employment of the first to fourth applicants' members;

2.2. The first to fifth respondents are ordered to implement the salary adjustments, as contemplated in Clause 3.3 of Resolution 1 of 2018 of the Public Service Co-Ordinating Bargaining Council, to the contracts of employment of the first to fourth applicants' members, with effect from 1 April 2020;

2.3. Further or alternative relief as the Court deems just and equitable;


2.4. Costs against any party that opposes this application, such costs be paid jointly and severally.

**TAKE NOTICE FURTHER** that the affidavit of **LEON ANDRE GILBERT**, attached hereto, is filed in support of this application.

**TAKE NOTICE FURTHER** that any party may respond to this application in writing within 10 (ten) days from the date upon which this application is lodged, indicating whether or not the application for leave to appeal is being opposed, and if so, the grounds of such opposition.

**TAKE NOTICE FURTHER** that the first to fourth applicants will accept service of all notices and processes in these proceedings at the address of its attorneys set out below.

**DATED AT SANDTON ON THIS THE** 29<sup>th</sup> **OF JANUARY 2021.**



**BOWMAN GILFILLAN INC.**

First to Fourth Applicants'

Attorneys

11 Alice Lane

SANDTON

Tel: (011) 669 9602/25

Fax: (011) 669 9001

Ref: Helen Wilsenach/Nadine Mather/61 13295

**TO: THE REGISTRAR CONSTITUTIONAL COURT**  
Constitutional Hill  
1 Hospital Street  
Johannesburg  
Fax: (011) 339 5098  
E-mail: [generaloffice@concourt.org.za](mailto:generaloffice@concourt.org.za)

**AND TO: NATIONAL TEACHERS UNION**  
Fifth Applicant  
47 Biyela Street  
Empangeni  
Durban, Kwazulu-Natal  
3880  
Tel: (035) 772 1608  
Fax: (035) 772 1651  
E-mail: [csbarnes@natu.org.za](mailto:csbarnes@natu.org.za)

**AND TO: THE MINISTER OF PUBLIC SERVICE AND ADMINISTRATION**

First Respondent  
Batho Pele House  
546 Edmond Street  
Arcadia  
Pretoria  
0083  
Tel: (012) 336 1063/1183  
Fax: (012) 336 1809/10  
E-mail: CCory@justice.gov.za /  
cronje.cin@gmail.com

**AND TO: THE MINISTER OF BASIC EDUCATION**

Second Respondent  
222 Struben Street  
Pretoria  
0001  
Tel: (012) 357 3000  
Fax: (012) 323 5989/5027  
E-mail: CCory@justice.gov.za /  
cronje.cin@gmail.com

**AND TO: THE MINISTER OF JUSTICE AND  
CORRECTIONAL SERVICES**

Third Respondent  
124 WF Cnr Nkomo Street & Sophie De Bruyn Streets  
Poyntons Building (West Block)  
Pretoria  
0001  
Tel: (012) 305 8874  
Fax: (012) 406 4680  
E-mail: CCory@justice.gov.za /  
cronje.cin@gmail.com

**AND TO: THE MINISTER OF POLICE**

Fourth Respondent  
231 Pretorius Street  
756-7<sup>th</sup> floor  
Wachthuis Building  
Pretoria  
0002  
Tel: (012) 393 2800  
Fax: (012) 393 2812  
E-mail: CCory@justice.gov.za /

cronje.cin@gmail.com

**AND TO: THE NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS**

Fifth Respondent  
VGM Building  
123 Westlake Avenue  
Weavind Park  
Silverton  
Pretoria  
0084  
Tel: (012) 845 6758  
Fax: (012) 804 7335  
E-mail: CCory@justice.gov.za /  
cronje.cin@gmail.com

**AND TO: THE MINISTER OF FINANCE**

Sixth Respondent  
40 Church Street  
Old Reserve Bank Building, 2<sup>nd</sup> Floor  
Pretoria  
0001  
Tel: (012) 323 8911  
Fax: (012) 323 3262  
E-mail: ZZenani@justice.gov.za /  
Zingisa.Zenani@treasury.gov.za

**AND TO: THE DEPARTMENT OF PUBLIC  
SERVICE AND ADMINISTRATION**

Seventh Respondent  
Batho Pele House  
546 Edmond Street  
Arcadia  
0083  
Tel: (012) 336 1063/00  
Fax: (012) 336 1809/10  
E-mail: CCory@justice.gov.za /  
cronje.cin@gmail.com

