

IN THE HIGH COURT OF TANZANIA

IN THE DISTRICT REGISTRY

AT MWANZA

LABOUR REVISION NO. 112 OF 2019

(Originating from CMA/MZ/GEITA/413/2015)

KILIMANI DOTTO RICHARDAPPLICANT

VERSUS

GEITA GOLD MINE LTDRESPONDENT

REASONS FOR THE RULING

13 & 20/05/2020

RUMANYIKA

The application is for revision following a refusal of extension of time therefore decision of 3/2/2016 of the Commission for Mediation and Arbitration for Mwanza (the CMA). It is brought under Sections 91 (i) (a), (b) (2) (a) (c), 94 (1), (b) (i) of the Employment and Labour Relations Act No. 6/2004 (the ELRA) read together with Rule 24 (1), (2), (a) (f) (3) (a) (d), 28 (1) (a) (e) of the Labour Rules, 2007 GN No. 106/2007. The applicant appeared in person. Mr. G. Mwantembe advocate for the respondent.

When the application, according to order of 8/4/2020 was called on 13/5/2020 for hearing, but following the global outbreak of the Coronavirus pandemic the parties were online (mobile numbers 0752 934 178 and 0754 277 737) respectively, by way of Audio Teleconferencing they were heard.

Whereas, to start with Mr. G. Mwantembe learned counsel had 3 points of preliminary objection (p.o) formally raised on 14/2/2020 and he was ready for hearing, like a month ago i.e on 8/4/2020 once again the applicant prayed for adjournment to prepare this time around to engage a qualified person because on similar grounds according to records on 13/12/2019 (Siyani, J) struck out his 1st attempt Labour Revision No 99/2018 contrary to provisions of the Advocate Act Cap 341 RE 2002 the application having been drawn by unqualified Nyanjugu Sadick masudi. That is all.

Mr. G. Mwantembe learned counsel further submitted that the applicant's prayer was not tenable at law because given the fact, nature and legal effects of p.o there was nothing before the court to be adjourned because no doubts for reasons of who drew the documents, too the application was incurably defective therefore liable to be struck out. That is all.

I struck out the purported application and reserved the reasons. Here are the reasons;

It is very unfortunate that even when for the same reasons this court struck out Application Number 13/12/2019 and the decision had not been reversed, yet still the same applicant did engage the same unqualified Nyanjugu Sadick Masudi whereby hardly 4 days later he drew him the present documents. What a mockery ! With the lapse say of four (4) days it wouldn't be said that the applicant and the notorious unqualified Nyanjugu Sadick Masudi had lost the memory.

