

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

LABOUR REVISION NO. 222 OF 2022

*(Arising from the award of Commission for Mediation & Arbitration of DSM at Ilala
Dated 11th July 2022 in Labour Dispute No. CMA/DSM/ILA/5/22)*

MKOMBOZI COMMERCIAL BANKAPPLICANT

VERSUS

FRANK MTEGWARESPONDENT

RULING

K. T. R. MTEULE, J.

9th November 2022 & 09th November 2022

In this Application for revision, the applicant is seeking for this Court to call for the proceedings, revise and set aside a ruling delivered in Labour Dispute No. CMA/DSM/ILA/5/22 delivered on 20th June 2022. The application was heard by written submission.

Upon perusal of the matter, I noted that the order sought to be revised granted an application for condonation and allowed the labour dispute in the CMA to proceed with hearing out of time. Due to this, a question of jurisdiction struck my mind as to whether this court has jurisdiction to entertain the matter due to the nature of the order sought to be revised, since the matter in the CMA is still pending. I asked myself as to whether this court has jurisdiction to determine a revision arising over an order which did not finalize the matter in the CMA.

Since issues of jurisdiction can be addressed at any stage of proceedings before deliverance of a judgment, I felt obliged to tackle it and asked parties to address me about it.


On 9th November 2022 parties addressed the Court on the matter. Ms. Mary Mwaka who appeared for the applicant admitted that since the matter in the CMA is still pending not yet finalized, then this application cannot stand. On the other hand, the respondent who appeared in person did not have anything to add.

Since the applicant's counsel agrees that this application cannot stand while the matter in the CMA is still standing, then the application is contravening the provision of **Rule 50 of the Labour Court Rules, G.N No. 106 of 2007** which prohibits revision over interlocutory or incidental orders which do not finalize a matter. The Rule provides:-

"50. No Appeal, review or revision shall lie on interlocutory or incidental decisions or orders, unless such decision had the effect of final determining the dispute."

On this reason, I find the matter prematurely filed. Accordingly, this Application is struck out. It is so ordered.

Dated at Dar es Salaam this 9th Day of November 2022


KATARINA REVOCATI MTEULE
JUDGE
9/11/2022