

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

**MISCELLANEOUS LABOUR APPLICATION NO. 451 OF 2020**

**BETWEEN**

**GERALD D. KAJIRU AND 218 OTHERS .....APPLICANTS**

**VERSUS**

**THE DIRECTOR OF ORGANIA COMPANY LTD..... RESPONDENT**

**RULING**

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

In this application, the Applicant is seeking for an extension of time within which to file an application for revision against the decision of Commission for Mediation and Arbitration for Kibaha ("the CMA") in Labor Dispute No. CMA/PWN/KBH/729/2016 ("the Dispute") dated 04<sup>th</sup> November, 2016. The application was lodged under the provisions of Rules 24 (1), (2) (a) (b) (c) (d) (e) and (f), (3) (a) (b) (c) and (d), and Rules 55 (1) & (2) and 56 (1) (2) and (3) of the Labour Court Rules [G.N. No. 106 of 2007] ("LCR"). The application is brought by Chamber summons supported by an Affidavit sworn by Gerald D. Kajiru, on behalf of the other 218 Applicants and the same dated 30<sup>th</sup> September, 2020.

The application was disposed by way of written submissions. The applicant's submissions were drawn and filed by Gerald Kajiru, the representative while the respondent's submissions were drawn and filed by Faraja Kajuni, learned advocate. Much appreciation to the submissions which I have considered them in determination of this application. Having so considered the parties' submission, I find that I need not be detained much by this application. As correctly argued by Mr. Kajuni, there is no single reason for the delay to file this application adduced by the applicants. Indeed the applicant had successfully filed a revision No. 855/2018 which was struck out for lack of locus of the applicant to file a representative suit. The applicant then successfully lodged the Misc. Application No. 173/2020 whereby the applicant was allowed to represent the 218 others in filing any matters between the parties herein. This ruling was delivered on the 26/08/2020. However, the current application was lodged on the 30/09/2020 and no single reason for the delay of more than one month was adduced. The only reason stated is the chance of success which cannot be determined at this time. Furthermore, chances of success should not be the only reason to extend time because any appeal has

chance of success. The reasons for the delay are of ultimate importance before the court can look at the chances of success.

It is trite law that in applications of this nature, the applicant must account for each day of delay so that the court can be satisfied that the delay was for reasons beyond the applicant's control. None has been adduced in this case for the period between the 26/08/2020 when the applicant was granted leave to file representative suit, to the 30/09/2020 when the current application was filed. In the case of **Tropical Air (TZ) Limited Vs Godson Eliona Moshi (Unreported) Civil Application No 9 of 2017**, the Court held that it is the requirement of the law that for the Court to extend time, the applicant must show diligence and not apathy, negligence or sloppiness in the prosecution of the action which he intends to take. On that principle and for the reason that the applicant did not adduce any reason, let alone sufficient reason for the delay, this application is hereby dismissed.

Dated at Dar-es-salaam this 27<sup>th</sup> day of September, 2021.



  
S.M. MAGHIMBI.  
JUDGE.