

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

AT MTWARA

LABOUR REVISION NO 5 OF 2017

(Arising from Trade Dispute No. CMA/LIN/DL/41/2016 of Lindi CMA at Lindi)

MOHAMED ATHUMAN MWICHANDE..... APPLICANT

VERSUS

SELEMANI SAIDI BUNGARA RESPONDENT

RULING

Muruke, J

Present Labour revision application was presented at the High Court Labour division at Lindi registry on 21 November 2017. Unfortunately, it was not registered formally, for almost four years and six months, until when complaint was raised.

After necessary steps being taken by current registrar, it was then forwarded for admission and assignment. In the cause, and upon perusal of affidavit sworn by Mohamedi Athumani Mwichande (the applicant) in support of the application, same lacks; **one** description and address of the parties, **two**: statement of legal issues, **three**; relief sought. Same is contrary to Rule 24(3) (a)(c) and (d) of the Labour Court Rules 2007 GN 106/2007: -

The said Rule requires supporting affidavit before this Court to follow the requirements. For clarity, Rule 24(3) of the Labour Court Rules (supra) provides that: -

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;**
- b) **A statement of the material facts a chronological order, on which the application is based.**
- c) **A statement of legal issues that arise from the material facts; and**
- d) **The reliefs sought.**

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.

The applicant was wrong for not complying with the simplified **rules** and **requirement** of an affidavit as spelt out under Rule 24(3)(a)(c) 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-supposed the mandatory requirement in the circumstances. The language of Rule 24(3) (a)(c) and (d) is coached on mandatory way. Thus, none compliance renders affidavit in support of the application to be defective. That cannot

support the application. Hence incompetent application. Accordingly, labour revision application number 5/2017 is struck out for being incompetent.

However, for interest of justice, and in terms of Rule 55 (1) and (2) of the Labour Court Rules GN 106/2007, applicant is granted 30 days leave to file proper revision, from the date supplied with copy of this ruling. It is so ordered.

Z. G. Muruke

Judge

15/08/2022

Ruling delivered in the absence of all the parties.

Z. G. Muruke

Judge

15/08/2022