

PR - NUPSAW MEMBER AWARDED 2.8M
PR – GOVERNMENT PROPERTY ATTACHED BY THE SHERIFF

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DEPARTMENT OF HEALTH PROPERTY ATTACHED BY A SHERIFF ON INSTRUCTIONS OF NUPSAW

Advocate H.M. Lebeloane; former personal assistant to Gauteng MEC for Health; Gwen Ramakgoba, who was found guilty and dismissed in 2006 on charges of gross negligence and wrongful use of States property, won her case against the department in 2010. Lebeloane a staunch member of the National Union of Public Service and Allied Workers (NUPSAW), was represented by the union.

The decisive issue of the matter was whether Adv. Lebeloane at directors level was entitled to the housing-allowance, in this instance the State house accomodation, and the answer is yes. In March 2002, she occupied the house in Krugersdorp which was 130km from work but the only accomodation available at that time. She then relocated to Ridgeway; another State house which was available for occupation. In both locations she had infact authority and permission to occupation. The department was reluctant to provide her with a lease agreement despite several enquiries. She had also on numerous occasions requested the department to provide her with market related value for the rent, and that was to no avail.

After being found guilty, the dismissal was confirmed by the Public Health and Social Development Sectoral Bargaining Council (PHSDSBC). NUPSAW then applied to the Labour Court for a review, where it was held that the dismissal was substantively unfair. On 06 May 2010, the honourable judge; Justice Pillay ordered that the employer pay the applicants costs and the applicant remuneration as if she were reinstated on 01 February 2006 through 30 June 2009, the judgment amounted to **R2,718,232.12**.

The department disregarded the order of the court and judgment was therefore not honoured. NUPSAW, applied to the court for

a writ of execution, which was granted, then instructed the sheriff to attach. The sheriff managed to attach amongst other things belonging to the department:

- 4000 - computers
- 300 - desks
- 6000 - office chairs
- 30 - copiers
- 500 - printers

which all amounts to **R2.8 - million**

NUPSAW's general secretary; Success Mataitsane said “we will instruct the sheriff to sell the attached items on auction on October 3rd should the department fail to satisfy the judgments order”.

For any information and enquiries contact:

Nomthandazo Mahlangu
Communications and Media Liaison Officer
078-221-5626

NUPSAW 814 Church Str. Eastwood 0083