

TANZANIA / JUDGMENT

20081106 TZHC Mwanza 1

COURT
TZHCDECIDED
6 November 2008

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,,). ∴ ,,,;1 IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA • { ! _...l IN THE DISTRICT REGISTRY ATMWANZA MISC..CIVIL APPL. NO. 11 OF 2007 {Orig{nating from District Court of Nyamagana Emp. Case No. 112 of2006} REHEMA JOSEPH
APPELLANT . · Versus CHAIRMAN MWANZA INSTITUTE CLUB-MWANZA RESPONDENT

JUDGMENT

06.11.2008 - 07.11.2008 G. K. RWAKIBARILA. J The appellant Rehema Joseph was the plaintiff in Mwanza Employment Cause No. 122 of 2006 which was dismissed o,, · 03.05.2007 on grounds that the said court had no jurisdiction under)ection 28 of the Security of Employment A\$t, 1964 to try it. What · sparked it was a report by the Labour Officer for Mwanza Region who filed it on 30.11.2006, ·reporting a dispute in which. the . responderit · namely Mwanza Institute Club terminated summarily employment of. appellant. According to ·the Labour Officer's report, appellant was ,,,,

- # ·;' ~. · claiming one month's salary in lieu of notice, severance allowance, 56 days leave and arrears of wages whose total amount was T. Sihs · 873,000/. Records of the No. 1·22 Civil Cause shgw it was instituted in Mwanza District Court on f1.J2.2006. By that time, the Employrrrufnt . . . ~~~ @ A c t , 1964 was already r,\$aated and no longer rn force becausi (. , under Section 94 {1} of the Employment arid Labo"-r . . Relations Act, No. 6 of 2004-or Sectio~ 51 of the Labour. Ins.titutions Act, No. 7 of 2004, exclusive jurisdictio'n in all labour matters was vested on f Labour Courts. The Labour Institutions Act commenced on 01.02.2005 vide GN. 24 of 2005 and the Employment and Labour ~°M"~L:-UJ\ . Relations Act semmenced on 05.01.2006 vide GN. 01 of 2006. -+ · Therefore on 11.12.2006 when the Employment Cause No. 122 of 2006 was instituted, the~ecurity of Employment.Act was no longer * applicable and the procedure outlined under it was no longer the proper law to follow. The proper procedure which should have been followed in this I matter is outlined from Section 86 to Section 95 of the Employment and Labour Relations Act which involves mediators, arbitrators or . Labour courts. It follows that the District Court had no juri? diction to entertain this matter but invoked provisions of the repealed Law_ to . dismiss it. The same suit was fit for dismissal therefore, even under . the new Labour Laws. This appeal is ultimately dismissed and parties shaH shoulder . their own costs. G. K. Rwakibarila
JUDGE 06·.11.2008 Date: 07/11/2008 Coram: G. K. Rwakibarila Appellant: Present in person

Respondent: Kirpal Singh is present . B/ C: Leoraylrd ~\ 2 Court: • Judgment read at Mwanza this ih day of November, 2008 -and right to appeal in time has been explained. G. K. Rwakibarila JUDGE At Mwanza 07.11.2008 . 3 f' I' f t[/ !i / I· rf)' J. ii J ,(11 :1 ,I .f) :l,, …! -~/ . I ,j f I . !I I ~ , ' I

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