

DA seeks Eskom ban on Molefe

Former Eskom CEO Brian Molefe must not be allowed to perform any duty at the power utility until the completion of his labour court case, the DA said.



Brian Molefe

Molefe has approached the Labour Court in Johannesburg urgently to have his dismissal from Eskom declared unlawful and void.

This was after the board rescinded his reappointment, following a directive from Public Enterprises Minister Lynne Brown.

Molefe's saga has included him leaving Eskom twice in six months - once voluntarily, only for him to be rehired and; once under duress. Before the decision to rescind his reappointment, the DA had approached the high court in a bid to overturn Molefe's reappointment.

DA federal executive chairman James Selfe said on Monday that the party would continue with that application.

An order would be taken in the High Court in Pretoria on Tuesday "by agreement", that Molefe "will not attend at the Eskom head office, or at any of the Eskom sites, for the purposes of performing any duties", subject to the completion of Molefe's labour court matter, "whereafter our review application will be set down for hearing", Selfe said.

The DA said it also intended to intervene in Molefe's labour court proceedings.

Eskom board spokesman Khulani Qoma said lawyers for the power utility were still finalising its responding affidavit in the matter and had not filed its papers.

Molefe could not be reached for comment.

Selfe said Molefe's urgent application was "nothing more than desperation".

In his application to the labour court, Molefe argues the board has no power to remove him from his position and that this power was exclusively entrusted to the minister as appeared in the memorandum of incorporation (MOI) between Eskom and himself.

This meant the board had acted in breach of his employment contract, Molefe says in court papers.

He also argues that his dismissal was required to be effected in terms of section 186(1)(a) of the Labour Relations Act and as appeared from the wording of the MOI.

The provisions of the act therefore applies to his removal from office, he says.

"Nowhere does the MOI or my employment contract permit Eskom or the minister to impose a summary dismissal on me," Molefe says.

"My dismissal was not effected because of reasons that related to my conduct, capacity or because of operational requirements," he says.

Molefe also still claims he did not resign from Eskom, but that he took early retirement.

Source: *Business Day*

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