

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

**MISCELLANEOUS APPLICATION NO. 178 OF 2019**

**B ETWEEN**

**WILLIAM B. NUSU ..... APPLICANT**

**AND**

**RESPURCES INTERNATIONAL (T) LIMITED ..... RESPONDENT**

**RULING**

Last order 06/10/20212

Date of Ruling 11/10/2021

**B.E.K.Mganga, J**

On 27<sup>th</sup> May 2019 applicant filed a notice of Application supported by an affidavit he sworn on 24<sup>th</sup> May 2019 applying for extension of time within which to file revision application to revise an award issued on 6<sup>th</sup> August 2018 by | Aldof K. Anosisye, arbitrator in Labour dispute No. CMA/DSM/KIN/R.586/2016. In the affidavit, applicant deponed that he was employed by the respondent as security guard and that his employment was unfairly terminated on 21<sup>st</sup> May 2016 as he demanded his salary to be increased. That, on 6<sup>th</sup> August 2018 during mediation stage, in presence of the manager of the respondent and the aforementioned mediator, he signed a certificate of settlement and received TZS 500,000/= to settle his claim. He deponed further that the manager of the respondent together

with the said mediator spoke English and further that the certificate he signed was written in English which he didn't understand but he was informed before signing, that he has no further claim against the respondent. As to the cause of delay, he deponed that he was looking for the advice from various lawyers and advocates from Tanganyika law Society, University of Dar es salaam school of Law, and non-governmental organizations dealing with legal matters.

The application was not opposed as the respondent refused service and opted not to enter appearance. For that reason, I was bound to make a ruling based on the affidavit of the applicant alone.

This being application for extension of time, the law is settled that applicant has to show sufficient cause or good cause for delay as it was held in the case of ***Regional Manager, Tanroads Kagera v. Ruaha Concrete Company Ltd, Civil Application No. 96 of 2007, CAT*** (unreported) and ***Benedict Mumello v. Bank of Tanzania [2006] E.A 227*** and that applicant is required to account for each day of delay and give sufficient reason for that delay. There is a litany of cases to that effect. In the case of ***Attorney General v. Mkongo Building and Civil Works and another, Civil application No, 266/16 of 2019***, the Court of Appeal formulated guidelines that may be considered in application for

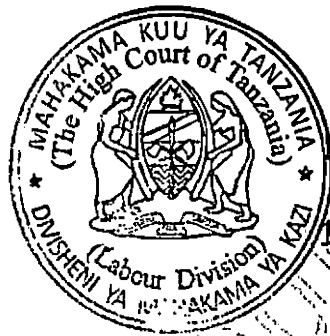
extension of time like the one at my hand. Criteria to be considered in application for extension of time as formulated by the Court of Appeal in Mkongo Building case, supra , are that:-

- "(a) the applicant must account for all the period of delay;*
- (b) the delay should not be inordinate;*
- (c) the applicant must show diligence, and not apathy, negligence or sloppiness in the prosecution of the action that he intends to take; and*
- (d) if the court feels that there are other sufficient reasons, such as the existence of a point of law sufficient importance; such as the illegality of the decision sought to be challenged."*

In the affidavit, applicant deponed that he was looking for legal experts who could have helped him to make an application to the court. Counting from the date of delivery of the award that is on 6<sup>th</sup> August 2018 to the date of filing this application on 27<sup>th</sup> May 2019 is Nine (9) months and twenty-one (21) days. All these days has not been accounted by the applicant. It is also beyond imagination that applicant was looking for a lawyer to assist him to file this application for Nine (9) months and twenty-one (21) days. I have noted that applicant indicated in the affidavit in support of the application that the same was drawn by himself. This alone defeats his argument on the cause of delay i.e., looking for a lawyer to help him to file the application.

The delay for Nine (9) months and twenty-one (21) days is inordinate. The application, in my view, was made by the applicant as an afterthought. This is evidenced by what he deponed in his affidavit. But, as what is before me is an application for extension of time, I desist to go in detail.

For the foregoing, I find that applicant has failed to provide sufficient cause of delay and further has failed to account for each day of delay. I therefore dismiss the application for want of merit.



*B.E.K. Mganga*  
**JUDGE**  
11/10/2021

Labour Court