

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

MISCELLANEOUS LABOUR APPLICATION NO. 12 OF 2020

*(From the ruling of the High Court in Execution No. 50 of 2018 dated 24th
December, 2019 before Hon. O. H. Kingwele, Registrar)*

COMMUNICATION AND TRANSPORT WORKERS

UNION OF TANZANIA APPELLANT

VERSUS

MARIAM SAID RESPONDENT

RULING

Date of the last order: 28/6/2021

Date of Ruling: 28/6/2021

F. K. MANYANDA, J

This matter concern an application registered as Miscellaneous Labour Application No. 12 of 2020 which was filed on 01/04/2020.

The Application is intended to request this Court to grant order(s) for lifting its orders dated 24/12/2019 in respect of Execution Application No. 50 of 2018 pending another application inter parties.



The orders that were given is Execution Application No. 50 of 2018 were given ex parte, they were for reinstatement of the Respondent and payment to her of Tsh 10,292,520/=. The Execution Application No. 50 of 2018 was a resultant of an award by the Commission for Mediation and Arbitration (CMA) for Mwanza in Labour Dispute No. CMA/MZ/ILEM/123/2017 dated 30/07/2018.

The Applicant sought to challenge the award by filing Labour Revision No. 57 of 2018 in this Court and successfully stayed the said Execution Application. However, the Revision was not heard as it was dismissed for want of prosecution.

Following dismissal of the Revision, the stayed Execution Application was revived and consequently the impugned orders for reinstatement and payment of Tsh 10,292,520/= were issued accordingly.

This application for lifting of the said impugned orders was filed on 01/04/2020. The same came for first mention on 06/04/2020. To date none of the parties did ever appear in Court because of lack of telephone, e-mail or other convenient addresses for service.

The Applicant gave a postal address which has neither telephone number nor e-mail address. He also gave incomplete address of the Respondent which reads.

"Mariam Said, P. O. BOX.....Mwanza"

For sure it has been difficult to get both of them for a year and beyond now.

Rule 24(2)(d) of the Labour Court Rules, GN No. 106 of 2007 require any person making a formal application in this Court to give an address through which the parties will be served. It is my firm views that such address should be potent enough to enable easy services, it must include telephone number and or e-mail address.

Moreover, to make it worse, the Applicant, after filing the application, decided to stay home and dry. It must be remembered that the Applicant filed this matter under certificate of urgency under Rule 25 of the Labour Court Rules (Supra).

My understanding of the law is that a party who makes an application in this Court is required to make a follow up of his matter. This requirement becomes even more desirable in an application filed under certificate of urgency, like the instant matter.

Therefore, I am increasingly of firm views that though he filed this application under certificate of urgency, he has lost interest in this application due to lack of follow up.

Consequently, I do hereby dismiss this application for want of prosecution. Order accordingly.




F. K. MANYANDA
JUDGE
28/6/2021