

**IN THE LABOUR COURT OF SOUTH AFRICA
HELD AT DURBAN**

Case Number: D467/09

BEFORE THE HONOURABLE CELE J
SITTING AT DURBAN ON

In the matter between:

KWAZULU-NATAL DEPARTMENT OF HEALTH

Applicant

and

**DOCTORS, DENTISTS AND PHARMACISTS
EMPLOYED BY THE KWAZULU-NATAL
DEPARTMENT OF HEALTH**

Respondents

ORDER

HAVING heard counsel for the applicant and having read the papers filed of record, IT
IS ORDERED:

1. That in view of the urgency of the matter the applicant's failure to strictly comply with the requirements of the Labour Court Rules is hereby condoned.
2. That a rule nisi do issue calling upon the respondents to show cause before this Honourable Court at ~~10~~ ³⁰ ~~hoo~~ on the ~~30~~ th day of JULY 2009 why an order should not be made in the following terms:

- 2.1 That doctors, dentists and pharmacists employed by the applicant, including those listed in annexure "E" to the supplementary affidavit of Dennis Nhlanhla Nkosi, are hereby interdicted and restrained from participating in, aiding and abetting or otherwise engaging in any conduct in contemplation or furtherance of the current strike by some doctors, dentists and pharmacists employed by the applicant;
- 2.2 That in the event that any party opposes the confirmation of the rule nisi, that party or parties shall pay the costs of the application.
3. That paragraph 2.1 hereof shall operate as an interim interdict with immediate effect pending the confirmation or discharge of the rule nisi.
4. That the applicant is given leave and directed to serve this order as soon as practicable in the following manner:
 - 4.1 Distributing it electronically to the hospital CEOs and Medical Managers where the respondents are employed and directing those CEOs and Medical Managers to bring the order to the attention of the respondents employed at those hospitals by at least:
 - 4.1.1 Posting it on all departmental notice boards;

- 4.1.2 Distributing it electronically to all the respondents who are on electronic-mail;
- 4.1.3 Distributing it to all heads of department.
- 4.2 Requesting the public broadcast media to publish the material terms of the order;
- 4.3 Arranging for the printing in prominent classified advertisement form of the material terms of the order in one or more newspapers which are published and which circulate in KwaZulu-Natal.
5. The applicant is directed to make available, through its attorneys, to any respondent which so requests in writing, a copy of the application papers and this order.
6. Any respondent intending to oppose the confirmation of the rule nisi is directed to deliver a notice of intention to oppose and an opposing affidavit at least five days before the return date referred to in paragraph 2.

KS Mabinano

P.P. REGISTRAR