

**IN THE HIGH COURT OF SOUTH AFRICA
[EASTERN CAPE LOCAL DIVISION, MTHATHA]**

CASE NO. 1170/2018

In the matter between:

**NATIONAL TERTIARY EDUCATION
UNION**

1ST APPLICANT

DAPHNEY GUMBI

2ND APPLICANT

NOMBULE INNOCENTIA MONOANA

3RD APPLICANT

And

WLATER SISULU UNIVERSITY

1ST RESPONDENT

NAMBITHA DAMBUZA

2ND RESPONDENT

ROBERT JOHN MIDGLEY

3RD RESPONDENT

MICHAEL CRAIG KIRCHMANN

4TH RESPONDENT

ADV. F.T PRETORIUS

5TH RESPONDENT

MTHATHA 08 MAY 2018

Before Honourable Mr Justice TOKOTA J

Mr Madlongolwana, Counsel for the Applicants

Mr Bodlani, Counsel for the Respondents

2018-05-10

2018-05-10

ECJ.D-UT-002

HIGH COURT OF SOUTH AFRICA

HAVING read documents filed of record and hearing Counsel for both parties:

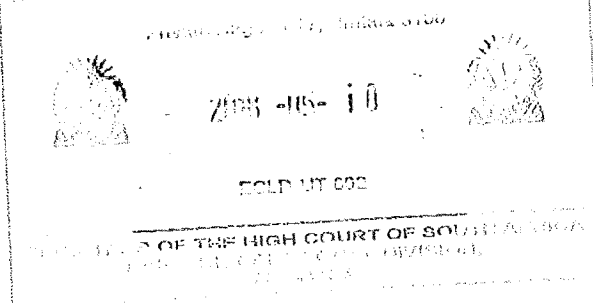
IT IS ORDERED BY CONSENT :

1. **THAT** the main application is postponed *sine die*.
2. **THAT** the *National Education and Allied Workers Union (Nehawu)* be and is hereby joined in the main application as the sixth respondent.
3. **THAT** all the employees of the first respondent, who were previously in the employment of the **University of Transkei, Eastern Cape Technikon, Border Technikon** before the merger between the aforementioned erstwhile institutions of higher learning to form the

applicant and who are not members of the labour unions currently operating within the **Walter Sisulu University** be and are hereby joined as the seventh and other respondents in the main application.

4. The first respondent is directed to serve this order, together with all the papers already filed of record in the main application and its notice of counter application upon the sixth and seventh respondents by way of:
 - 4.1 Service at the sixth respondent's offices which are situated in the first respondent's campuses and by pasting thereof on the main notice boards of all the campuses of the first respondent;
 - 4.2 Publication in the *daily dispatch newspaper*; and
 - 4.3 Publication in *Walter Sisulu University's webpage*;

on or before **Tuesday 15 May 2018**;
5. **THAT** the sixth and seventh respondents are directed to, on or before –
 - 5.1 **Tuesday, 22 May 2018**, deliver their notice(s) to participate as applicants and/or to oppose, as the case may be, which notices should provide the detail referred to in *uniform rule 6(5)(d)(i)* in order that other participating parties may know who else is participating in this litigation, what attitude have they adopted both in relation to the main and counter applications and where should documents, correspondents and process be served upon them, if they desire to participate in the main application;
 - 5.2 **Wednesday 13 June 2018**, file their *supporting affidavits* and/or to comply with the provisions *uniform rule 6(5)(d)(ii)* and/or *(iii)*, as the case may be, in order that other participating parties may know what cases will be advanced by the sixth and seventh respondents;
6. **THAT** the first, second and third respondent's period for the filing of their *answering affidavits* is extended to a date on or before **Wednesday, 4 July 2018**.



3.

7. THAT costs of this application shall be payable in the *main application*.

BY THE COURT

REGISTRAR

