



**IN THE PUBLIC SERVICE CO-ORDINATING BARGAINING COUNCIL
HELD AT BLOEMFONTEIN**

**COMMISSIONER: JB MTHEMBU
CASE NUMBER: PSCB 59-12/13
DATE: 27 APRIL 2013**

In the arbitration between:

PSA obo S N MOTSAU

APPLICANT

and

DEPARTMENT OF EDUCATION

RESPONDENT

ARBITRATION AWARD

DETAILS OF HEARING AND REPRESENTATION

1. The hearing was held on 6 December 2012. Mr Greef of the PSA represented the Applicant and Mr Tlale the Respondent.
2. The parties were to file closing argument on 24 January 2013, however, due to a misunderstanding of what the issue in dispute is, the Respondent only filed its argument on 16 April 2013.

THE ISSUE TO BE DECIDED

3.1 The interpretation and application of RES3/1999 Chapter X1 Clause 1.2(a) – (c).

THE ISSUE IN DISPUTE

3.2 Failure by the Respondent to pay the Applicant her petrol claim for May 2011 in the sum of R7350.18.

SURVEY OF THE ARGUMENT

4.1 Applicant`s Argument

4.1.1 The Applicant is employed by the Respondent as an SMGD: Motheo Region, responsible for a cluster of schools.

4.1.2 The Applicant is required to monitor and control schooling at the schools on a monthly basis.

4.1.3 During May 2011 the Applicant travelled 1993km exceeding the required 1800km allowed by the district to travel.

4.1.4 The Applicant`s supervisor had approved her itinerary and deviation.

4.1.5 The only reason forwarded by the Respondent for not paying the Applicant`s claim is that she exceeded the required 1800km per month.

4.2 Respondent`s Argument

4.2.1 The Respondent did not file any closing argument per se, but referred to the outcome of the grievance of the Applicant on this issue in dispute.

4.2.2 The Respondent referred to Financial Management Circular No. 2 of 2010 in terms whereof any deviation from the 1800km per month must be requested in a formal submission via the Branch Head and CFO to the HOD for approval prior to travelling.

4.2.3 Failure to seek the prior approval of the HOD will result in the maximum limit of 2000km to be paid.

ANALYSIS OF THE ARGUMENT

5. By her own admission the Applicant only sought the approval of her Branch Head prior to her travelling.
6. No averment is made by the applicant that she complied with the Financial Management Circular No. 2 of 2010 i.e. approval of the HOD, prior to her embarking on her travels.
7. The Respondent therefore acted within its rights to refuse to pay the Applicant's claim.
8. The Lubbe award that I have been referred to finds no applicability in *casu*. In this case it is stated categorically that Lubbe's travels were approved by the HOD but there was a delay from one of the Directorates in paying them.
9. The Applicant is therefore not entitled to any relief.

AWARD

10. The Respondent has not incorrectly applied or interpreted Clause 1.2 (a) – (c) Chapter X1 of RES3/1999.

11. The Applicant's application is accordingly dismissed without an order for costs.

J B MTHEMBU
PSCBC PANELIST