

Gama's lawyer attacks Hogan

Suspended Transnet executive Siyabonga Gama's legal team has accused Public Enterprises Minister Barbara Hogan of siding with the parastatal in the battle between him and its board.

By [Nkululeko Ncana](#) 21 Sep 2009

Attorney Themba Langa yesterday blamed Hogan for "frustrating" Gama in his endeavour to have his suspension lifted by the courts.

Langa had made an urgent application to the South Gauteng High Court, Johannesburg, for the setting aside of Gama's suspension so that he could be appointed as Transnet's group chief executive.

He is angry that Hogan wrote to Transnet saying that she would not be able to attend to her official duties from 18 - 27 September.

Transnet has since used Hogan's letter as part of its responding affidavit, in which it rebuts Gama's claim that the issue is urgent because he expects the Cabinet to decide on the new Transnet CEO on Wednesday.

The Cabinet cannot decide on the new CEO without the participation of Hogan, the minister responsible for parastatals.

Langa told *The Times* that Hogan had behaved in an "unfair" way and her actions were now perceived as those of someone "not impartial" in the battle between Gama and the Transnet board.

The board brought disciplinary charges against Gama and suspended him.

"By deliberately filing the letter in favour of Transnet, the minister is purposefully and actively being biased against Gama," he said.

"When you look at the letter, it is directly sent to Transnet for the purpose of this legal matter. It's not a government letter explaining something to Transnet," he said.

The matter, which was set to be heard tomorrow, is likely to be postponed on the grounds that it is not urgent, given the minister's letter to Transnet.

Transnet's acting chairman, Geoffrey Everingham, referred to Hogan's letter in the parastatal's responding affidavit, saying that the minister did not consider the appointment of the chief executive to be urgent.

"In relation to Mr Gama's allegation that the Cabinet is now to consider this issue on September 23, this appears unlikely given that the minister will be out of office and not able to perform any official duty until September 27," Everingham said.

This is despite a recent briefing to Parliament's portfolio committee for public enterprises, in which Hogan told MPs that the appointment of a full-time chief executive should not be delayed further.

Langa said Hogan went against these sentiments when she sent the letter to Transnet and that her actions should "disqualify her as an arbitrator in the dispute.

"Providing Transnet with that letter can mean that she is directly defeating the objective to have the matter heard on Tuesday," he said.

Source: *The Times*

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