

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

**REVISION APPLICATION NO. 241 OF 2021**

**FIDELIS JOSEPH MALLYA & 4 OTHERS ..... APPLICANTS**

**AND**

**PIPES INDUSTRIES CO. LIMITED ..... RESPONDENT**

**RULING**

Date of Last Order: 20/10/2021

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On 09<sup>th</sup> September 2021 respondent filed a preliminary objection that the application is out of time. During hearing of the preliminary objection both Mr. Kusakalah Advocate for the Respondent and Mr. Hamza Rajabu, the Personal Representative for the Applicants submitted that the award was issued on 22<sup>nd</sup> November 2019 and that this application was filed on 25<sup>th</sup> June 2021. Mr. Kusakalah, Counsel for the respondent submitted that the application is time barred as it was filed far beyond the 42 days available within which applicants can file revision application in terms of Section 91(1)(a) of the Employment and Labour Relations Act [Cap. 366 RE. 2019]. Mr. Hamza, Personal Representative for the Applicants was of a different view and submitted that applicants were granted leave on 11<sup>th</sup> June 2021 by Mwipopo, J in Misc. Application No. 17 of 2020. When asked

by the Court as to whether that application was relating to extension of time, he conceded that it was not. The said application relates application for leave of the court to appoint to Fidelis Joseph Mallya as their representative of all applicants in the revision intended to be filed by applicants.

I have examined the Notice of Application and the ruling of my Learned brother Mwipopo, J in Misc. Application No. 17 of 2020 and find that it has nothing to do with extension of time. As conceded by Mr. Hamza, personal representative of the applicants, in the said application, applicants were seeking leave of the court so that Fidelis Joseph Mallya can be appointed to represent them in the revision application they were about to file against the respondent. In the notice of application in the said Misc. Application No. 17 of 2020, applicants cited Rule 44(1) and (2) of the Labour Court Rules, 2007, GN No. 106 of 2007. That Rule is not applicable in extension of time. More so, nothing was stated in the said Notice of Application in relation to extension of time. In short, the issue of extension of time was not discussed by the Court (Mwipopo, J) because it was not an issue before him. The argument by Mr. Hamza, personal representative for the applicants that Mwipopo, J granted leave for extension of time is a naked lie intended to mislead the Court. This should be stopped forthwith

by the personal representative of the applicants who, incidentally, appeared and argued the said Misc. Application No. 17 of 2020 before Mwipopo, J.

Since no leave was granted to the applicant and since the award was issued on 22<sup>nd</sup> November 2019, the application before me is time barred liable to be dismissed and I hereby proceed to dismiss it.



A handwritten signature in black ink, appearing to read 'B.E.K. Mganga'.

**B.E.K. Mganga**  
**JUDGE**  
20/10/2021