



public enterprises

Department:
Public Enterprises
REPUBLIC OF SOUTH AFRICA

MEDIA STATEMENT

DPE WELCOMES LABOUR COURT JUDGEMENT AGAINST SUSPENDED DIRECTOR GENERAL

PRETORIA, 14 October 2022- The Department of Public Enterprises (DPE) welcomes the judgment handed down by the Labour Court against suspended Director General, Kgathatso Tlhakudi.

The court has dismissed with costs Mr Tlhakudi's application seeking his suspension to be declared unlawful and unconstitutional and that his continued suspension has lapsed.

He was not unlawfully removed from his position. The Labour Court affirms this. He lost his case with costs.

Judge Van Niekerk said in his judgement: "The applicant's attack, particularly that on Minister Gordhan, by and large comprises strong and unsubstantiated allegations. For example, the applicant adverse that Minister Gordhan is brazenly intent to destroy his career, that he is abusing his powers and that he was acting in a fraudulent and corrupt manner..." said Judge Andre van Niekerk in his ruling.

"The applicant has acted in a manner unbecoming the seniority of his position and has sought to use this platform established by the application to raise matters in respect of the department that are not relevant to the relief he seeks, which in turn has necessitated the respondents having to deal with irrelevant factual material.

"The application is dismissed with costs, such costs to exclude the cost of senior counsel where so employed," the judge said.

Government is vindicated by the judgement.

This is confirmation that justice prevails even when people in a position of authority and accountability threatens the rights of others through unsubstantiated and untested pronouncements. The Department remains resolute and steadfast in eradicating maladministration and abuse of power without fear, favour or prejudice irrespective of position the person occupies.

The Minister views the unsubstantiated allegations in a serious light and refutes them with the contempt it deserves. The Minister reserves his rights in this regard.

For background purposes here are sequence of events:

- A complaint was laid with the Public Service Commission against the Director-General of the Department of Public Enterprises for alleged unethical behaviour concerning the process recruitment process for Director: Security and Facilities Management;
- The Minister received a letter from the Public Service Commission recording the complaint and requesting the Minister to investigate;
- The Department procured the services of a senior investigator to investigate the allegations arising from the complaint. The procurement process concerning the appointment of the investigator took a few weeks in the ordinary course;
- The Investigation Report recommended that disciplinary action be taken against the DG;
- The Report was referred to the President in terms of the Public Service Act 1994, which provides that the appointment and career incidents of a head of a national department shall be dealt with by the President;
- The President delegated the matter to Justice Minister, Ronald Lamola, to take disciplinary steps and all ancillary attendances and
- Having considered the matter, Minister Lamola, decided to place Tlhakudi on precautionary suspension, required that he hand over all work-related tools and or equipment in his possession that were assigned for the execution of his duties, and instituted a disciplinary process against the DG.

Facts matter - and the real truth will prevail.

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