



public enterprises

Department:
Public Enterprises
REPUBLIC OF SOUTH AFRICA

MEDIA STATEMENT

DPE NOTES CONSTITUTIONAL COURT DECISION TO REFUSE EX-DG'S APPLICATION FOR LEAVE FOR DIRECT APPEAL

PRETORIA, 5 June 2023 - The Department of Public Enterprises (DPE) has noted that the Constitutional Court refused an application for a leave for direct appeal by its former Director General Mr Kgathatso Thlakudi.

Mr Thlakudi sought to appeal a Labour Court decision that upheld his suspension as lawful.

The DPE said the Constitutional Court's decision was further vindication of its stance that Mr Thlakudi has long sought to avoid accountability for his misconduct that arose from a complaint that was filed with the Public Service Commission for alleged unethical behaviour over a recruitment process in the department.

Moreover, Mr Thlakudi's deceitful utterances and conduct in recent weeks, in which he has continued to peddle lies about the Department and its political executive head Minister Pravin Gordhan, has served to bring into sharp focus his utter disregard for due process, opting instead to portray himself as a victim through falsehoods.

The DPE said it had long held a view that the facts surrounding Mr Thlakudi's suspension in June 2022 were incontrovertible. The Department said it had expected someone with the weighty task of safeguarding public interest to exercise duty of care, considering that the DGs are appointed by the President of the Republic of South Africa for the sole purpose of administering government business.

The DPE said that Mr Thlakudi's attempts to undermine the DPE's work of stabilizing State-Owned Enterprises (SOEs) by alleging impropriety in the appointment of the Takatso Consortium as the preferred Strategic Equity Partner for South African Airways (SAA) was doomed to fail.

The DPE also reiterated the fact that Mr Thlakudi was party to every step in the process that evaluated the interests that were received by the DPE for SAA. Additionally, he had authorised, and provided oversight for, the due diligence that resulted in the shortlisting of Takatso as the preferred SEP in-line with specific criteria that he had formulated as part of the adjudication process.

The Department said it has also taken note, and will implement, Minister of Justice and Correctional Services Mr Ronald Lamola's pronounced outcome of the inquiry into Mr Thlakudi's misconduct, which sanctioned his dismissal as recommended by the inquiry. The DPE can finally put all its efforts in advancing the reforms aimed at capacitating the SOEs to deliver on their developmental mandate.

This work will culminate with a series of critical outcomes, including the creation of the National Transmission Company of South Africa out of Eskom, the establishment of an infrastructure manager within Transnet Freight Rail, and the introduction of private partnerships for the Durban Container Terminal.

For Media Enquiries contact Ellis Mnyandu: Ellis.Mnyandu@dpe.gov.za or 079 828 7779.

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