

I never left, says Brian

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Former Eskom boss Brian Molefe sat in the public gallery of the Pretoria High Court with his arms folded as his assertion that he had not resigned from the state-owned company was being shredded.



Brian Molefe. Photo: *BizNews*

Lawyers representing trade union Solidarity, the DA and Public Enterprises Minister Lynne Brown took turns at rubbing Molefe's claim that his return to Eskom was not a reinstatement but a continuation of his contract.

The parties want Molefe's reinstatement and the decision by Eskom to give him R30.01m declared unlawful and set aside.

Anton Katz, acting for Solidarity, said Molefe had publicly said he was stepping down in the interest of good governance but returned to work without asking a court to set aside Public Protector Thuli Madonsela's State of Capture report implicating him in state capture.

Katz said Molefe did not care what his statement that he was stepping down meant to the public and the world.

He said Molefe resigned but then realised he had made a mistake and returned.

"He makes a mockery of our laws " he realised his mistake, that he is not getting the R30m [early retirement package]."

Earlier, Molefe's counsel, Arnold Subel, said the case against his client was "high on emotions but low on facts".

The crux of his argument was that Molefe had not resigned from Eskom but had taken early retirement, so there was no "reinstatement" but a continuation of employment.

Subel said, based on these facts, there was no administrative action to be set aside.

But Lynne Brown's lawyer, Garth Hulley, said Molefe's exact words were that he had decided "to leave my employ at Eskom" and that "I leave now".

"That is the end of the matter. That is resignation. Whether he uses the term 'resignation' is neither here nor there," Hulley said.

Paul Kennedy, for the DA, said Molefe stepped down and Brown had used the term "resigned" in her public announcements and Molefe had not corrected her.

Kennedy asked the court to order Molefe to pay back the R30.01m.

Judgment was reserved.

Source: *The Times*

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