

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA  
(LABOUR DIVISION)  
AT DAR ES SALAAM**

**MISC. LABOUR APPLICATION NO. 575 OF 2020**

**BETWEEN**

**WITNESS GODWIN & 7 OTHERS ..... APPLICANTS**

**VERSUS**

**TANZANIA WOMEN LAWYERS ASSOCIATION ..... RESPONDENT**

**RULING**

**S.M. MAGHIMBI, J:**

By a Notice of Application lodged under the provisions of Rule 24(1), 24(2)(a), (b), (c),(d), (e) & (f) and 24 (3)(a),(b), (c) & (d) to be read together with Rule 44 (1), (2) & (3), (a), (b) and (c) and Rule 55(1) & (2) of the Labour Court Rules, G.N. 106 of 2007 ("The Rules"); the applicants are moving the court for the following orders:

- (i) This Honourable Court be please to grant a permission to the Applicants to lodge a representative suit as Labour application for revision, to appear and to be heard on behalf or for the benefits of the following other Applicants namely:- Witness Godwin, Joseph Mpwasele, Esther Fabian, Staile Kiko, Veronica Holela, Daisy Makala, Hoja Mihayo and Ashura Mnzava.
- (ii) That the Honourable Court be pleased to grant leave to be file Labour application for Revision after granting.
- (iii) Any other relief which the Honourable Court may deem fit and just to grant.

The application was supported by an affidavit of the applicants' dated 22<sup>nd</sup> day of December, 2020. Before this court, the applicants were represented by Mr. Mecky Humbo, personal representative while the respondents were represented by Ms. Stella Simkoko, learned advocate. By a counter affidavit deposed by Tike Mwambipile, the respondent opposed the application. The application was disposed by way of written submission.

While going through the submissions of the parties, I have noted that in their reply submissions, the respondent raised an argument that the application is incompetent because the relief sought is not clear. Ms. Simkoko argued that from the defect, it means that no relief was sought, contrary to rule 24(2)(c) which requires the relief sought to be stated. The relief should have been a request for a specified person to represent others in a representative suit/revision but the intended representative (s) was/were not mentioned. Further that Rule 44(2) requires one or more persons with leave of the Court to represent the others pointing out that the name of the intended representative(s) was not mentioned in the prayer but was mentioned in the other paragraphs. She concluded that the omission is inappropriate and renders the application incompetent.

I have considered the essence of this objection, surprisingly it was not raised at the earliest possible time as the law would require, but that notwithstanding, I have considered the essence of the argument and the defect identified. I have also taken a loud note of the fact that the applicant did not make any rejoinder submissions to counter argue the same.

Indeed I am in agreement with Ms. Simkoko's submissions that the relief sought in the Chamber summons of the applicant is not clear. The applicant's prayer is that the Court be pleased to grant permission to the Applicants to lodge a representative suit as Labour application for revision, to appear and to be heard on behalf or for the beneficiaries namely Witness Godwin, Joseph Mpwasele, Esther Fabian, Staile Kiku, Veronica Holela, Daisy Makala, Hoja Mihayo and Ashura Mnzava. However, the same people that the prayer moves the court to be represented are the all applicants who wish to represent themselves.

On above observation, I have failed to see the essence of this application because in principle, looking at the Chamber Summons and the list of the applicants in the application, there is no person who is to be represented by the named applicants because they are all praying to represent all of them. That being the case, the application before me is defective for lacking the names of the representatives who wish to represent the people named in the prayer sought in the Chamber Summons. Consequently, the application is hereby struck out.

Dated at Dar-es-salaam this 08<sup>th</sup> day of September, 2021.



**S.M. MAGHIMBI.**  
**JUDGE.**