

**THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA  
IN THE DISTRICT REGISTRY OF SHINYANGA  
AT SHINYANGA**

**LABOUR REVISION NO. 10 OF 2020**  
*(Emanating and Relating to CMA/SHY/188of 2017).*

**NTALULA TUNGU NTALULA.....APPLICANT**

**VERSUS**

**TANZANIA NATIONAL ROADS AGENCY .....RESPONDENT**

**EXPARTE RULING**

*23<sup>rd</sup> & 24/3/2021*

**MKWIZU, J:**

On 14<sup>th</sup> April, 2020 the applicant **Ntalula Tungu Ntalula**, filed his application for extension of time within which to file revision against the award of the Commission for Mediation and Arbitration delivered on 05/01/2018 in the Labour Dispute No. CMA/SHY/188/2017. The application was made under **Rule 56 (1) of the Labour Court Rules, G. N. No. 106 of 2007.**

The brief background of the matter as gleaned from the affidavit in support of the application are that, applicant was once an employee of the respondent. His termination was terminated leading to the filing of Labour dispute No CMA/SHY/188/2017 at the Commissioner for Mediation and

Arbitration. The CMA ruled in favour of the respondent. In its order striking out the matter, stated that applicant's labour dispute was prematurely filed before exhausting all administrative remedies provided for by the public Service Act.

Dissatisfied, applicant filed Labour Revision No. 5 of 2018 in this Court, he however, via his own letter dated 20<sup>th</sup> august, 2018, prayed to withdraw the said revision. This court vide its order dated 27/11/2018 accepted the prayer and marked the Revision withdrawn. It is stated in the affidavit in support of this application that the reason why applicant withdrew the revision was his intention to meet and discuss his grievances with the respondent's management. He, as clarified in the affidavit did as intended but respondent headed not to his request hence this application for extension of time to file revision out of time.

When the application was called for hearing, the applicant appeared in person/ unrepresented while respondent defaulted appearance hence this expert hearing after the court had satisfied itself that non-appearance by the respondent was without reasonable cause.

Applicant's submissions in support of the application was short but focused, he prayed first the court adopt his affidavit be adopted and grant the application. He essential explained the reason as indicated in his affidavit that the delay was caused by the withdrawal of his earlier on filed Revision in an effort to have a discussion with the respondent on how to settle their dispute the efforts with were not heeded to by the respondent, he then filed this application after the respondent failed to him. With thus submission he prayed the court to be given time so that he can file Revision out of time.

I have carefully considered the application, supporting affidavit as well as the applicant's oral submissions made during the hearing in court. The issue for determination is only whether the applicant had adduced sufficient reason to allow the court to grant the prayer sought in the application.

This application is controlled by the provisions of **Rule 56 (1) of the Labour Court Rules, 2007** which states;

*56(1)-the court may extend or abridge any period of prescribed by these Rules on application an on good cause shown, unless the*

*court is precluded from doing so by any written law."*

The court is as per the provision above, required to extend time only on good cause. In the case at hand, CMA's decision was delivered on 05/1/2018 and it is also on the records that immediately thereafter, applicant filed Revision No. 5 of 2018 challenging the CMA's decision, this application was however withdrawn on the applicant's instance. As stated herein above, the withdrawal order was issued by this court on 27/11/2018 followed by the present application filed on 14<sup>th</sup> April, 2020 almost two years. The main reason advanced by the applicant for the delay, that respondent had promised to reinstate the applicant the promise which led to the withdrawal of Revision No 5 of 2018, but later respondent could not fulfil his promise and he also discovered after two years period that is in April 2020. I doubt if the reason given above falls within the good cause need for one to be granted extension of time.

It should be noted here that time limitation is a creature of the statutes and parties are obliged to adhere to time schedules specified by the law unless there are good reason for not doing so. In **Tanzania Fish**

**Processors Ltd v. Christopher Luhanga**, Civil Appeal No. 11 of 1994, the Court of Appeal observed:

*"Limitation is material point in the speedy administration of justice. Limitation is therefore to ensure that a party does not come to court as and when he wishes".*

In this application apart from the fact that no proof that the respondent did promise to reinstate the applicant, there was no justification neither from the affidavit in support of the application nor the applicant's oral submission that there was anything between the parties which contributed to the delay and which would qualify to "a good cause".

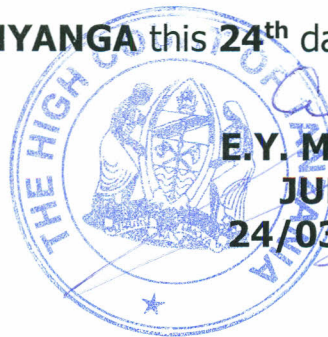
Even if the court is to exclude the time from when the CMA delivered its decision to the time when application No 5/ 2018 was withdrawn, again, I find no explanation by the applicant as to why he remained silent from 27<sup>th</sup> November, 2018 to 14<sup>th</sup> April, 2020 when he filed this application. It is a settled law that, in an application for extension of time, each day of the delay must be accounted for. See for instance the decision in **Bushiri Hassan v. Latifa Lukio Mashayo**, Civil Application No. 3 of 2007 (unreported) where it was held that:

*"Delay of even a single day, has to be accounted for otherwise, there would be no point of having rules prescribing periods within which certain steps have to be taken." (emphasis added)*

I find this application devoid of merit and therefore, it is dismissed with no order as to costs.

Order accordingly.

**DATED at SHINYANGA this 24<sup>th</sup> day of March, 2021**



*E.Y. Mkwizu*  
**E.Y. MKWIZU  
JUDGE  
24/03/2021**