

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

**MISCELLANEOUS APPLICATION NO. 502 OF 2019**

**BETWEEN**

**ADAM FUNDI ..... 1<sup>ST</sup> APPLICANT  
RICHARD IPYANA KALAPILA ..... 2<sup>ND</sup> APPLICANT  
JOSEPHINE MASIGATI ..... 3<sup>RD</sup> APPLICANT  
DANIEL KAHIRIKO ..... 4<sup>TH</sup> APPLICANT  
FRIDA GYUNDA ..... 5<sup>TH</sup> APPLICANT**

**VERSUS**

**NELUKA SECONDARY SCHOOL ..... RESPONDENT.**

**RULING**

*Date of Last Order: 04/06/2020*

*Date of Ruling: 26/06/2020*

**S.A.N. Wambura, J.**

**ADAM FUNDI, RICHARD IPYANA KALAPILA, JOSEPHINE MASIGATI, DANIEL KAHIRIKO and FRIDA GYUNDA** the applicants herein, have filed this application under the provisions of Rules 24(1), (2)(a)(b)(c)(d)(e)(f), (3)(a)(b)(c)(d) and 44(1)(2) of the Labour Court Rules, 2007 GN No. 106/2007 seeking leave to file a representative suit. The application which

is supported by their joint affidavit seeks for an Order of this Court to appoint **Adam Fundi** and **Richard Ipyana Kalapila** to be their representatives in the intended matter to be filed.

I had issued an Order that the applicants serve the application to the respondent in person as their former representative is not in the Roll of Advocates. However to date the counter affidavit nor the reply to the applicants submissions has not been filed. I decided to proceed with hearing of the matter *exparte* as it is an application to file a representative suit. When it comes to hearing of the main suit then the applicants will be obliged to make sure that the respondents are notified and they get an opportunity of being heard.

As stated earlier the application has not been challenged. In the circumstances, I herein grant the application as prayed for. The two representatives herein to make sure they comply to the provisions of Section 43 of the ELRA. It is so Ordered.

S.A.N. Wambura  
**JUDGE**  
26/06/2020

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**VERSUS**

**NELUKA SECONDARY SCHOOL ..... RESPONDENT**

**Date: 26/06/2020**

Coram: Hon. W.S. Ng'humbu, Deputy Registrar

Applicants: 2<sup>nd</sup> applicant, Mr. Richard Ipyana Kalapila

For Applicants:

Respondent: } Absent

For Respondent:

CC: Lwiza

**COURT:** Ruling delivered this 26<sup>th</sup> June, 2020 in the presence of Mr. Richard Ipyana Kalapila 2<sup>nd</sup> applicant and in the absence of other applicants and the respondent is hereby certified true copy of the original.

  
W.S. Ng'humbu

**DEPUTY REGISTRAR**

26/06/2020