



**SAIDA KAUMO v. TANZANIA TELECOMMUNICATION,
CORPORATION**

COURT OF APPEAL OF TANZANIA

AT DAR ES SALAAM

(LILA J.A.)

CIVIL APPEAL NO. 10 OF 2020

(Appeal from the ruling and Order of the High Court of Tanzania Labour Division at Dar es Salaam, Nyerere, J, dated the 29th day of August, 2018 in Misc. Application No. 240 of 2017).

Labour Laws - interpretation of labour laws- Whether disputes that occurred during repealed laws are dealt in accordance with the new labour laws.

The appellant is appealing against the interpretation given by the High Court (Nyerere, J.) in Miscellaneous Application No. 240 of 2017. In that application the appellant had sought an interpretation of the award by the Commission for Mediation and Arbitration (the CMA award) in Labour Dispute No, KZ/U.10/MG/1927/05 in order to ascertain her entitlements after being re-instated into her employment with the Respondent. The subject matter of this appeal arose before operationalization of the new labour laws (The Employment and Labour Relations Act and the Labour Institutions Act) regard being to the fact that the appellant was retrenched by a letter dated 28/11/2005 which was served to her on 30/11/2005. He called upon the Court of Appeal to determine whether the High Court was right to decline adjudicating on the application for Revision No. 13 of 2010 preferred to it by the appellant.

Held:

- (i) A court must correctly interpret and apply saving provisions in transitional laws to ensure that pending disputes are determined by the appropriate forum with the requisite jurisdiction.
- (ii) In terms of paragraph 13 of the Schedule to the ELRA, the dispute was required to be dealt with in accordance with the repealed laws. The High



Court made an error to nullify the proceedings and decisions of the Industrial Court and striking out Revision No. 13 of 2010 that was before it.

Appeal Allowed.

Statutory provisions referred to:

- (i) The Industrial Court Act, under Section 23(a)(i) to (v), 28(4)
- (ii) Employment and Labour Relation Act, R.E. 2019 under paragraphs 9 and 13 of the Third Schedule.
- (iii) Government Notice No. 1 of 2007.
- (iv) The Appellate Jurisdiction Act, under section 4(2)

Appellant in Absent

Mr. Saleh Manoro for the respondent