

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

**MISC. LABOUR APPLICATION NO. 118 OF 2023**

**BETWEEN**

**SAMWEL R. SEMWETA ..... 1<sup>ST</sup> APPLICANT**  
**MUSSA HAJI SULEMAN .....2<sup>ND</sup> APPLICANT**  
**NORA MRIMA ..... 3<sup>RD</sup> APPLICANT**  
**ISLAM RASHID .....4<sup>TH</sup> APPLICANT**  
**L. KAZEMA ..... 5<sup>TH</sup> APPLICANT**  
**GEORGE FURAHA ..... 6<sup>TH</sup> APPLICANT**  
**MICHAEL GASPER ..... 7<sup>TH</sup> APPLICANT**  
**ALLY KIZUZU ..... 8<sup>TH</sup> APPLICANT**  
**ELIZABETH NDUGURU ..... 9<sup>TH</sup> APPLICANT**  
**MOHAMED MWANTEMU ..... 10<sup>TH</sup> APPLICANT**  
**JULIANA NKWABA ..... 11<sup>TH</sup> APPLICANT**  
**HASHIM OMARY ..... 12<sup>TH</sup> APPLICANT**  
**PIUS NKOMOLA ..... 13<sup>TH</sup> APPLICANT**  
**JUMA MAPANGA ..... 14<sup>TH</sup> APPLICANT**  
**RODA MASALI ..... 15<sup>TH</sup> APPLICANT**  
**ANYAMBILILE BWIRE ..... 16<sup>TH</sup> APPLICANT**  
**FUATA B. LIMA ..... 17<sup>TH</sup> APPLICANT**  
**MAPANGA MADEGE ..... 18<sup>TH</sup> APPLICANT**  
**ATHMAN LUPOTA ..... 19<sup>TH</sup> APPLICANT**  
**G. BYABATO ..... 20<sup>TH</sup> APPLICANT**  
**RASHID LIPUGO ..... 21<sup>ST</sup> APPLICANT**  
**MARCUS P. MAYENJA ..... 22<sup>ND</sup> APPLICANT**

**VERSUS**

**TANZANIA FEDERATION OF COOPERATIVES LIMITED ..... RESPONDENT**

## COURT RULING

Date of last Order: 17/07/2023

Date of Ruling: 17/07/2023

### **MLYAMBINA, J.**

Whereas by way of Chamber Summons made under *Rule 24(1)(2)(a)(b)(c)(d)(e) and (f), Rule 24(3)(a)(b)(c)(d) and Rule 56 (1) (2) and (3) of the Labour Court Rules, GN. No. 106 of 2007*, the Applicants moved this Court to grant extension of time in order for the Applicants to file their Labour Application to set aside the decision of the Commission for Mediation and Arbitration (herein CMA) at Dar es Salaam Zone dated 30<sup>th</sup> January, 2014 before Hon. Mwidunda – Arbitrator in *Dispute No. CMA/DSM/MIS/08/12*;

And whereas, in reply, the Respondent raised a legal objection to the effect that this Court has no jurisdiction to entertain the application for being Resjudicate;

And whereas, on 17<sup>th</sup> July, 2023 when the application was called for hearing of the legal objection, Mr. Jackson Mhando Personal Representative of the Applicant conceded with the legal objection;

And whereas, upon going through the record, it appeared that in *Miscellaneous Application No. 464 of 2021* this Court through Hon. K.T.R. Mteule granted the same application for extension of time within which to

challenge the decision of Hon. Mwidunda in *CMA/DSM/MIS/08/12* dated 30/1/2014 between the same parties;

And whereas, the Applicants filed *Revision No. 377 of 2022* against the decision of Hon. Mwidunda in *CMA/DSM/MIS/08/12* out of time;

And whereas, Hon. Judge Opiyo on 29<sup>th</sup> March, 2023 dismissed *Revision No. 377 of 2022* for being time barred;

And whereas, the effect of dismissal order on time limitation is to appeal and not refile the same in the same Court;

Now therefore, the application is hereby marked dismissed for being res-judicata with *Revision No. 377 of 2022*. Each should bear his/her own costs.



**Y.J. MLYAMBINA**  
**JUDGE**  
**17/07/2023**

Ruling delivered and dated 17<sup>th</sup> July, 2023 in the presence of Jackson Mhando, Personal Representative from (TAROTWU) for the Applicants and Sylvester Shayo, learned Counsel for the Respondent.



**Y.J. MLYAMBINA**  
**JUDGE**  
**17/07/2023**