

The Applicant in the meantime filed a Notice of Amendment. The Applicant sought to amend its prayers in the main Application by adding an alternative prayer to prayer 2 thereof which would read as follows,

"That the First Respondent is hereby directed to arrange a re-hearing of the disciplinary charges against the Applicant, dated 23rd AGAUST 2004 and to make all such ancillary arrangements as may be necessary to enable the Applicant a hearing in respect of the said charges."

The Application is opposed by the 1st Respondent.

The 1 Respondent's attorney argued that since this court has no power of review, there was no good reason for it to grant the amendment sought, as it would be precluded to make any order on that prayer owing to its lack of jurisdiction to review proceedings of other tribunals.

The Applicant's attorney tried to argue that a re-hearing was not necessarily the same thing as a review. That argument was clearly casuistic, especially when one takes into account the grounds upon which the re-hearing is requested.

It is trite law that amendments may be made at any stage before judgement. The court approached this Application in that frame of mind.

We are, however, persuaded by the 1st Respondent's attorney's argument that there will be no point in granting the amendment in this case, as it would merely be academic, and a waste of time because this court has no jurisdiction to grant the order sought under that prayer.

The result is that the Application is dismissed with no order as to costs.

New date for the matter will be set in court. The Members Agree.

NKOSINATHI NKONYANE, A.J.

INDUSTRIAL COURT