



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
MILIMANI LAW COURTS

(Present: Charles P. Chemmutut, J.)

CAUSE NO.82 OF 2001.

KENYA CHEMICAL & ALLIED WORKERS' UNION.....Claimants.

- v -

LABORATORY & ALLIED LTD.....Respondents.

Issue in Dispute:

“Termination of services of Ms. Susan Mueni Ndambuki and Ms. Roda Kanji Mutinda” (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 referred this dispute to the Court on 22nd 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 27th August 2001, and the dispute was listed for mention on 6th September, 2001. On this occasion, Mr. Were D. Ogotu, National General Secretary, 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 the parties' written memoranda or statements on or before 5th October and 5th November 2001, and the dispute was fixed for hearing on 23rd January 2002. The Union submitted its memorandum on 5th October 2001, but the Company did not file its reply thereto as directed.

On 21st January 2002, however, the parties filed or presented a memorandum of settlement, dated 9th November 2001, under cover of Mr. Ogotu's letter, Ref: KCAAWU/IC/H-S/1/2002, dated 19th January 2002, and duly signed by Mr. Jagdish G. Dixit for the Company and Cllr. Fanuel Y. Ajwang for the Union. The memorandum of settlement was witnessed by Mr. L.W. Kariuki, Senior Executive Officer, F.K.E. The parties prayed therein that an award by consent be entered on payment to each grievant of Kshs.44,715.00, subject to any statutory deductions in full and final settlement, of their claims, made up as follows:-

(a) Two months' notice: - Kshs.9,756.00

(b) Salary for the month of

February, 1998: - “ 4,878.00

(c) Pro-rata leave:

10 monthsx2 daysx20 days - “ 3,252.00

(d) Three months' compensation: - “ 14,634.00

(e) Salary/gratuity: 5 years x 15 days - “ 12,195.00

Total = Kshs.44,715.00

In my considered opinion, the terms of the settlement are fair and reasonable, and I so award.

DATED and given at Nairobi this 23rd day of January, 2002.

Charles P. Chemmutut,
JUDGE.