

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

CASE NO: C817/16

Ex parte:

SOLIDARITY obo MERKEUR & 1 OTHER

Applicant

In the matter between:

CASE NO: CCT78/15

SOLIDARITY

Applicant

P J DAVIDS

Second Applicant

C F FEBRUARY

Third Applicant

A J JONKERS

Fourth Applicant

L J FORTUIN

Fifth Applicant

G M BAARTMAN

Six Applicant

D S MERKEUR

Seventh Applicant

T S ABRAHAMS

Eighth Applicant

D R JORDAN

Ninth Applicant

J J KOTZE

Tenth Applicant

D M A WEHR

Eleventh Applicant

And

DEPARTMENT OF CORRECTIONAL SERVICES

First Respondent

THE MINISTER OF CORRECTIONAL SERVICES

Second Respondent

**THE NATIONAL COMMISSIONER OF THE
DEPARTMENT OF CORRECTIONAL SERVICES**

Third Respondent

MINISTER OF LABOUR

Fourth Respondent

APPLICATION FOR CONTEMPT OF COURT

TAKE NOTICE THAT the Applicant intends to approach the above Honourable court at 10h00 on _____ for an order in the following terms:

1. That the Third Respondent, Mr. Zach Modise, appear in the Labour Court on _____ 2016 at 10:00 to show good cause why he should not be found guilty of contempt of court for failing to comply with the order of this court dated 15 July 2016.
2. That the Third Respondent explain its conduct by way of affidavit on the date of the hearing, or before that date (although this will not excuse the Third Respondent from being present in court);
3. That, in the absence of providing an explanation to the satisfaction of the Court, or failing to appear in Court despite being properly served, the Third Respondent be found guilty of contempt; and that
 - 3.1. the Third Respondent be incarcerated for such period as the court deems appropriate; *alternatively*

3.2. the Third Respondent to be fined in an amount that the court deems appropriate; and

4. That service of this order be effected:

4.1. Personally upon the Second and Third Respondents.

4.2. On the State Attorney, Pretoria, SALU Building, 316 Thabo Sehume Street, Pretoria.

4.3. At the main office of the First Respondent, being, Poyntons Building 123 Church street, Pretoria.

TAKE NOTICE FURTHER that the affidavit of Antonie Jasper van der Bijl together with annexures, attached hereto, will be used in support of this application.

TAKE NOTICE FURTHER that the address set out below is the address as which the Applicant will accept all documents and processes to be exchanged in these proceedings.

KINDLY PLACE THE MATTER ON THE ROLL ACCORDINGLY.

SIGNED AND DATED AT PRETORIA ON THIS ____ DAY OF _____ 2016.

AJ VD BIJL
SOLIDARITY
C/O DF MALAN AND EENDRACHT STR,
KLOOFSIG
PRETORIA 0028
TEL 012 644 4300
FAX 012 664 1101
REF: **AH2882**

TO: REGISTRAR OF THE LABOUR COURT
TWINELL HOUSE
1ST FLOOR
113 LOOP STREET
CAPE TOWN, 8001
TEL: (021) 424 9035/6/7
FAX: (021) 424 9059

“BY HAND”

AND TO: STATE ATTORNEY
ATTORNEYS FOR RESPONDENT
GROUND FLOOR SALU BUILDING
225 SCHOEMAN STREET
C/O ANDRIES & SCHOEMAN STREET
PRIVATE BAG X91
PRETORIA, 0001
Tel: (012) 309 1500
Fax: (012) 328 2662/3 (012) 309 1649/50

“BY HAND”

AND TO: DEPARTMENT OF CORRECTIONAL SERVICES
POYNTONS BUILDING
124 CHURCH STREET
C/O SHUBART STREET
PRETORIA

0001

TEL: (012) 307 2000

FAX: (012) 328 6149/ 012 323 0978

“BY HAND”