



CONSTITUTIONAL COURT OF SOUTH AFRICA

Case CCT 279/25

In the matter between:

**SOUTH AFRICAN LOCAL GOVERNMENT
BARGAINING COUNCIL**

First Applicant

**SOUTH AFRICAN LOCAL GOVERNMENT
ASSOCIATION**

Second Applicant

**INDEPENDENT MUNICIPAL AND ALLIED
TRADE UNION**

Third Applicant

SOUTH AFRICAN MUNICIPAL WORKERS UNION

Fourth Applicant

and

MUNICIPAL WORKERS RETIREMENT FUND

First Respondent

MUNICIPAL EMPLOYEES PENSION FUND

Second Respondent

**AKANI RETIREMENT FUND ADMINISTRATORS
(PTY) LIMITED**

Third Respondent

KENNYATTA CHOMANE

Fourth Respondent

MUNICIPAL RETIREMENT ORGANISATION

Fifth Respondent

GERMISTON MUNICIPAL RETIREMENT FUND

Sixth Respondent

MUNICIPAL GRATUITY FUND

Seventh Respondent

PIETER JOHANNES VENTER

Eighth Respondent

MINISTER OF EMPLOYMENT AND LABOUR

Ninth Respondent

FINANCIAL SECTOR CONDUCT AUTHORITY

Tenth Respondent

ORDER

CORAM: Basson AJ, Kollapen J, Le Grange AJ, Mathopo J, Ngcukaitobi AJ, Nuku AJ, Savage J and Theron J.

The Constitutional Court has considered the application for leave to appeal and the fifth to eighth respondents' application for condonation. It has concluded that, although there are no reasonable prospects of success on the merits of the application for leave to appeal, the delay in filing the answering affidavit is minimal, the explanation for the delay is adequate and there is no prejudice to the parties. Consequently, condonation for the late filing of the fifth to eighth respondents' answering affidavit must be granted, but leave to appeal must be refused. The Court has decided not to award costs.

Order:

1. Condonation for the late filing of the fifth to eighth respondents' answering affidavit is granted.
2. Leave to appeal is refused.

BOYBOY MOLOI
REGISTRAR
CONSTITUTIONAL COURT



TO: BOWMAN GILFILLAN INCORPORATED

Attorneys for the Applicant

11 Alice Lane

Sandton

JOHANNESBURG

Tel: 011 669 9508 / 011 669 9522 / 011 669 9260

Email: chris.todd@bowmanslaw.com / daniel.pretorius@bowmanslaw.com /

mandisi.rusa@bowmanslaw.com / kelly.calvert-evers@bowmanslaw.com

Ref: D Pretorius/ M Rusa / 6214650

AND TO: SHEPSTONE AND WYLIE

Attorney for the First Respondent

Ground Floor, The Lodge

38 Wierda Road West

JOHANNESBURG

Tel: 011 290 2566

Email: jesterhuizen@wylie.co.za / msmith@wylie.co.za

Ref: J Esterhuizen/SAMWU

AND TO: WEBBER WENTZEL

Attorneys for the Second to Fourth Respondents

90 Rivonia Road

Sandton

JOHANNESBURG

Tel: 011 530 5867

Email: vlad.movshovich@webberwentzel.com / daniel.rafferty@webberwentzel.com /
ahmed.rajan@webberwentzel.com

Ref: V Movshovich / D Rafferty / A Rajan 3053914

AND TO: JJ JACOBS ATTORNEYS INCORPORATED

Attorneys for the Fifth to Eighth Respondents

405 Rigel Avenue

Erasmusrand

PRETORIA

Tel: 066 266 4051

Email: hannes@jjjacobsinc.co.za / natasha@jjjacobsinc.co.za

Ref: HJ/MRO100

C/o AUCAMP CRONJE ATTORNEYS

220 Barry Hertzog Avenue

Greenside

JOHANNESBURG

Tel: 011 486 4888

Email: litigation2@aucron.co.za

AND TO: OFFICE OF THE STATE ATTORNEY, PRETORIA

Attorneys for the Ninth Respondent

SALU Building

316 Thabo Sehume Street

PRETORIA

Tel: 012 309 1546

Ref: 3580/2025/Z35/KD

AND TO: FINANCIAL SECTOR CONDUCT AUTHORITY

Tenth Respondent
Block B, Riverwalk Office Park
41 Matroosberg, Extension 6 Road
Ashlea Gardens
PRETORIA
Tel: 012 422 2828
Email: pakama.miya@fsca.co.za