

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

REVISION NO. 235 OF 2018

BETWEEN

SIMON PAUL DARE APPLICANT

VERSUS

CANADIAN (T) LIMITED RESPONDENT

RULING

Date of Last Order: 07/05/2020

Date of Ruling: 08/06/2020

S. A. N. Wambura, J.

This ruling emanates from a preliminary objection filed by the respondent **CANADIAN (T) LIMITED** while filing their counter affidavit challenging the application filed by the applicant one **SIMON PAUL DARE** to the effect that:-

"That the application is not maintainable before this Honourable Court for being incompetent thus offending the provision of Rule 24(2)(c), (d), (f), 3(a), (c), (d)."

With leave of this Court the preliminary objection was to be disposed of by way of written submissions. I thank the respondent for having filed their submissions timely. It is unknown as to whether the applicant was served or not as to date they have not filed their submissions in reply.

It has been submitted by the respondent that the Notice of Application filed by the applicant is hopelessly defective as it violates the mandatory requirement of Rule 24(2)(c) and (d) of the Labour Court Rules, GN 107. The Notice of Application is lacking reliefs as per Rule 24(2)(c) of the Labour Court Rules. That the Notice of Application does not indicate the address at which the applicant will accept notices and service of all documents in the proceedings as per Rule 24(2)(d) of the Labour Court Rules, GN No. 106. Moreover the Notice of Application is contrary to Rule 24(2)(d) of the Labour Court Rules as the same has no list and attachment of the documents that are material and relevant to the application citing the cases of **James Daniel Vs. Cats-Net Limited**, Rev. No. 258 of 2017 HCLD, **John Elias Vs. Chama Cha Mapinduzi (CCM)**, Rev. No. 296 of 2013 HCLD and **Ezekiel Andrew Vs. African Life Tanzania**, Labour Rev. No. 346 of 2009 to that effect.

There is no dispute that Rule 24(2) is a mandatory provision and cannot hide behind the principle of overriding objective as stated in the case of **Mondoroso Village Council, Sukenya Village Council and Soitsambu Village Council Vs. Tanzania Breweries Ltd, Tanzania Conservation Ltd, Ngorongoro District Council, Commissioner for Lands and The Attorney General**, Civil Appeal No. 66 of 2017.

It thus uphold the unchallenged preliminary objection and strike out the application. Applicants are at liberty to refile the same within fourteen (14) days from the date of this Order if they still wish to pursue the matter.

S.A.N. Wambura
JUDGE
08/06/2020