

TANZANIA / JUDGMENT

civil decision 2024 ELVIS J

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1 January 2024

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THE JUDICIARY OF TANZANIA IN THE HIGH COURT OF UNITED REPUBLIC OF TANZANIA AT
MWANZA MISCELLANEOUS CAUSE NO. 000026810 OF 2024 ELVIS J. MSIGWA
COMPLAINANT / APPELLANT / APPLICANT / PLAINTIFF VERSUS LAND TRANSPORT AND
REGULATORY AUTHORITY (LATRA) RESPONDENT / DEFENDANT THE PUBLIC
SERVICES COMMISSION RESPONDENT / DEFENDANT CHIEF SECRETARY,
THE PRESIDENT OFFICE RESPONDENT / DEFENDANT THE HONORABLE
ATTORNEY GENERAL RESPONDENT / DEFENDANT

RULING

A. MATUMA, J, The applicant is seeking leave of this court to apply for prerogative orders of certiorari and mandamus against the decision of the President confirming his dismissal from employment by the Public Services Commission. The applicant was an employee of the 1st Respondent as an accountant technician from the 5th of September 2013 and confirmed on service on the 22nd of March 2014. Sometimes in 2021, he was accused of misconduct, charged for acts or omissions which are against Public Interests under paragraph 10 of part A of the first schedule to the Public Service Regulations, 2003. He was also charged for contraventions of the Code of Conducts for Public Service under Paragraph 14 and insubordination under paragraph 3 of the Code Supra. He was found guilty of the three offenses through Disciplinary Proceedings and dismissed from Employment. His first appeal to the Public Service Commission was partly allowed in which one out of the three offenses was confirmed as being sufficiently proved. Although the first appellate body acquitted him of two offenses out of the three, his verdict for dismissal from service was confirmed. The applicant made his second appeal to the president of the United Republic of Tanzania but his appeal was not successful. He is now seeking leave to apply for Judicial Review to quash the decision of the President(Certiorari) and to compel his reinstatement without loss of remunerations(mandamus). Page. 1 The respondents were duly served through the Attorney General but refused to acknowledge service as per the affidavit of the Process Server one Bageni A. Masubo. In that respect, Ms. Stella Swagi and Mr. Fred Sanga learned Advocates for the Applicant moved this Court to hear this application ex-parte or proceed to grant leave without even hearing the applicant as per rule 7(1) of The Law Reform (Fatal Accidents and Miscellaneous Provisions) (Judicial Review Procedure and Fees) Rules, GN no. 324 of 2014. I have chosen to compose this ruling without hearing the applicant because the applicant's affidavit is exhaustive on the grounds upon which leave is sought. All the grounds

stated in the affidavit complain against the unfair trial of the applicant by his disciplinary body the violations of which were wrongly confirmed by the first appellate body and later by the President as the final appellate body. In the absence of any response from the Respondents disputing various deposed facts relating to unfair trial, I do hereby allow this application and grant leave to the applicant for him to apply for judicial Review within fourteen days from the date of this Ruling. No orders as to costs. It is so ordered. Dated at MWANZA ZONE this 4th of November 2024. A. . MATUMA, J JUDGE OF THE HIGH COURT Page. 2

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Prepared on 14 October 2026 · Esheria