

IN THE HIGH COURT OF TANZANIA
LABOUR DIVISION
AT DAR ES SALAAM

MISCELLANEOUS APPL NO. 221 OF 2019

BETWEEN

SHAMTE HABIBU & 11 OTHERS.....APPLICANTS

VERSUS

TANZANIA AIRPORT AUTHORITY.....RESPONDENT

Date: 21/07/2020

Coram: Hon. A. E. Mwipopo, J.

Applicant: Ms. Judith Rutajuna PR for the Applicants

Respondent: Ms. Judith Rutajuna PR holding brief for Ms. Pamela Mugarula,
State Attorney from TPA.

CC: Neema

Ms. Judith Rutajuna – Personal Representative

We pray for the date of ruling as we have filed our submission in chief and we were able to serve the respondent on 24/06/2020. I tried to communicate with the respondent but their answer is that they have no objection.

RULING

The applicants in this application are praying for the Court to allow the to file a representative suit and to appoint **SHAMTE HABIBU** to be their representative. The applicants stated in their Joint Affidavit that they were employed by the Tanzania Ports Authority in different position and different

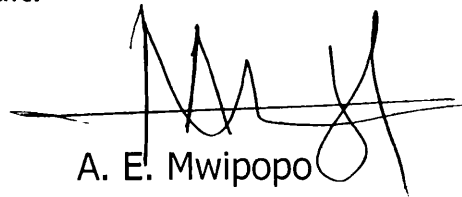
time. The applicants were terminated from employment where they referred the dispute to the Commission for Mediation and Arbitration. The dispute before the Commission was dismissed for want of merits. The applicants lodged Revision No. 237 of 2018 in this Court which was struck out for incompetence with leave to file a proper application within 14 days. The applicants filed Miscellaneous Application No. 625 of 2018 which was struck out for incompetence following the act of Shamte Habibu to institute the application on behalf of other applicants without the leave of the court contrary to Rule 44(1) and 44(2) of the Labour Court Rules, GN No. 186 of 2007. The court gave the applicant another 14 days to file the proper application hence they filed the present application. This Court ordered on 09/05/2020 for the hearing of the application to proceed by way of written submissions. The applicant filed their submission on 23rd June, 2020 as ordered by the Court and they served the respondent on 24th June, 2020. The respondent did not file a reply submission.

In their submission, the applicants stated that jointly they instituted labour dispute before the Commission. They were 27 of them. But currently only 12 of them decided to pursue the matter further to this court. They state that they are praying for the court to permit Shamte Habibu to represent them before Labour Court on their intended Revision Application. All applicants signed the Affidavit, and the Notice of Application.

According to Rule 44(2) of GN No. 106 of 2007 where there are numerous persons having the same interest in suit they may appoint one or more of such person, with permission of the court to appear and be heard or defend on their behalf. In the present case the applicants have show that all of them were employee of the Tanzania Ports Authority before being terminated. Jointly they lodged a referral to the CMA hence they have the

same interest. The applicants in their Affidavit stated that they have appointed Shamte Habibu to represent them in their intended Revision application before this Court. From above, I find that the applicants have fulfilled all requirements of the law for the court to grant their prayer.

Therefore, the applicants prayer to file a representative suit is granted, and **SHAMTE HABIBU** is appointed to represent other Applicants in their intended representative suit.

A handwritten signature in black ink, appearing to be 'A. E. Mwipopo', written over a horizontal line.

A. E. Mwipopo

JUDGE

21/07/2020