

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

**REVISION NO. 56 OF 2022**

**HANIFA MASOUD ..... APPLICANT**

**VERSUS**

**FAKHRI SPECIALIZED POLYCLINIC ..... RESPONDENT**

**RULING**

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

The application was lodged under Section 91(1)(a),b, 91(2)(a),(b), 91(4)(a),(b) and 94(1)(b)(i) of the Employment and Labour Relations Act No. 6 of 2004 as amended by Written Laws (Miscellaneous Amendments) Act, No. 3 of 2010 and Rules 24(1), 24(2) (a),(b),(c) and 28(1)(a),(b),(c),(d),(e) of the Labour Court Rules GN. No. 106 of 2007 ("the Rules"). It comes after this Court (Hon. B.E.K. Mganga (J) struck out Revision No. 290 of 2021 on 14<sup>th</sup> February, 2022 for being incompetent. In the current application, the applicant is moving the court for the following orders:

- i. The Honourable Court be pleased to revised the Arbitrator proceedings and award issued by Hon. Mbena, M.S. Arbitrator in

the Commission for Mediation and Arbitration on 30/06/2021 in the Dispute No. CMA/DSM/ILA/829/20/447/20.

- ii. That upon revising the CMA proceedings, decision, and orders therefore, this Honourable Court be pleased to issue an order setting aside and quashing the impugned Arbitration award which has been improperly procured.
- iii. Any other relief (s) that this Honourable Court deems fit and just to grant.


On the 21<sup>st</sup> day of April, 2022, the respondent lodged a notice of preliminary objection on point of law that the application is incompetent for having been preferred out of time prescribed by the court. The objection was disposed by written submissions. In his submissions to support the objection, Mr. Godfrey Samwel, learned advocate representing the respondent submitted that on the 14/02/2022, this court struck out the application with a leave to refile the application within 7 days which were to end on 21/02/2022. He argued that the current application was filed on 07<sup>th</sup> March, 2022 which was out of time prescribed by the Court. His prayer was that the application is dismissed. Unfortunately the applicant did not make any reply submissions to the PO.

I need not be detained much by the objection, as correctly pointed by Mr. Samwel and reflected on the records, the order striking out the application was issued on the 14/02/2022 granting the applicant seven days to refile her application. Even if we were to omit the day that the order was issued and start counting on the next day, the applicant was to lodge this application on or before the 22/02/2022. The records show that the application was filed on the 07<sup>th</sup> of March, 2022 which way outside the time prescribed by the court. Since no leave to file the application out of time was granted by the court, the application at hand is time barred and as prayed by Mr. Samwel, the remedy is to dismiss the application.

Owing to the above, having been preferred outside the time limit granted by the court, this application is time barred and it is hereby dismissed.

Dated at Dar es Salaam this 14<sup>th</sup> July, 2022.



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