

**IN THE HIGH COURT OF TANZANIA**  
**LABOUR DIVISION**  
**AT DAR ES SALAAM**  
**MISCELLANEOUS APPLICATION NO. 356 OF 2019**

**BETWEEN**

**SAMSON BEGASHE & 103 OTHERS.....APPLICANTS**

**VERSUS**

**TANESCO.....RESPONDENT**

**RULING**

**A. E. MWIPOPO, J**

The Applicant here in filed the present application praying for the Court to appoint the 1<sup>st</sup> Applicant namely Samson Begashe as their Legal Representative on prosecuting, appearance, executing all necessary Courts documents and to be heard on their behalf for their benefits. The Application was made under Rule 44(1), (2), (3) (a) and (b) of the Labour Court Rules, GN. No. 106 of 2007. The Application is supported by Applicants Joint Affidavit. The Applicants stated in their Joint Affidavit and in their submission that they have the same substantial rights in the intended application and they should be allowed to institute representative suit.

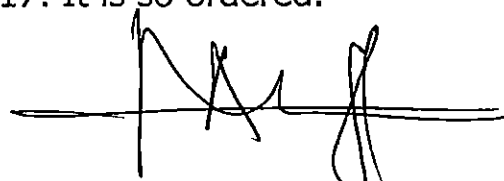
The Respondent submitted that they do not intend to oppose the application that is the reason they did not file Counter Affidavit.

I have read the application and the Affidavit in support of the Application. The pleadings shows that the Applicants were party in CMA

Labour Dispute No. CMA/DSM/KIN/R.1244/17 which they filed jointly. This means that the Applicants have the same interest in the matter as they intend to file application in this Court against the Ruling of the CMA dated 12/04/2018 in the respective Labour Dispute.

The Rule 44(2) of the GN. No. 106 of 2007 provides clearly that numerous persons with the same interest in a suit may appoint one or more of such persons with a permission of the Court to appear and be heard or defend the dispute on behalf of all persons' so interested. The Applicants have proved through Joint Affidavit that all 103 Applicants have appointed Samson Begashe to appear and be heard or defend on their behalf in respect of the suit arising from CMA Labour Dispute No. CMA/DSM/KIN/R.1244/17. For that reason, the Applicants have fulfilled all the requirements of the Law.

Therefore, the Application is allowed and Samson Begashe is appointed as representative of the 103 Applicants who filed the present application in respect of suit arising from CMA Labour Dispute No. CMA/DSM/KIN/R.1244/17. It is so ordered.

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

A. E. Mwipopo

**JUDGE**

02/03/2021