

**IN THE HIGH COURT OF TANZANIA
LABOUR DIVISION
(IRINGA DISTRICT REGISTRY)
AT IRINGA**

LABOUR REVISION NO. 3 OF 2018

MASU INTER-TRADE LTDAPPLICANT

VERSUS

ABASI NUHU MBOSARESPONDENT

RULING

KENTE, J

A preliminary point of objection has been raised by the respondent herein one Abasi Nuhu Mbosa to the effect that the present application in which the applicant namely Masu Inter-trade Limited is seeking for revision of the decision of the Commission for Mediation and Arbitration (at Njombe) in respect of Labour Dispute No. CMA/NJ/AUG/25/2017 is time-barred. To that end, the respondent prayed for the dismissal of this application for having been preferred out of the prescribed period.

The respondent who appeared in person fending for himself maintained that the applicant was aware that the Commission for

Mediation and Arbitration had set the matter before it to come for issuance of award on 20th February, 2018 but he deliberately absented himself from attending. The essence of the respondent's criticism against the applicant is that pursuant to section 91 (1) (a) of the **Labour and Employment Relations Act** the present application ought to have been filed not later than 1st April, 2018.

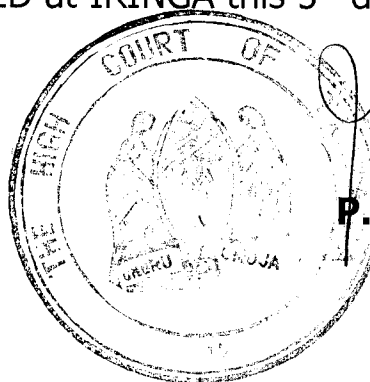
With due respect to the applicant, I am of the view and I wish to say straight away that there is merit in the respondent's submission. Although Mr. Ignas Charaji who appeared before this court as the applicant's representative strongly contended that the six weeks time within which the applicant could apply for revision of the award by the Commission for Mediation and Arbitration should be counted from 22nd May, 2018 when he (applicant) allegedly received the said award, a cursory glance through the lower court record does not bear him out. Instead the record reflects the general behaviour of the applicant as being a lackluster and arrogant person. Otherwise it should be the case that the applicant's representative should himself be made to shoulder the cross as he was present in court on 29th December, 2017 when the application before the Commission for Mediation and Arbitration was heard and set to come for decision making

on 20th February, 2018. He then absented himself without any excuse and he is now shielding himself by seeking for the forty two days period within which the applicant ought to have applied for revision to be reckoned from the 22nd May, 2018 and not on 20th February, 2018 when the impugned decision was handed down. It is unfortunate however, that Mr. Charaji did not help the applicant as one would have expected. Certainly he could have done better and acted promptly had he entered appearance and received the ruling of the Commission for Mediation and Arbitration on 20th February 2018. He cannot therefore be heard to say today that the applicant had received the award on 22nd May, 2018.

Upon bearing in mind all the circumstances obtaining in this case, I am of the final view that the preliminary point of objection on the question of limitation as raised by the respondent is meritorious. I accordingly uphold it and consequently dismiss this application for being time barred.

It is so ordered.

DATED at IRINGA this 5th day of May, 2020.


P. M. KENTE
JUDGE