

**IN THE HIGH COURT OF TANZANIA
LABOUR DIVISION**

AT DAR ES SALAAM

REVISION NO. 884 OF 2018

NATIONAL BANK OF COMMERCE LTD.....APPLICANT

VERSUS

SABAS KESSY.....RESPONDENT

RULING

Date of Last Order: 13/07/2020

Date of Ruling: 13/07/2020

Z.G.Muruke, J.

When case came for hearing, court raised issue of none compliance of Rule 24(3)(d) in the affidavit in support of the application. Mr. Evod Mushi for the applicant conceded to the anomaly, and requested the court to struck out the application with leave to refile competent application. Respondent, who was in person did not object, only complained of the case taking too long.

According to the records affidavit in support of the applications lacks prayer for relief sought contrary to Rule 24(3)(d) of the Labour Court Rules GN No. 106/2007. The said Rule requires affidavit before this court proceedings to set out relief clearly. Rule 24(3)(d) read that, the application shall be supposed by an affidavit, which shall clearly and concisely set out:-

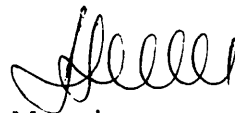
(a).....

(b).....

(c).....

(d) relief sought

Labour Court as specialized court, and Division of the High Court has it is Labour laws and Rules enacted with the aim of guiding the labour Court to achieve its purpose. Therefore deponent must follow the same. Since applicant did not follow the rules, the affidavit is defective which cannot support application. Thus, application is incompetent, cannot be left to stand. In short, revision application is incompetent for being accompanied by defective affidavit that contravened Rule 24(3)(d) of the Labour Court Rules GN 106/2007. Accordingly application struck out. For interest of justice and being guided by Rule 55(1)&(2) of the Labour Court Rules, applicant is granted seven days leave to file proper application. Same to be filed on or before 20th July, 2020.

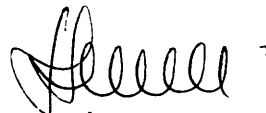


Z.G.Muruke

JUDGE

13/07/2020

Ruling delivered in the presence of Evod Mushi for the applicant and respondent in person.



Z.G.Muruke

JUDGE

13/07/2020