

Embarrassing court defeat for Prasa

The Passenger Rail Agency of South Africa (Prasa) has suffered yet another defeat, in the Pretoria High Court.



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On 13 April, acting judge Linda Retief dismissed objections raised by Prasain Ngobile Pearl Munthali's defamation case against the rail agency and awarded Munthali costs in the case.

Retief found that the rail agency's 2019 memo on Munthali's suspension, which was sent to 15,000 Prasa employees, and the 30 January 2021 media release that announced her firing, were both defamatory.

Munthali issued summons against Prasa in her defamation case last year, but Prasa has delayed the matter from going to trial by raising objections to Munthali's claims.

GroundUp understands that under usual circumstances Prasa, as the defendant, would now have to file pleas, which would allow Munthali's legal representatives to apply for a trial date. In that trial, Prasa would have to convince the court that the defamation was true and in the public interest.

But Prasa's representatives in this matter, De Swardt Myambo Hlahla Attorneys, have now raised a further objection to Munthali's defamation case following Retief's ruling.

Munthali was one of three executives named in a 30 January 2021 media release from Leonard Ramatlakane, the chairperson of Prasa's board, that alleged that these Prasa executives had overstayed their terms of office, and who were therefore fired with immediate effect.

This action didn't succeed. Munthali was reinstated on 24 February 2021 by Judge Edwin Thothalemaje in the Labour Court. Thothalemaje described Prasa's conduct as "shockingly malicious and inhumane".

Despite a series of court defeats, Prasa has persisted in its efforts against Munthali, as well as fellow executives Martha Ngoye, Tiro Hole, and Nkosinathi Khenani.

Munthali was head of the Prasa Development Foundation. On 11 June 2019, Prasa suspended Munthali's contract, and on 12 June 2019, announced her suspension by publishing an internal notice, alleging that her suspension was "in line with the commitment to good corporate governance and the eradication of irregularities with the organisation."

But no disciplinary proceedings were brought against Munthali.

On 31 July 2020, Munthali was told that her suspension had been lifted, that disciplinary charges had been withdrawn, and that she was to remain on paid leave pending a resolution between Prasa and herself. Prasa did not release another internal memo announcing the withdrawal of suspension.

Then on 29 January 2021, Munthali was told that her employment contract was terminated with immediate effect. The next day, Ramatlakane released his media statement, which claimed that Munthali "has been on suspension for alleged misconduct," and that she had "capitalised on the instability of the Board culminating in" an "extended and unlawful stay".

Prasa's attempt to terminate the employment of Munthali and fellow executives Ngoye, Holele, and Khenani's failed. In separate rulings, their contracts were declared to still be in force. Prasa's appeals against the Labour Court rulings were also dismissed.

Repeated attempts by *GroundUp* to reach Prasa for comment were met with no reply.

This article was originally published on [GroundUp](#).

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