

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

IN THE SUB-REGISTRY OF MWANZA

AT MWANZA

MISC. LABOUR APPLICATION NO. 141 OF 2021

(Arising from Revision No. 46 of 2017 in the High Court of Mwanza-Sub-registry)

MICHAEL JOHN CHACHA APPLICANT

Versus

INTERCOUNTRY SECURITY.....RESPONDENT

RULING

17th & 17th May, 2022

Kahyoza, J.:

Intercountry security applied for revision of the award of the Commission for Mediation and Arbitration (the CMA). This Court ruled in Intercountry security's favour ordering that the arbitrator's award was issued based on a wrong assumption of the law and evidence adduced. It quashed the award and ordered further that *considering that the termination of **Michael John Chacha's** services was not effected and since the parties' relationship has become exceedingly frosty and intolerable, the applicant (Intercountry security) should terminate it and pay the respondent terminal full benefits that arise from the termination. Such termination should be effective on the 5th of July, 2018 when the*

impugned award was pronounced. Intercountry security neglected to terminate **Michael John Chacha** and pay his terminal benefits. **Michael John Chacha** instituted the instant application praying this Court to order Intercountry security to comply with the order.

Intercountry security, the respondent, absented herself to appear and defend the application.

The applicant told this Court that Intercountry security defaulted to comply with the order to terminate him and pay him terminal benefits as ordered.

I wish to state at the outset that given the nature of this Court's order dated 2nd day of December, 2018 and the applicant's averment in the affidavit supporting the application, I find it proved that Intercountry security has not complied with the order. It is on record that the parties' relationship had developed frosty. They cannot maintain their relationship. This Court ordered Intercountry security to terminate the applicant, the order which Intercountry security has refused to comply with. I am therefore of the view that Intercountry security has already terminated the applicant by simply not complying with the order to terminate him. Given

this Court's order, I take it that Intercountry security terminated the applicant from 5th of July, 2018. **Michael John Chacha** is at liberty to enforce his rights emanating from the termination declared by this Court. He may do so after expiry of 15 days from today should Intercountry security neglect to pay his terminal benefits. The applicant shall not be required to file an application for condonation should he institute an application to demand terminal benefits within 45 days from today.

It is ordered accordingly.

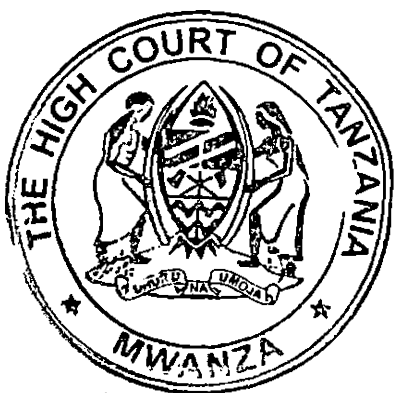


J. R. Kahyoza

JUDGE

17/5/2022

Court: Ruling delivered in the presence of Mr. Hamisi, the applicant and in the absence of the respondent. B/C Ms. Jackline (RMA) Present.



J. R. Kahyoza

JUDGE

17/5/2022