

EPHRAIM MOGALE

LOCAL MUNICIPALITY

111
MARBLE HALL
0450
013-261 8400
013-261 2985



Leeuwfontein Office (013) 261 8509
Elandskraal Office (013) 261 8506
Zamenkomst Office (013) 973 9160
Traffic Section (013) 261 8400

Our ref: 5/7/3 (HM Phaahla)

The Chairperson
Portfolio Committee on Co-Operative Governance & Traditional Affairs

Honourable Ms. A.F. Muthambi

RE: PROGRESS REPORT ON THE ISSUES OF THE FORMER MUNICIPAL MANAGER: MS. M.M. MATHEBELA.

The above matter refers,

An application which was filed by the municipality to review the decision of the Chairperson of the disciplinary hearing in a matter between the Municipality and the former Municipal Manager, was set down for hearing at the Labour Court on the 13th May 2021.

On the 13th May 2021, the Court could not ventilate on the merits of the application, instead, the Court issued out a directive for the postponement of the matter sine die and consolidation of the matters. The Committee will appreciate that there are currently three (3) separate applications which have been filed by both parties at the Labor Court:-

- An application filed by the Municipality to review the decision of the chairperson of the disciplinary hearing.
- An application filed by the Municipality to set aside the settlement agreement which has been signed by both parties.
- An application filed by the former Municipal Manager to have the settlement made an order of court: Case number.

On the 13th May 2021 the Court issued out a Court Order postponing the matter and that parties must prepare affidavits for the consolidation of all these three (3) applications.

Copy of the Court Order is attached for your easy reference.

RECOVERY PROCESS.

The Municipality has already issued out summonses against the former Municipal Manager and the Chief Financial Officer at the High Court, Polokwane. The Case Number is; 7897/2020. The matter is defended. Pleadings have been exchanged and closed. The matter still before Court.

Review Application – R 762 327, 63

Application to set aside settlement agreement – R 603 440, 54

Application to make a settlement agreement a court order – R 161 701, 50

Civil Recovery – R 521 208, 77

Hope the above is in order,

Kind Regards,


MOLAUDI MTHOGWANE
MAYOR

26-07-2021
DATE



IN THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

CASE NO: JR 1888/19

Honourable Justice **VAN NIEKERK** ORDERED on **13 MAY 2021**

In the matter between:

EPHRAIM MOGALE LOCAL MUNICIPALITY

Applicant

And

ADV JIMMY HLONGWANE N.O

First Respondent

M M MATHEBELA

Second Respondent

ORDER

Having read the documents and having considered the application:

IT IS ORDERED THAT:

1. The review application is postponed *sine die*.
2. The Registrar is directed to enrol the review application for hearing on the opposed motion roll, simultaneously with the application in terms of S158(1)(c) filed by the second respondent in the review application, and the counter-application filed by the applicant in the review application.
3. The costs of today are reserved.

BY THE COURT

REGISTRAR

LC-JNB-002