

made pursuant to a "retirement" but the Rules of the Pension Fund did not permit for early retirement at the age of 50. Early retirement could only be taken at the age of 55. Eskom, mistakenly, had acted on the basis of the resolution set out in annexure ESK6 hereto. Eskom's mistaken belief was, *inter alia*, that the resolution (ESK6) could have been passed and implemented on its terms. But the Pension Fund rules do not permit for "*retirement from age 50*".

37. When it became clear to Eskom, on the basis of legal advice received, that it was wrong in this regard and that its agreement with Molefe for his retirement was concluded on a legal premise which was incorrect, Eskom was left with the task of undoing what had been done. Consequently, Eskom passed a resolution to rescind its decision to approve Molefe's request for retirement. The consequence thereof was that the status quo had to be restored. The amounts paid out by Eskom on account of Molefe's "retirement" would have to be repaid to Eskom and, in order to restore the status quo, Molefe would resume his duties as the Eskom Chief Executive.
38. Consequently, on 3 May 2017, I addressed a letter to Molefe, in these terms, a copy of which is annexure **ESK12** hereto. The minute of the

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