



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

CAUSE NO.79 OF 2000.

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

- v -

PANAFRIC HOTEL.....Respondents.

Issues in Dispute:

1. Wrongful termination of Mr. Gabriel N. Wanyoike.
2. Wrongful dismissal of:-
 - (a) Samuel Mwangi.
 - (b) Douglas Njuguna.
 - (c) Christopher Macharia.

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

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

A W A R D.

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), the Minister for Labour referred this dispute to the Court on 19th July 2000 for consideration and determination. The Minister's 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 21st July 2001. After protracted negotiations or dialogue for settlement without success or in vain, the union submitted its memorandum on 25th July 2001, and the Hotel filed its reply statement on 20th September 2001. The dispute was fixed for hearing on 25th April 2002.

This morning, the parties presented a memorandum of settlement to the Court, dated 10th January 2002, and duly signed by Mr. Mwari S. Njiru, Industrial Relations Officer, for the Union, and Mr. Wachira Mari, Advocate, of M/S Lillian Mwaniki & Co., Advocates, for the Hotel, in which they prayed that an award by consent be entered as follows:

1. Samuel Irungu Mwangi - Kshs.74,128.00

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|----|------------------------|---|---|-----------|
| 2. | Douglas Muroko Njuguna | - | “ | 54,848.00 |
| 3. | Christopher Macharia | - | “ | 31,801.00 |

It is on the record that Mr. Gabriel N. Wanyoike had received his terminal benefits, amounting to Kshs.60,112.70, vide cheque No.004425 of 25th May 2001, and in the circumstances he was no longer a party to these proceedings. Accordingly, his case is also treated as settled.

In my humble opinion, the terms of the settlement are fair and reasonable, and I award accordingly.

DATED and given at Nairobi this 15th day of January, 2002.

Charles P. Chemmutut,
JUDGE.