

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

REVISION NO. 531 OF 2019

BETWEEN

AYUBU YASSIN..... APPLICANT

VERSUS

JUST RENT A. CO LTD..... RESPONDENT

JUDGMENT

Date of Last Order: 23/03/2021

Date of Judgment: 29/03/2021

Z. G. Muruke, J.

Ayubu Yassin was employed by SDC Interlogistics Limited as a driver under the supervision of Ericsson AB-Tanzania in 2013. On 22nd January, 2015, he was transferred to Just Rent a Car Limited. On 2nd November, 2017, he was terminated by respondent. Upon follow-up, of his claims he was told that respondent is facing financial difficulties, so, it took some time, to ascertain his rights as some of head of the company were outside the country. It was until early January, 2018, when applicant lodged application for condonation at CMA. Unfortunately his application was dismissed for lack of merits. He filed Revision No. 968/2018 that ended being struck out for incompetence, with leave of 14 days to file, hence present revision. Applicant was being represented by Charles G. Lugaila, Advocate of G&C Law Chambers, while Nehemia Gabo of **NEBO & CO.ADVOCATES** represented respondent. Nehemia Gabo filed counter affidavit and other necessary documents on 15th November and appeared

on 6th December, 2019. Since then, no appearance has ever been made despite several court orders. Last appearance by applicant counsel was on 11st February, 2021, when informed by this court that CMA record has been forwarded and that revision application is ready for hearing. Today none of the parties appeared. None appearance by parties or their counsels, not only is a disrespect but create chaos on entire administration of justice. This cannot be left to continue. It worth noting that, present application is to challenge CMA ruling refusing applicant extension of time to file dispute out of time. Yet, applicant is not ready to prosecute his case. Despite, absence of both parties, having CMA records in place, and pleadings of both parties in this revision, it worth considering reason adduced at CMA for condonation. Reasons are reflected at paragraph 6 of affidavit of applicant himself that reads.

6. "Ericson Management Commenced discussion with respondent and himself and other employees who contracts were also terminated on similar ground. While discussion were on going, I was promised by Ericsson that termination of my contracts will be reversed. It is on that hope I verily believed that status of my employment will after the ongoing discussion be maintained."

From the above reproduced paragraph, as found in the affidavit in support of condonation at CMA, reason of negotiations with employer is not sufficient cause in the eyes of law. So, as rightly decided by arbitrator, applicant did not adduce sufficient cause for him to be granted extension sought. Thus, this court sees nothing worth to revise CMA decision. Revision application dismissed, for lack of merits.

Z.G.Muruke
JUDGE
08/03/2021

Judgment delivered in the absence of all the parties.



Z.G.Muruke

JUDGE

08/03/2021

Labour Court TZ.