

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

REVISION NO. 35 OF 2019

BENY WILLIAM MKANDAWILE & OTHERS.....APPLICANTS

VERSUS

HSE & SECURITY TASK (T) LTD.....RESPONDENT

RULING

Date of last Order: 08/06/2020

Date of Ruling: 15/06/2020

Z.G.Muruke, J.

According to the notice of application filed, on 14th January, 2019, applicant prayers are;

- (i) That, this honourable court be pleased to review the order of CMA for not considering the evidence and annexures which filed on 07/11/2018 together with final submissions.
- (ii) Any other reliefs order (s) this Honourable court may deem fit just and equitable to grant.

Contrary to the notice, chamber summons, and affidavit, they all speak of Revision of the CMA decision. Thus prayers in the notice of applicant not in line with prayer in the chamber summons and affidavit. Therefore application lacks clarity. It is an ambiguous application, thus incompetent. Equally applicant has not cited Section 91(1)(a) or (b), 2(a) or (b) or (c) of Employment and Labour Relations Act No. 6/2004. Failure to cite proper provisions renders the application incompetent. There is no

need to continue with an incompetent application. When personal representative Mr. Joackim Joliga, asked by the court, he conceded to the defects, and asked the court to struck out the application, with leave to re-file competent application. Respondent counsel Grace Msuya did not object to the prayer. Thus, Revision Labour application number 35/2019 is struck out for being incompetent. Applicant granted leave to file competent application for revision within 14 days from today. It is so ordered.



Z.G. Muruke

JUDGE

15/06/2020

Ruling delivered in the presence of applicant, his personal representative Mr. Joackim Joliga and Grace Msuya for the respondent.



Z.G. Muruke

JUDGE

15/06/2020