**AND TO: THE PUBLIC SERVICE CO-ORDINATING  
BARGAINING COUNCIL**

Eighth Respondent  
Public Service  
Co-ordinating Bargaining Council  
Building B & D

260 Basden Avenue  
Lyttleton  
0176  
Tel: (012) 644 8100  
Fax: (012) 664 5834  
E-mail: petuniab@pscbc.org.za /  
frikkie@pscbc.org.za

**AND TO: DEMOCRATIC NURSING ORGANISATION  
OF SOUTH AFRICA**

Ninth Respondent  
605 Stanza Bopape Street  
Pretoria  
0001  
Tel: (012) 343 2315  
Fax: (012) 344 0750  
E-mail: phillip@cth.co.za /  
ntombi@cth.co.za

**AND TO: NATIONAL EDUCATION HEALTH AND ALLIED WORKERS UNION**

Tenth Respondent  
NEHAWU House  
56 Marshall Street  
Marshalltown  
Johannesburg  
2000  
Tel: (011) 833 2902 / (082) 455 2934  
Fax: (011) 833 0757  
E-mail: matome@mpmgroup.co.za /  
mlungisi@mpmgroup.co.za

**AND TO: POLICE AND PRISONS CIVIL RIGHTS UNION**

Eleventh Respondent  
1 Marie Road  
Auckland Park  
Johannesburg  
2006  
Tel: (011) 242 4600  
Fax: (086) 625 3054  
E-mail: phillip@cth.co.za /  
ntombi@cth.co.za

**AND TO: NATIONAL UNION OF PUBLIC SERVICE  
AND ALLIED WORKERS UNION**

Twelfth Respondent  
Success Mataitsane House  
814 Stanza Bopape Street  
Eastwood  
Pretoria  
0083  
Tel: (012) 342 1674  
Fax (086) 667 8362  
E-mail: [generalsecretary@nupsaw.co.za](mailto:generalsecretary@nupsaw.co.za) /  
[smataitsane@nupsaw.co.za](mailto:smataitsane@nupsaw.co.za) /  
[casemanagement@nupsaw.org.za](mailto:casemanagement@nupsaw.org.za)

**AND TO: SOUTH AFRICAN POLICING UNION**

Thirteenth Respondent  
85 Rauch Avenue  
Georgeville  
Pretoria  
0184  
Tel: (012) 940 2616  
Fax: (086) 604 8996 / (012) 804 3017  
E-mail: [bridget@makhanyalaw.co.za](mailto:bridget@makhanyalaw.co.za) /  
[admin@makhanyalaw.co.za](mailto:admin@makhanyalaw.co.za)

**AND TO: SOUTH AFRICAN DEMOCRATIC TEACHERS UNION**

Fourteenth Respondent  
SADTU Village, Portion 74  
Corner Dann Road & Loam Street  
Glen Marais, ext 144  
Kempton Park  
1619  
Tel: (011) 331 1444 / (011) 971 2000  
Fax: (011) 331 1445  
E-mail: [phillip@cth.co.za](mailto:phillip@cth.co.za) /  
[ntombi@cth.co.za](mailto:ntombi@cth.co.za)



IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA  
(HELD AT JOHANNESBURG)

CC CASE NO:

LAC CASE NO: J500/20

In the matter between:

<b>PUBLIC SERVANTS ASSOCIATION</b>	First Applicant
<b>NATIONAL PROFESSIONAL TEACHERS ORGANISATION OF SOUTH AFRICA</b>	Second Applicant
<b>HEALTH AND OTHER SERVICES PERSONNEL TRADE UNION OF SOUTH AFRICA</b>	Third Applicant
<b>SOUTH AFRICAN TEACHERS UNION</b>	Fourth Applicant
<b>NATIONAL TEACHERS UNION</b>	Fifth Applicant
and	
<b>THE MINISTER OF PUBLIC SERVICE AND ADMINISTRATION</b>	First Respondent
<b>THE MINISTER OF BASIC EDUCATION</b>	Second Respondent
<b>THE MINISTER OF JUSTICE AND CORRECTIONAL SERVICES</b>	Third Respondent
<b>THE MINISTER OF POLICE</b>	Fourth Respondent
<b>THE NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS</b>	Fifth Respondent
<b>THE MINISTER OF FINANCE</b>	Sixth Respondent
<b>THE DEPARTMENT OF PUBLIC SERVICE AND ADMINISTRATION</b>	Seventh Respondent
<b>THE PUBLIC SERVICE CO-ORDINATING</b>	

