



REPUBLIC OF KENYA

IN THE INDUSTRIAL COURT OF KENYA

AT NAIROBI.

(Before: Charles P. Chemmutut,J.)

CAUSE NO.44 OF 2002.

KENYA UNION OF DOMESTIC, HOTELS,

EDUCATIONAL INSTITUTIONS, HOSPITALS & ALLIED WORKERS.....Claimants.

- v -

LIMURU NURSING HOMERespondents.

Issue in Dispute:-

“Redundancy of Mrs. Gladys Wambui Njihia”.

Mwari S. Njiru, Industrial Relations Officer, for the Claimants (hereinafter called the Union).

M. Onyango (Mrs.), Executive Officer, F.K.E. for the Respondents (hereinafter called the Nursing Home).

ORDER.

The Minister for Labour referred this dispute to the Court for consideration and determination on 3rd May, 2002 in exercise of the 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 14th May, 2002. The dispute was then listed for mention on 30th May, 2002, when Mr. Njiru appeared for the Union but there was no appearance for the Nursing Home. In the circumstances, the case was rescheduled for another mention on 20th June, 2002, when Mr. Njiru and Mrs. Onyango, who appeared for the parties respectively, were directed to submit their respective memoranda or statements on or before 19th July and 19th August, 2002, and the dispute was fixed for hearing to-day, i.e. 2nd October, 2002, Mr. Njiru submitted his memorandum on 23rd July, 2002, and Mrs. Onyango belatedly filed her reply statement on 30th September, 2002.

When the case came up for hearing this morning, the representatives of the parties engaged in a brief discussion before me in my Chambers regarding the maintainability or otherwise of the dispute but consequently agreed and prayed that an order be

made in the following terms:-

“The dispute herein is withdrawn and the Union will have the liberty to file a fresh dispute on underpayment if they so wish”.

The said order was duly signed by Mr. Mwari S. Njiru for and on behalf of the Union and Dr. B.V. Patel for and on behalf of the Nursing Home, and witnessed by Mrs. M. Onyango.

This being the position, I mark this case as withdrawn and close the file.

DATED and ordered at Nairobi this 2nd day of October, 2002.

Charles P. Chemmutut,

JUDGE.