

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

**REVISION NO. 355 OF 2018**

**SHIRIKA LA USAFIRI DAR ES SALAA LTD.....APPLICANT**

**VERSUS**

**ABBAS KINGWABA & 52 OTHERS .....1<sup>ST</sup> RESPONDENTS**

**TREASURY REGISTRAR.....2<sup>ND</sup> RESPONDENT**

**THE ATTORNEY GENERAL.....3<sup>RD</sup> RESPONDENT**

**RULING**

*Date of last Order: 15/06/2020*

*Date of Ruling: 17/06/2020*

**Z.G.Muruke, J.**

This is fairly old dispute having started in 2012 at CMA. Decision sought to be challenged was delivered at CMA on 9<sup>th</sup> May, 2018. Applicant being dissatisfied by CMA decision filed present revision on 29<sup>th</sup> June, 2018. Following re-assignment case was scheduled for hearing on 08<sup>th</sup> June, 2020. On that date only first respondent representative appeared Mr. Gauden Mrugaruga. Applicant advocate was absent, court then, adjourned the case to 15<sup>th</sup> June, 2020 at 9 am and ordered 1<sup>st</sup> respondent representative to notify applicant advocate on the orders of 8<sup>th</sup> June, 2020 by letter, that was to be copied to this court.

When case come for hearing on 15<sup>th</sup> June, 2020 as ordered, applicant was absent, only representative of the 1<sup>st</sup> respondent was present with his few clients. Mr. Mrugaruga informed the court that, he complied with the court order to inform applicant advocates on the hearing date, and filed the letter with this court, received on 10<sup>th</sup> June, 2020. Further, 1<sup>st</sup>

respondents represent told this court that, he met Mr. Jonas Maheto, one of the applicant representative in the corridor of this court on 8<sup>th</sup> June, 2020, who accepted the notice by writing. Respondent representative, then prayed for dismissal of the case for want of prosecution.

Perusal of the court records reveals that, there is letter with reference number DSM/REV.355/2018 dated 10<sup>th</sup> June, 2020, written by Mr. Gauden R. Mrugaruga as ordered by the court on 08<sup>th</sup> June, 2020. For clarity same is hereby reproduced below:-

**The General Manager,  
Shirika la Usafiri Dar es Salaam Ltd (UDA),  
RUBADA Building,  
Ubungu Area,  
P.O. Box 872,  
DAR ES SALAAM –Attention of Mr. Jonas Maheto  
Mob. 0658 372845**

**10/06/2020**

Dear Sir,

**RE- LABOUR REVISION APPLICATION NO. 355 OF 2018**

(Originating from labour complaint No. CMA/DSM/MIS/10/12/325 and the Decision and Award issued on 09<sup>th</sup> May, 2018 by Hon. A. Msuri, Arbitrator).

**BETWEEN**

**SHIRIKA LA USAFIRI DAR ES SALAAM LTD (UDA).....APPLICANT**

**AND**

**ABBAS KINGWAMBA & 52 OTHERS .....1<sup>ST</sup> RESPONDENT  
TREASURY REGISTRAR .....2<sup>ND</sup> RESPONDENT  
THE ATTORNEY GENERAL.....3<sup>RD</sup> RESPONDENT**

When the above mentioned application was called for hearing on 8<sup>th</sup> June, 2020 before Hon. Madam Justice Z.G. Muruke, the advocate or representative of Shirika la Usafiri Dar es Salaam Ltd (UDA) did not appear before the said Judge for hearing.

Due to your absence without reason, the case was adjourned to 15<sup>th</sup> June, 2020 at 9.00 am for hearing before the said Judge and I undertook to inform you accordingly, as I hereby do. It is not out of place of further inform that on the very day of 8th June, 2020, I met your Advocate **JONAS MAHETO** in the corridor of the court and he confirmed to me in writing to

have been informed of the hearing date being 15<sup>th</sup> June, 2020 at 9.00 am before the said Judge. A copy of the said confirmation is attached hereto.

Sgd:  
Gaudine Rwekaza Mrugaruga  
**PERSONAL REPRESENTATIVE OF THE FIRST  
RESPONDENT EMPLOYEES**

**Copy to:**

The Registrar.  
Labour Division of the High Court,  
P.O.Box 1619,

**DAR ES SALAAM** – In compliance with the Judge's Order dated 8<sup>th</sup> June, 2020.

The above letter is attached with copy of documents in which Mr. Jonas Maheto (Advocate) for the applicant committed himself to be aware of the hearing date on 15<sup>th</sup> June, 2020, it reads, and hereby quote.

Hearing before Muruke,J at 9.00 am  
Revision No. 355/2018  
Shirika la Usafiri Dar Es Salaam Ltd  
Vs.  
1. Abbas Kingwamba & 52 Others  
2. Treasury Registrar  
3. Attorney General

I am Jonas Maheto, Advocate for the applicant. I confirm to be notified, by indent learned fellow Gaudin Mrugaruga that the matter above, comes for hearing on 15<sup>th</sup> June, 2020 at 9.00 am, Hon. Muruke,J. we have been guided accordingly.

Sgd:  
Jonas Maheto  
0658 0322845  
(UDA) SHIRIKA LA USAFIRI DAR ES SALAAM  
**RUBADA, UBUNGO**

From the above reproduced records it is clear that, the applicant counsel Jonas Maheto was aware of the hearing but absented himself. It is worth insisting that, court orders has to be respected and complied with. None compliance of Court order is a disgrace to the consumer of justice. This court in the case of **Abrahamani Kinana Vs. Peter Msigwa MP,**

Civil Case No. 108/2013, Dar es Salaam, District Registry un reported held that;

**There was no compliance of this court order dated 1st December, 2016, not only for defendant or his witnesses by also defendant counsel, who under took to do so as an officer of the court. Very surprisingly, it is non-compliance of this court order by it's own officer. Court orders should be complied forthwith. None compliance is not only a sign of disrespect, but, create chaos in the entire administration of justice.**

I am aware of the principle of natural justice that demand parties to be given right to be heard, but, such rights have to go along with each parties obligations. Parties who does not appear on a date fixed for hearing having notice, Jeopodaze his/her valued rights of being heard. Court cannot wait for a part to attend hearing, as he/she pleases. Otherwise, court will be accountable for delaying proceedings at the detriment of the parties rights.

According to the records, there is no any information as to why applicant counsel was absent on 15<sup>th</sup> June, 2020. It is my sincere conviction that, party to the suit who delays proceedings is a clog to the wheels of justice. This court cannot allow that to happen. Without much ado, Labour Revision application number 355/2018 is dismissed for want of prosecution.



Z.G.Muruke

**JUDGE**

17/06/2020

Ruling delivered in the presence of advocate Jonas Maheto for the applicant and in the presence of Abas Kingwamba, Aibun Mfaume and Endrew Mwaningili (first respondents).

A handwritten signature in black ink, appearing to read 'Z.G. Muruke', with a stylized, cursive script.

Z.G.Muruke

**JUDGE**

17/06/2020