



**IN THE INDUSTRIAL COURT OF KENYA**

**AT NAIROBI.**

**(Before: Charles P. Chemmutut, J.)**

**CAUSE NO. 46 OF 2002.**

**KENYA ENGINEERING WORKERS' UNION.....Claimants.**

**- v -**

**BHAMRA MOTORS LTD.....Respondents.**

**Issue in Dispute:-**

**“Termination of Mr. Evans Obongita and refusal to pay arrears” (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 for consideration and determination on 3<sup>rd</sup> May, 2002, under powers conferred upon 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, subsection (9)(e) and (f) of the Act, were received by the Court on 14<sup>th</sup> May, 2002. The dispute was then listed for mention on 30<sup>th</sup> May, 2002, when Messrs. Joseph A.N. Omolo, Industrial Relations Officer, Engineering Workers' Union, and L.W. Kariuki, Senior Executive Officer, F.K.E., who appeared for the parties respectively, were directed to submit or file their respective memoranda or statements on or before 17<sup>th</sup> June and 17<sup>th</sup> July, 2002, and the dispute was fixed for hearing on 22<sup>nd</sup> August, 2002. The Union submitted their memorandum on 17<sup>th</sup> June, 2002, but the Company did not file any reply statement thereto as directed. On 22<sup>nd</sup> August, 2002, Mr. Omolo appeared for the Union, but there was no appearance for the Company; and in the circumstances, the case was rescheduled for hearing on 29<sup>th</sup> October, 2002, and meanwhile the Company were allowed to file their reply statement on or before 27<sup>th</sup> September, 2002.

On 12<sup>th</sup> September, 2002, however, the parties presented a memorandum of settlement, dated 29<sup>th</sup> August, 2002 and duly

signed by Mr. A.S. Bhamra, Managing Director, on behalf of the Company, and Mr. Joseph A.N. Omolo, Industrial Relations Officer, on behalf of the Union. It was witnessed by Mr. Jefferson Wekesa. The parties prayed that an award by consent for Kshs.5,000/=-, *vide* cheque No. 171979, in favour of the grievant, be made or entered in full and final settlement of his terminal dues.

In my view, the terms of the 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 September, 2002.

Charles P. Chemmuttut,

**JUDGE.**