

**IN THE HIGH COURT OF UNITED REPUBLIC OF TANZANIA**

**(LABOUR DIVISION)**

**IN THE DISTRICT REGISTRY**

**AT SHINYANGA**

**MISC. LABOUR APPLICATION No. 14 OF 2021**

*(Arising from the decision of the Commission for Mediation and Arbitration of  
Shinyanga in Labour Dispute No. CMA/SHY/18/2017)*

**RAJABU TEGA..... 1<sup>ST</sup> APPLICANT**  
**DEUSI JIMAMBO.....2<sup>ND</sup> APPLICANT**  
**MAKURU MOREMI.....3<sup>RD</sup> APPLICANT**  
**SHENTA JUMA.....4<sup>TH</sup> APPLICANT**  
**NGOLE KISILA.....5<sup>TH</sup> APPLICANT**  
**ISAYA PETER.....6<sup>th</sup> APPLICANT**  
**WILLIAM ISAYA.....7<sup>TH</sup> APPLICANT**  
**ADBUL DANDALA .....8<sup>TH</sup> APPLICANT**  
**STANFORD SENZIA .....9<sup>TH</sup> APPLICANT**  
**PAMBANO SELEMAN .....10<sup>TH</sup> APPLICANT**  
**STEVEN SYLIVESTER.....11<sup>TH</sup> APPLICANT**  
**ISAYA EMMANUEL .....12<sup>TH</sup> APPLICANT**  
**SHABAN MAULID .....13<sup>TH</sup> APPLICANT**  
**AMOS MAKUMBATI.....14<sup>TH</sup> APPLICANT**  
**DOTTO MAHONA .....15<sup>TH</sup> APPLICANT**  
**HAMIS JOSEPH .....16<sup>TH</sup> APPLICANT**  
**PAUL ZANZIBAR .....17<sup>TH</sup> APPLICANT**

**VERSUS**

**REGIONAL MANAGER TANESCO SHINYANGA.....RESPONDENT**

## **RULING**

This is an application for extension of time for the Applicants to file Revision application against CMA arbitration award **No. CMA/SHY/18/2017.**

The stated reason by the Applicants for the delay is that they entrusted their fellow one Tumaini Mafuru to represent them but it transpired to them while already out of time that the said Tumaini Mafuru has absconded and is nowhere to be seen.

They made efforts to trace him even to his residents but found that he shifted to unknown place hence they decided to come by their own. Juliana William learned advocate representing the Respondent objected this application on the ground that the applicants at all times didn't take actions in time.

She referred me to several applications the applicants made but all were out of time and or appeared to be incompetent.

She argued for instance that the applicants lodged Revision Application no. 60/2018 five months after the date of the arbitration award which led the said application to be dismissed for being out of time.

They then stayed for another six months when they brought application no. 32/2020 but withdrawn the same for being incompetent.

They then filed another application no. 3/2021 which was again incompetent.

In that respect the learned advocate was of the view that the applicants have not accounted for each day of the delay as per principle settled in various cases including that of ***Omary Ally Nyamalege and 2 others versus Mwanza Engineering Works, Civil Application no. 94/08 of 2017.***

Without wasting time, I find that although the applicants delayed for long time, they have at least shown some sort of struggles to fight for their rights.

They engaged their fellow Tumaini Mafuru and entrusted him to act for them but the said Tumaini was not taking appropriate actions at the appropriate moment. As a result he thrown the applicants into troubles for finding themselves out of time.

putting Tumain Mafuru in the position of an advocate, I purchase the decision made in the case of ***Aram Similingwa and 6 others versus Jumuiya ya Waislam Kitahana Misc. Land Application no. 24 of 2018*** of the High Court at Tabora where it was held that once an innocent litigant has instructed an advocate to act for him but such advocate is not acting diligently and or competently, the innocent litigant



should not be punished for the incompetence and or lack of care of his advocate.

In the instant application the applicants' representative lacked due care and absconded to unknown place as reflected in the affidavit of Said Maburuki Shinunu the street chairman of Mageuzi Street where Tumaini Mafuru initially lived.

In the absence of Tumaini Mafuru, the Applicants started to file some applications but at all times they became victims of their applications being incompetents.

In the case of ***Judith Emmanuel Lusohoka versus Pastory Binyura Mlekule and 2 others, Misc. Land case Application no. 74/2018***, I found that where the applicant engages various advocates to act for him but those advocates draw incompetent applications, the innocent litigant is not to blame and her engagement of advocates relieved him from the blame of any inordinate. That amounts to sufficient cause for the delay.

I therefore find that the applicants have sufficiently accounted for the delay and I accordingly grant them fourteen (14) days from today within which they should lodge their intended Revision.

I remind them to be extra care in preparing their Revision Application to avoid any unnecessary technical ground. The fourteen days extended herein starts to run today 02/12/2022.

No orders as to costs.

It is so ordered.



**A. MATUMA**  
**JUDGE**  
**02/12/2022**