

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

**LABOUR REVISION NO. 96 OF 2023**

**BETWEEN**

**NATIONAL BANK OF COMMERCE LTD. .... APPLICANT**

**VERSUS**

**Z.S. MKONDYA ..... 1<sup>ST</sup> RESPONDENT**

**V.G. NDOSSI ..... 2<sup>ND</sup> RESPONDENT**

**W.Z. MAFURU ..... 3<sup>RD</sup> RESPONDENT**

**N.M. CHIWINGA ..... 4<sup>TH</sup> RESPONDENT**

**GALLUS OUMA ..... 5<sup>TH</sup> RESPONDENT**

**H. MPILI ..... 6<sup>TH</sup> RESPONDENT**

**HILLARY LIGATE t/a**

**NOEL ESTATE COMPANY LIMITED ..... 7<sup>TH</sup> RESPONDENT**

**COURT RULING**

Date of last Order: 31/05/2023

Date of Ruling: 31/05/2023

**MLYAMBINA, J.**

The Applicant has been aggrieved with the decision of this Court vide the order of the Deputy Registrar dated 13<sup>th</sup> April, 2023 – in respect of *Execution No. 335 of 2022*. Instead of filing a Review by way of Memorandum of review as per *Rule 27(7) &(8) of the Labour Court Rules G.N. No. 106 of 2007*, the Applicant filed a Revision by way of Chamber

summons made under *Rule 55(1) and 1; Rule 24(1),(2)(a),(b),(c),(d),(e) & (f); and 24(3)(a),(b),(c) and (d) and 28(1)(b),(c),(d) and (e) of the Labour Court Rules, 2007, G.N. No. 106 of 2007; and Section 94(1)(f) of the Employment and Labour Relations Act (Cap 366 Revised Edition 2019)(herein ELRA).*

Upon service to the Respondents, the 1<sup>st</sup> - 6<sup>th</sup> Respondents filed a Counter affidavit and raised a Preliminary objection to the effect that:

The application is incompetent and misconceived before the Court for want of jurisdiction.

On 31<sup>st</sup> May, 2023 at 9:30 am, when the application was called for hearing of the Preliminary objection learned Counsel Prisca Nchimbi for the Applicant conceded to the legal objection and prayed the application be struck out with no order as to costs.

In response, learned Counsel Eunice Msami on behalf of the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> Respondents had no objection to the prayer.

I have given due weight to the prayer of Counsel Prisca Nchimbi. As noted on the introductory part of this Ruling, parties do confuse on the procedure of challenging the decision of the Deputy Registrar of this Court who forms part of the Court in terms of *Section 50(2) of ERLA* as amended in 2020, with revision application against the decision of CMA in terms of

*inter alia* Rule 24(1),(2)(a)(b)(c)(d)(e) & (f) of the Labour Court Rules (*supra*).

They even sometimes confuse with the review procedure applicable to the decision of the Minister and Essential Service Committee under the provisions of *Sections 77(9), 94(1)(c)(ii) and 100(6) of ELRA*.

I must emphasise here and hold that the decision of this Court can only be challenged by way of Review in terms of *Rule 27(7) & (8) of the Labour Court Rules (supra)*. That means, this Court lacks jurisdiction to revise the decision of the Deputy Registrar. It only possess jurisdiction to review such decision.

In the premises, the legal objection raised by the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> Respondent is hereby marked conceded.

Consequently, the application is marked struck out with no order as to costs. It is so ordered.



**Y.J. MLYAMBINA**  
**JUDGE**  
**31/05/2023**