

IN THE HIGH COURT OF TANZANIA

LABOUR DIVISION

AT MWANZA

MISC. LABOUR APPLICATION NO. 36 OF 2021

(Originating from the award of the Commission for Mediation and Arbitration (CMA) for Geita at Geita, Labour Dispute No. CMA/GTA/126/2018, Hon. Dickson Mayale - Arbitrator date 16/09/2021)

GEITA GOLD MINE LIMITED APPLICANT

VERSUS

ELIUDY GICHAINARESPONDENT

RULING

27th September, 2021

TIGANGA, J

In this ruling the applicant seeks for an order to stay execution of the award in Labour Dispute No. CMA/GTA/126/2018, which he was the respondent before CMA Geita, which dispute was determined in the favour of the respondent. Following that decision, the applicant decided to challenge the award by filing an application for revision.

However before filing the same, he realised that he was out of time, thus filed Misc. Labour Application No. 05 of 2021 asking for extension of time to file an application for revision out of time. That application was also

dismissed for want of merits, the order which aggrieved the applicant, who lodged the Notice of Appeal to appeal to the Court of Appeal of Tanzania.

Following the commencement of the appeal process, the applicant also filed this application asking for an order staying execution pending the determination of the intended appeal to the Court of Appeal of Tanzania. He also asked any other relief as this honourable court may deem fit and just to grant.

When the application was served to the respondent, through the service of Mr. Erick Rutehanga, learned counsel, the respondent decided not to file Counter Affidavit and when the same was called for hearing, he informed the court that the respondent concedes the application, he just asked for the application to be granted, the execution be stayed pending appeal intended to be lodged to the Court of Appeal of Tanzania.

Now, basing on the concession by the respondent, and having considered the weight of the application and the reasons supporting it, as reflected in the affidavit filed in support of the application; I find merit in the application, I therefore allow it. The execution of the award passed in Labour Dispute No. CMA/GTA/126/2018, by Hon. Mayale - Arbitrator dated

16/09/2020 is hereby stayed pending determination of an appeal which is before the Court of Appeal of Tanzania. No order as to costs is made.

It is so ordered.

DATED at MWANZA, this 27th day of September, 2021



J. C. TIGANGA
JUDGE
27/09/2021