

SUPREME COURT OF APPEAL OF SOUTH AFRICA

PRESS RELEASE

XX May 2007

STATUS: Immediate

**Makambi v MEC for the Executive Council, Department of Education,
Eastern Cape Province**

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal

The Supreme Court of Appeal today dismissed a claim by an employee for the review of a decision of the provincial authorities to terminate her employment benefits.

The employee had sought to assert her constitutional right to just administrative action in seeking to review the decision. In a similar case that came before the Constitutional Court (in the matter of *Chirwa v Transnet Ltd* 2008 (3) BCLR 251 (CC)) that court held that employees in the public service may not assert their constitutional right to just administrative action if the conduct that was complained of arose from their employment. It held that the only recourse that they had was to pursue a claim under the Labour Relations Act.

The SCA held that that decision was determinative of the case before it and on that ground dismissed an appeal from the Bisho High Court that had rejected the complainant's claim.