



IN THE LABOUR COURT OF SOUTH AFRICA, DURBAN

CASE NO: D62/18

Honourable Justice Gush ORDERED on **6 February 2018**

In the matter between:

DURBAN UNIVERSITY OF TECHNOLOGY

Applicant

and

**TERTIARY EDUCATION NATIONAL UNION OF
SOUTH AFRICA ("TENUSA")**

First Respondent

**NATIONAL EDUCATION HEALTH & ALLIED
WORKERS UNION ("NEHAWU")**

Second Respondent

NATIONAL TERTIARY EDUCATION UNION ("NTEU")

Third Respondent

**MEMBERS OF THE FIRST TO THIRD
RESPONDENTS AS LISTED
ON ANNEXURE "X"**

Fourth to Further Respondents

ORDER

Having read the documents and having considered the matter:

IT IS ORDERED THAT:

IT IS ORDERED THAT:

1.

That a *rule nisi* do hereby issue calling upon the First, Second, Third and Fourth to Further Respondents to show cause on the 13th day of March 2018 at 10h00 or so soon thereafter as the matter may be heard why the following order should not be granted:

- (a) Declaring that the application is one of urgency and condoning the Applicant's non-compliance with the Rules of this Honourable Court.
- (b) The Fourth and Further Respondents, in relation to the Applicant's premises located at Steve Biko Campus (Steve Biko Road), ML Sultan Campus, Ritson Campus, City Campus (Old Dutch Road), DUT Brickfield Campus (Brickfield Road) and Midlands Campus (Pietermaritzburg) be and are hereby interdicted and restrained from:
 - (i) Assaulting, intimidating, harming and/or harassing students, employees, service providers or any other person attending at any of the Applicant's premises.
 - (ii) Damaging or removing any of the Applicant's property or the property of any person attending on the Applicant's premises.
 - (iii) Barricading, restricting or in any way interfering with the entrances or access points to any of the Applicant's premises.



- (iv) Preventing, restricting or in any way interfering with access to and ingress from any of the Applicant's premises by any person or motor vehicle.
 - (v) Disrupting or preventing the registration process, teaching and learning and/or other activity which falls within the normal operations of the Applicant.
 - (vi) Breaching the terms of the Picketing Agreement dated 15 January 2018.
 - (vii) Organizing, instigating, co-ordinating or perpetrating any activity on the Applicant's premises which does not comply with the terms of the Picketing Rules Agreement dated 15 January 2018.
- (c) That leave is granted to supplement these papers insofar as is necessary to enable the Applicant to seek compensation from the Respondents;
- (d) That the Respondents are ordered to pay the costs of this application jointly and severally.

2.

That the relief set out in paragraphs 1 (a) and (b) hereof operate as interim relief with immediate effect pending the outcome of the application.



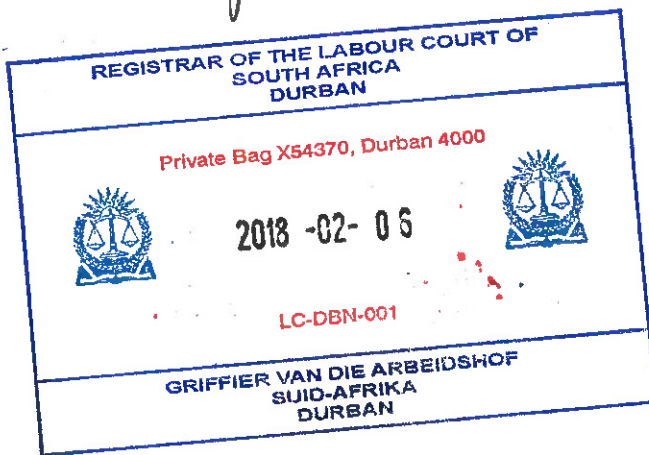
That service of this Order is to be effected:-

- (a) By serving a copy of the Order on the First Respondent at B Block, Ground Floor, M L Sultan Campus, M L Sultan Road, Durban.
- (b) By serving a copy of the Order on the Second Respondent at 5th Floor, Open House, Steve Biko Road, Durban.
- (c) By serving a copy of the Order on the Third Respondent at 5th Floor, Open House, Steve Biko Road, Durban.
- (d) By posting a copy of the Order on the Applicant's appropriate notice boards at its premises at Steve Biko Campus (Steve Biko Road), ML Sultan Campus, Ritson Campus, City Campus (Old Dutch Road), DUT Brickfield Campus (Brickfield Road) and Midlands Campus (Pietermaritzburg).
- (e) By posting a copy of the Order on the Applicant's entrance gates to the premises at Steve Biko Campus (Steve Biko Road), ML Sultan Campus, Ritson Campus, City Campus (Old Dutch Road) and DUT Brickfield Campus (Brickfield Road) and Midlands Campus (Pietermaritzburg).



BY ORDER OF COURT


REGISTRAR



LABOUR COURT