

On 29 July 2010 Vedalankar then emailed Nair, summoning him to meet with her to discuss how to respond to the applicant's letter. (Bundle, page 389)

*only sought clarity*

At their meeting Vedalankar instructed Nair to answer the applicant's letter and to tell him that the respondent had decided that it would not be filling its vacant Senior Litigator posts. (Bundle, page 19)

*D who did she tell you? p/q*

*she says he*

The meeting between Vedalankar and Nair was conducted off the record, and no minute exists of the discussion and decision.

*she says he*

7. At its meeting on 31 July 2010 the Board approved the national executive managers' 'Recommendation' in their 'Report to Board', as the minutes reflect: 'The Board approve the mitigating measures in response to the OSD shortfall as proposed in paragraph 4 of Annexure 1' - i.e. the twin proposal that 'to cover part of the anticipated OSD shortfall ... savings derived during the financial year be reserved' and that Junior Practitioner posts be reduced. (Bundle, page 251)

*A, save that distinction - my post are not nec J A*

58. Notwithstanding the 'need to prioritise critical positions' for 'recruitment', noted by Vedalankar, Makokoane, Nair, and other national executive managers in their 'Report to Board' among their 'proposed ... measures ... to mitigate the probable deficit', Nair wrote to the applicant on 3 August 2010, as instructed by Vedalankar, alleging to him that 'the recruitment process to finalise the appointments for all vacant Senior Litigator posts were [sic] put on hold due to various reasons. I can now confirm that we will not be proceeding with the filling of any of these posts.'

59. The candidate who had just been selected and recommended for appointment to the Mthatha Senior Litigator post in about July, was now told in August that the respondent would not be filling this critical position, which Vedalankar, Makokoane, Nair, and other national executive managers had just mentioned generically in their 'Report to Board', speaking of 'the need to prioritise critical positions' for 'recruitment' among their 'proposed ... measures ... to mitigate the probable deficit'.

60. No record exists of the decision taken by the respondent's national managers to abort the successful candidate's appointment to the critical Mthatha Senior Litigator post. This is because the decision was taken off the record.

*A*