

IN THE HIGH COURT OF TANZANIA
(DISTRICT REGISTRY OF MTWARA)
AT MTWARA

REVISION APPLICATION NO 6 OF 2021

(Originating from Labour Dispute No. CMA/MTW/LD/66/2020)

AHMAD KONDO JOSEPH & 18 OTHERSAPPLICANTS

VERSUS

SHEBY MIX INVESTMENT RESPONDENT

RULING

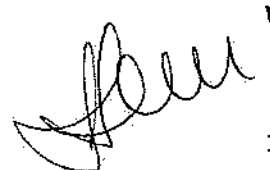
Muruke, J

Applicants filed present Labour Revision application after being dissatisfied with decision of commission for Mediation and Arbitration in labour dispute No. CMA/MTW/LD/66/2020.

Upon perusal of the court records, I realized that, affidavit in support of the application contravenes Rule 24(3)(a)(b)(c)(d) of the Labour Court Rules GN 106/2007, that read as follows.

24(3) The application shall be supported by an affidavit, which shall clearly and concisely set out:

- a) *The names, description and address of the parties (Not applicable)*
- b) *A statement of the material facts in a chronological order, on which the application is based, (Not applicable)*
- c) *The reliefs sought [emphasis mine]*



The applicants were wrong for not complying with the simplified **rules** and **requirements** of an affidavit as spelt out under Rule 24(3) (a) (b) and (d) which are mandatory to be in the affidavit to form part thereof. The words “**The Application shall be supported by an affidavit**, which shall clearly and concisely set out (a)(b)(c)(d) pre- supposes the mandatory requirement in the circumstances. The language of Rule 24(3) (a, b, c) and (d) is coached on mandatory way.

It must be understood that Labour Court as a specialized court and Division of the High Court has its Labour Laws and Rules enacted and passed by the legislature with the aim of guiding the Labour Court to achieve its purpose. Affidavit in Labour and Employment matters is governed by rules and requirements as spelt out in Rule 24(3)(a)(b)(c) and (d) above of the Labour Court Rules GN No. 106 of 2007. Therefore, a deponent must follow the same. These are mandatory provisions that need to be complied with. Non-compliance renders the affidavit defective, thus incompetent same cannot be left to stand, application is thus struck out for incompetence.



A handwritten signature in blue ink, appearing to read "Z. G. Muruke".

Z. G. Muruke

Judge

19/08/2022

Ruling delivered in the presence of four (4) Applicants namely Mfaume Abdallah Kimaro, Hamza Selemani Nalinga, Mohamed Abdallah Makacha, Mohamed Hamisi Ally and Advocate Steven Lekey for the Respondent.




Z. G. Muruke

Judge

19/08/2022