



IN THE INDUSTRIAL COURT OF KENYA

AT NAIROBI.

(Present: Charles P. Chemmutut, J.).

CAUSE NO. 118 OF 2003.

**KENYA UNION OF DOMESTIC, HOTELS,
EDUCATIONAL INSTITUTIONS, HOSPITALS & ALLIED WORKERS.....Claimants.**

v.

TRAVELLERS BEACH HOTEL.....Respondents.

Issue in Dispute:-

“Dismissal of M/S. Dominic Nzivu and Peter Omondi” (hereinafter called the grievants).

No appearance for the Claimants (hereinafter called the Union).

No appearance for the Respondents (hereinafter called the Company).

A W A R D.

The Minister for Labour and Human Resource Development referred this dispute to the Court for consideration and determination on 4th November, 2003 in exercise of the powers vested in him by Section 8 of the Trade Disputes Act, Cap. 234, Laws of Kenya (which is hereinafter referred to as the Act); and his reference, together with the statutory certificates from the Labour Commissioner and the Minister himself under Section 14(9) (e) and (f) of the Act, were received by the Court on 5th November, 2003. The dispute was then listed for mention on 27th November, 2003, and the parties were notified to attend. On this occasion, Messrs. Mwari S. Njiru and Harrison Okeche, who appeared for the parties respectively, were directed to submit or file their respective memoranda or statements by 8th January and 13th February, 2004, and the dispute was fixed for hearing on 30th March, 2004.

However, on 29th November, 2003, the parties met and entered into a memorandum of an amicable settlement of the matter, which was duly signed by Mr. Freddie Kiuru, General Manager, on behalf of the Company, and Mr. J.B. Odero, Director of Organisation, on behalf of the Union. The same was witnessed by Mr. Stephen Mwambushi, who is a member of the Works Committee; and under a notification by Mr. Mwari S. Njiru, which was received by the Court to-day, i.e. on 30th December,

2003, the parties prayed that the dispute be marked as settled and the file thereon closed because the grievants “have been paid all their terminal dues” by the Company as shown in the attached documents.

This being the case, I mark this dispute as settled and close the file.

DATED and delivered at Nairobi this 30th day of December, 2003.

Charles P. Chemmutut,

JUDGE.