



IN THE LABOUR COURT OF SOUTH AFRICA JOHANNESBURG

CASE NO: JS 1043/12

Honourable Justice Lagrange ORDERED on 22 April 2014

In the matter between:

SOLIDARITY obo J J H ROOS

Applicant

and

SOUTH AFRICAN POLICE SERVICE

First Respondent

THE MINISTER OF POLICE (N.O.)

Second Respondent

**THE NATIONAL COMMISSIONER OF THE
SOUTH AFRICAN POLICE SERVICE
(N.O.)**

Third Respondent

Heard: 20-21 February 2014

Delivered: 22 April 2014

Summary: (Protected Disclosure Act – employee moved to a functionally non-existent post – claim for compensation – sterilisation of exercise of skills and of promotion prospects in internal auditing capacity - test for compensation).

ORDER

Order

[1] In light of the above, noting that the respondents have conceded the merits of the applicant's claim and the points of agreement between the parties on the form that an order should take in relation to the applicant's return to useful employment, the following order is made:

1.1 For the avoidance of doubt it is recorded that:

1.1.1 Colonel JJH Roos ('Roos') is currently on the staff of the South African Police Services (Crime Intelligence) in the position of Colonel and drawing benefits as such.

1.1.2 Nothing in this order shall effect –

1.1.2.1 his status as such;

1.1.2.2 his rank as Colonel;

1.1.2.3 his remuneration (that is, his basic salary and fringe benefits), which shall remain in full force and effect.

1.2 Nothing in this order shall entail the displacement of any person from his or her position in Crime Intelligence specifically or in the South African Police Service generally.

1.3 The respondents are obliged –

1.3.1 to redeploy Roos preferably in the Internal Audit section of Crime Intelligence or failing that in an internal audit unit of the South African Police Service and to provide him with work of a comparable nature to that which he performed prior to his transfer to Inspection and Evaluation;

1.3.2 to give preference to Roos in any application for appointment or promotion in a post reasonable acceptable to him within the said Department or in any other Department in which his skills can properly be deployed, as soon as such a post becomes available.

- 1.4 The respondents must pay Roos compensation under s 194 (4) of the LRA in the amount of R 156,250-00 (one hundred and fifty six thousand, two hundred and fifty rands within 14 days of the date of this judgment.
- 1.5 The respondent must pay the applicant's costs of suit, including the costs occasioned by the employment of two counsel.



R G LAGRANGE, J

Judge of the Labour Court

Appearances:

For the applicant: MSM Brassey SC assisted by MJ Engelbrecht

Instructed by: Serfontein Viljoen and Swart

For the respondents: W Mokhari SC assisted by S Tilley

instructed by: the State Attorney.