

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

**MISCELLANEOUS LABOUR APPLICATION NO. 409 OF 2022**

**TEDDY SYPRIAN MALYA ..... APPLICANT**

**VERSUS**

**EFC TANZANIA M.F.C LIMITED ..... RESPONDENT**

**RULING**

**K.T.R, Mteule, J**

**16<sup>th</sup> March, 2023 & 24<sup>th</sup> March, 2023**

This Ruling concerns a preliminary objection raised by the Respondent to challenge the jurisdiction of this Court in determining this revision application which originates from a decision of the Deputy Registrar of the High Court Labour Division. The Application before this Court is seeking for the Court to revise the decision of the Deputy Registrar of this Court in **Miscellaneous Labour Application No. 190 of 2022** dated 23<sup>rd</sup> September 2022. The Respondent raised a preliminary objection asserting that this court does not have jurisdiction to determine Revision Applications against the decision of the High Court because a deputy registrar is a part of the High Court.

The preliminary objection was heard by a way of written submissions. The Respondent's submissions were drawn and filed by Stephen

Mayombo Advocate while the Applicant's submissions by Simboz Consultant.

The Respondent supported his assertion concerning lack of jurisdiction by the decision of this court in **Iron and Steel Limited vs Martin Kumalija and 117 Others, Labour Revision No 169 of 2022, High Court of Tanzania Labour Division (Unreported)** where this Court held that the High Court cannot review the decision of the same High Court issued by a Deputy Registrar. He further cited **Section 50 of the Labour Institutions Act, Cap 300 of 2019 R.E.**

On the other hand, the Applicant countered the respondent submissions. He started by challenging the non-existence of the Law cited by the Respondent, which is "Written Miscellaneous Amendment No. 20 Act of 2020." In a bid to defend the jurisdiction of this court, the Applicant cited the case of **Dotto Marco Kahabi versus Seet Peng Swe and Total (T) Limited, Labour Revision No. 424 of 2020** where the Court held that this Court has jurisdiction to entertain revision application against the decision of the Labour Court. He further cited **Rule 28 (1) of the Labour Court Rules, G.N No. 106 of 2007** which gives the Labour Court powers to revise decisions from any Body or body implementing the Employment and Labour Relations Act, **Cap 366 R.E 2019.**

Having gone through the parties' submissions, my views are as hereunder discussed. I agree with the Applicant that the Respondent cited non existing law which is "Written Miscellaneous Amendment No. 20 Act of 2020." This piece of citation will be disregarded in determining this application because I could not find such law.

I have considered the other Laws cited by the parties. To start with **Rule 28 (1) of G.N 106 of 2007**, I will quote the provision thus:

*"28—(1) The Court may, on its own motion or on application by any Revision party or interested person, call for the record of any proceedings which have been decided by any responsible person or body implementing the provisions of the Acts and in which no appeal lies or has been taken thereto, and if such responsible person or body appears-*

*(a) to have exercised jurisdiction not vested in it by law; or*

*(b) to have failed to exercise jurisdiction so vested; or*

*(c) to have acted in the exercise of its jurisdiction  
illegally or with material irregularity; or*

*(d) that there has been an error material to the  
merits of the subject matter before such  
responsible person or body involving injustice,*

*(c) the Court may revise the proceedings and  
make such order as it deems fit:*

My interpretation to the above **Rule 28** does not give me a meaning that the person or body whose decision is revisable include the Court itself. This is because, it is not disputed that the Deputy Registrar constitute the Court as per **Section 50 (2) (b) of the Labour Institutions Act, Cap 300 of 2019 R.E** as amended by the **Written Law (Miscellaneous Amendment) (No. 2) Act of 2020, Act No 3 of 2020**. In my view, this Rule does not confer jurisdiction to this Court to entertain revision of its own decision.

I have explored the case of **Doto Marco Kahabi** cited by the Applicant. It is true the Court found the decision of the Deputy Registrar to be revisable. I have read the case, unfortunately, the court did not get an opportunity to study some previous cases of the Court of Appeal which determined a revision against a decision of a Deputy Registrar of the High Court. Could the cases of **Millicom Tanzania NV vs James Alan**

**Russels Bell & Others (Civil Revision 3 of 2017) [2018] TZCA**  
and **Serenity on the Lake Ltd vs Dorcas Martin Nyanda (Civil Revision 1 of 2019) [2019] TZCA 65 (11 April 2019)** brought to the attention of the court then a different position may have been arrived at. This is distinct from the position in the case of **Iron & Steel**, where the Court had in hands these decisions of the Court of Appeal which revised the decisions of the Deputy Registrar.

I will maintain that since the position of the Deputy Registrar is already well defined by the **Written Law (Miscellaneous Amendment) (No. 2) Act of 2020, Act No 3 of 2020** to be part of the Labour Court, then the decision of such a deputy registrar shall continue to be a decision of the Labour Court which cannot be revised by the same Labour Court.

It is on the above reason I find the preliminary objection with merit. Consequently, the said Preliminary Objection is upheld and the application for revision is dismissed for want of jurisdiction. It is so ordered.

Dated at Dar es Salaam this 24<sup>th</sup> Day of March 2023



**KATARINA REVOCATI MTEULE**

**JUDGE**

**24/3/2023**