

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA  
(LABOUR DIVISION)**

**AT SUMBAWANGA**

**APPLICATION FOR LABOUR REVISION 05 OF 2020**

***(Arising from CMA/RK/55/2019)***

**TIBUSIANA AUGUSTINO ..... 1<sup>ST</sup> APPLICANT**

**GENERAL MERIC ..... 2<sup>ND</sup> APPLICANT**

**VERSUS**

**MANAGING DIRECTOR ENERGY MILLING**

**COMPANY LIMITED ..... RESPONDENT**

*Date of last Order: 05/01/2021*

*Date of Ruling: 24/02/2021*

**RULING**

**C.P. MKEHA, J**

The applicants were employees of the respondent up to 12<sup>th</sup> November, 2019. With effect from that day, the applicants were stopped from working pending investigation of disciplinary offences against them. Following receipt of letters from their employer, which instructed them to stop working in view of giving way to the said investigation, the applicants filed a complaint before the Commission for Mediation and Arbitration of Rukwa Region at Sumbawanga. Through the said complaint the applicants attempted, but unsuccessfully, to challenge, what they termed as unlawful termination. The learned Arbitrator held that, an issue of unlawful termination could not arise in the circumstances whereby, the applicants had not been served with notices of

termination. The Commission advised the parties to go back and resolve their dispute through the employer's internal policies subject to the applicable laws. It is the said decision which the applicants are now asking this court to revise.

Through Mr. James Lubus learned advocate the applicants have moved the court for a revisional order, contending that, the Commission's decision is unlawful, illogical and irrational involving illegality and material irregularity. The affidavit in support of the application does not contain any paragraph making certain the kind of illegality complained of. No wonder the learned advocate for the applicants referred to none, throughout his submissions.

Mr. Mussa Lwila learned advocate for the respondent attacked the applicants' case for the same reason, that, the illegality complained of in the Chamber Summons did not feature in the affidavit in support of the present application. According to the learned advocate for the respondent, because of failure of the applicants to make certain the illegality complained of, one cannot even ascertain the real issues arising from the application.

The issue is whether there is a reason for faulting the learned Arbitrator. In the absence of sufficient description of the kind of illegality tainting the Commission's decision, this court is not warranted to interfere. It is for that reason I hold the application to be unmeritorious. The same stands dismissed. I make no order as to costs.

Dated at **SUMBAWANGA** this 24<sup>th</sup> day of February, 2021.



**C.P. MKEHA**

**JUDGE**

**24/02/2021**

**Court:** Ruling is delivered in the presence of the parties.



**C.P. MKEHA**

**JUDGE**

**24/02/2021**