

Too early for interdict - judge tells 'melodramatic' Vlok Symington

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26 Sep 2017

The Pretoria High Court on Friday, 22 September 2017, dismissed an urgent application by SA Revenue Service (SARS) official Vlok Symington to halt disciplinary proceedings against him.



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Symington made headlines when news broke that he was held "hostage" in a SARS boardroom after he refused to hand over documents meant for the Hawks sent to him accidentally, along with questions he was asked to answer by the National Prosecuting Authority (NPA).

The drama relates to charges of fraud brought against former finance minister Pravin Gordhan in relation to the early retirement of former deputy SARS commissioner Ivan Pillay.

In 2009 Symington drafted a memo saying Pillay's matter was above board, which the Hawks and SARS allegedly withheld from the NPA.

Symington has asserted that he made several protected disclosures following the debacle, and the interdict he seeks will protect him from "occupational detriment" as defined in law.

He submitted that charges of misconduct he faces relating to the incident that played out in the SARS boardroom on 18 October last year were spurred by the disclosures he made to the Independent Police Investigative Directorate (Ipid) and the NPA.

Judge Hans Fabricius did not agree, saying Symington and Commissioner Tom Moyane's bodyguard, Thabo Titi, who allegedly held him against his will in the boardroom, could have resolved this issue with "a beer and a handshake".

"The applicant (applicant) does not need urgent relief now. Mr Titi was prepared to accept an apology, whilst Applicant demanded his dismissal," the judgment read. "Respondent's (SARS) comment that applicant is inclined to melodrama is borne out by his assertion that he was 'subjected to unlawful kidnapping'."

Fabricius said the disciplinary inquiry will have to determine whether or not the charges raised against the applicant have any merit and whether they are serious.

On the various issues of state capture allegations, Judge Fabricius said he did not feel these allegations, which still have to be tested, were immediately relevant to the urgent application.

SARS issued a statement on Friday morning welcoming the judgment and confirming it would proceed with disciplinary proceedings against Symington.

"SARS is of the view that the judgment vindicates the organization's long held view that the investigation and disciplinary action against Mr Symington was lawful and fair," the statement read.

Source: The Times

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