

TANZANIA / JUDGMENT

SOGEA SATOM JUDGMENT

COURT
TANZLII

DECIDED
29 November 2024

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IN THE HIGH COURT OF TANZANIA (MWANZA SUB-REGISTRY) AT MWANZA LABOUR
REVISION NO. 6604 OF 2023 (Arising from CMA/MZA/NYAM/91/2023/48/2023 in the Commission
for Mediation and Arbitration-Mwanza) SOGEA SATOM.....
APPLICANT VERSUS HEMED HAMIS SELEMAN.....RESPONDENT

RULING

21st and 29th November, 2024 KAMANA, J. When the application was set for a hearing, I prompted the parties to address this court as to whether the application was filed within the time. This is because as per the records, the impugned decision was delivered on 26th October, 2023 and the application for revision was submitted on 26th March, 2024. Submitting, Hemed Hamis Seleman, the respondent, contended that the application was filed out of the 42 days stated under section 91 of the Employment and Labour Relations Act, Cap. 366 [RE.2019]. He argued that since the impugned decision was delivered on 26th October, 2023, the applicant was, in the spirit of section 91, required to file the 1 application within 42 days. He asserted that by filing the application on 26th March, 2024, the applicant was hopelessly time barred. He asked this court to dismiss the application. Responding, Mr. Michael Mahende, learned Counsel for the applicant contended that the application was filed within the time on 22nd November, 2023. He asserted that due to the challenges in the electronic system, the applicant's name could not be accepted. To buttress his position the learned counsel annexed a Copy of an electronic printout. Given that, he implored this court to consider the application to have been filed within the time. As rightly contended by the respondent, section 91 of the Act set a time limit of 42 days for an application for revision of the decisions made by the Commission for Mediation and Arbitration. According to the electronic Case Management System which I had time to peruse, this application was filed on 26th March, 2024. This is beyond the 42 days stated under section 91. I find the arguments by Mr. Mahende devoid of merits. This is because what is on record is the fact that the application was filed on 26th March, 2024. Further, her efforts to draw my attention to the annexed copy of the electronic printout are not in consonant with the law. Trite law is that an annexure to the submission is worth no 2 consideration as it cannot be relied on as evidence. See: TUICO v. Mbeya Cement Company Ltd and Another (2005) TLR 41. For that reason, the application is dismissed for being time-barred. No order as to costs. Right To Appeal Explained. DATED at MWANZA this 29th November, 2024. KS KAMANA JUDGE 3

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CASE PAGE	https://chat.esheria.ai/case-law/tanzania/sogea-satom-v-hemed-hamis-seleman-limitationperiods-tanzlii-2024

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