

Dodgy dealmaker hits the jackpot

By NALEDI SHANGE

● A Public Works employee fired for his involvement in a controversial R500-million police leasing deal is back on the job – with a R2-million payout from the department for his time away.

Sam Vukela, acting director-general of the department at the time the lease was signed, has been reinstated after winning a contentious arbitration award.

Despite legal opinion suggesting Vukela's reinstatement can be challenged, the department is keeping him in his old position.

"Yes, we can confirm that advocate Sam

Vukela is back as [deputy director-general] of corporate services," the department's communications officer, Reggie Ngcobo, told The Times.

Vukela was fired in 2013 when it was found that he had acted negligently by facilitating a multi-million-rands business deal with property mogul Roux Shabangu, departing from standard tender process.

The police had approached Public Works for office space ahead of the 2010 World Cup.

Only two floors were needed but the police entered into a lease agreement which resulted in the government paying more than R2.8-million a month in rent for 17 floors of the Middestad building in Pretoria.

The deal resulted in the removal of Bheki Cele as national police commissioner because he was the police's accounting officer.

Vukela was the accounting officer of the Department of Public Works while he acted as its director-general.

In 2011 the public protector found that the lease agreement was "unlawful" because there had been no call for tenders.

"The lease agreement should not have been entered into as it did not comply with the validity requirements of the constitution, applicable legislation and prescripts. The lease agreement entered into by the Department of Public Works and Roux Property

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Dodgy dealmaker gets job back

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CONTINUED FROM PAGE 1 Fund is therefore invalid," Thuli Madonsela said then.

A 2013 internal probe into the leasing concluded that Vukela was unfit to continue his job and he was fired.

He successfully challenged the fairness of his dismissal at the Bargaining Council.

In papers seen by The Times, arbitrator John Siavhe ruled that Vukela be reinstated in his position by May 2 this year and that he be paid for the 46 months he was wrongfully removed from the department.

With a salary of R45 000 a month, Vukela received over R2-million in backdated pay.

The Times has also seen a legal opinion obtained by the department shortly after the arbitration award.

The department sought advice on whether to retain Vukela. A legal opinion by Bantubonke Tokota SC, dated April 28 2017, advised that the department could take the bargaining council decision on review because it was "vague and embarrassing and not easy to understand".

"If the review application is successful, then Mr Vukela may be relieved of his duties. If the review is unsuccessful, then he will be entitled to be paid the salary which he would have earned had he not been dismissed, minus the period which he shall have served from 2 May 2017," Tokota said.

The department was also told that it had the option to accept the arbitration award, pay Vukela and reinstate him.

"If the latter is chosen by the department, he will have to be reinstated to the post which he occupied, failing which the department will have to negotiate with him [on] which other position is available for him, if any."

Ngcobo said the department did not try to block Vukela's return to work. His return resulted in the unseating of Clive Mtshisa, who had replaced him.

"Mr Mtshisa is still in the department and is currently acting [deputy director-general of] professional services and the position was vacant at the time," Ngcobo said.

Vukela also featured in the Nkandla "security upgrades" debacle.

He and two other former directors-general, Solomon Malebye and Siviwe Dongwana, were to face criminal charges of financial misconduct after the cost of the upgrades ballooned to over R200-million.

But the National Prosecuting Authority decided not to prosecute.