



THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 31 March 2009

Status: Immediate

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal.

Today, the Supreme Court of Appeal (the SCA) has upheld an appeal against judgment of the Johannesburg High Court in terms of which a verdict of a disciplinary enquiry was set aside.

Mr Graham Dick was an employee of Transman (Pty) Ltd, a company he established together with his wife. Having been charged with various counts of misconduct, he was found guilty and the chairperson of the disciplinary committee recommended that he be dismissed. Because he was the chairman of Transman's board of directors, the board decided to retire him instead of a dismissal.

Mr Dick instituted a review application in the Johannesburg High Court, challenging the termination of his employment on the basis that the chairperson was biased and that her decision was grossly unreasonable. Transman opposed the application and objected to the high court's jurisdiction to hear the matter and the competence of the relief sought. The high court found that the verdict was grossly unreasonable and replaced it with the verdict of not guilty.

On appeal, the SCA found that the high court had jurisdiction but that the termination could not be challenged by way of review.