



**REPUBLIC OF KENYA**

**INDUSTRIAL COURT OF KENYA COURT OF KENYA**

**Cause 84 of 2001**

**KENYA UNION OF COMMERCIAL, FOOD & ALLIED WORKERS.....Claimants.**

**- v -**

**INTERNATIONAL HOUSE LTD .....Respondents.**

**Issue in Dispute:-**

**“Dismissal of Mr. William Sweta Aruwa” (hereinafter called the grievant).**

**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 referred this dispute to the Court on 23<sup>rd</sup> August 2001 for consideration and determination in accordance with 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). The reference, together with the statutory certificates from the Labour Commissioner and the Minister himself under Section 14, subsection (9)(e) and (f) of the Act, were received by the Court on 28<sup>th</sup> August 2001, and the dispute was listed for mention on 6<sup>th</sup> September 2001. On this occasion, Mr. K.A. Luvega, who appeared for the Union, and Mr. R.M. Muthanga, Executive Officer, F.K.E., who appeared for the Company, were directed to submit or file their written memoranda or statements on or before 5<sup>th</sup> October and 5<sup>th</sup> November 2001, and the dispute was fixed for hearing to-day, i.e. 17<sup>th</sup> January 2002. The Union submitted its memorandum on 9<sup>th</sup> October 2001, but the Company did not file its reply statement thereto.

To-day, however, the parties presented a memorandum of settlement to the Court, dated 15<sup>th</sup> January 2002, and duly signed by Mr. F.W. Nderitu, General Manager, for the Company, and Mr. Boniface M. Kavuvi for the Union. It was also signed by the grievant himself and witnessed by Mr. R.M. Muthanga. The parties prayed that an award by consent of Kshs.84,868.20, (Kshs.84,822.20) subject to any income tax deductions, be entered in favour of the grievant, in full and final settlement of his claim, made up as follows:

Two months' pay in lieu of notice. - Kshs.9,820.00

4 days accrued leave. - Kshs. 656.00

Overtime. - Kshs. 3,928.00

5 months' compensation. - Kshs.24,550.00

Pension. - Kshs.45,868.20

Total = Kshs.84,868.20

(Kshs.84,822.20)

In my considered opinion, the terms of settlement are fair and reasonable;  
and, as prayed for by the parties, I award in terms thereof.

**DATED** and given at Nairobi this 17<sup>th</sup> day of January 2002.

Charles P. Chemmutut,

**JUDGE.**