



IN THE INDUSTRIAL COURT OF KENYA

AT NAIROBI.

(Present: Charles P. Chemmutut, J.

J.M. Kilonzo & A.K. Kerich, Members.)

CAUSE NO.4 OF 2002.

KENYA PLANTATION & AGRICULTURAL WORKERS' UNION.....Claimants.

- v -

NYERI PLANTATIONS.....Respondents.

Issue in Dispute:-

“Non-payment of terminal benefits to the under-mentioned employees (hereinafter called the grievants):

- 1. Peter N. Kagiri.**
- 2. Deborah Wangari.**
- 3. Alice Mukami.**
- 4. Sora Debaso”.**

F.K. Waweru, Deputy General Secretary, for the Claimants (hereinafter called the Union).
W.C. Githara, Advocate, holding brief for M/S. Kagonde & Mukunya,

Advocates, for the Respondents (hereinafter called the Plantations.)

A W A R D.

In exercise of the powers conferred on 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 10th January 2002 for consideration and determination. 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 4th February 2002. The dispute was then listed for mention on 14th February 2002, when Mr. Waweru appeared for the Union but there was no appearance for the Plantations. But in spite of the absence of the latter, however, the Union was directed to submit its memorandum on or before 15th March 2002, and the Plantations were ordered to file their reply statement on or before 15th April, 2002, and the dispute was fixed for hearing on 15th May 2002. The parties were also formally notified of this arrangement. The Union submitted its memorandum on 15th March 2002, and the learned counsel for the Plantations filed their reply statement on 15th April, 2002.

When the case came up for hearing this morning, the representatives of the parties were, after brief negotiation, able to reach an amicable compromise thereon, and in the circumstances presented or filed a memorandum of settlement, duly signed by Mr. F.K. Waweru on behalf of the Union and Mr. G.M. Kabongo on behalf of the Plantations. It was witnessed by Mr. W.C.

Githura, Advocate, who was holding brief for M/S. Kagonda & Mukunya, Advocates, for the Plantations. The parties prayed that an award by consent be entered in terms of the settlement as follows:-

“1. PETER N. KAGIRI.

The above claimant (grievant) having been paid all his entitlements is not entitled to any payments and his claim be and is hereby marked as settled.

2. DEBORAH W. KANYI.

The above claimant (grievant) would have been entitled to dues of Kshs.12,660/= but having been paid Kshs.6,641.50 on 19/12/2001 at the Union's Nyeri branch she is entitled to a balance of Kshs.6,018.50 being full and final payment.

3. ALICE MUKAMI.

The above claimant (grievant) is entitled to final dues of Kshs.9,960/= in full and final payment.

4. SORA DEBASO.

There be an award for the above claimant (grievant) for Kshs.4,174/= in full and final payment of his claim”.

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

DATED and given at Nairobi on 15th day of May, 2002.

Charles P. Chemmutut,

JUDGE.