



REPUBLIC OF KENYA

IN THE INDUSTRIAL COURT OF KENYA

AT NAIROBI.

(Present: Charles P. Chemmutut, J.)

CAUSE NO.38 OF 2002.

TAILORS & TEXTILES WORKERS' UNION.....Claimants.

- v -

VAJA'S GARMENT MANUFACTURERS LTD.....Respondents.

Issue in Dispute:-

“Dismissal of Mr. Benjamin Muthui and Mrs. Mary Kathike Mutie” (hereinafter called the grievants).

William Aketch Muga, General Secretary, for the Claimants (hereinafter called the Union).

L.W. Kariuki, Senior Executive Officer, F.K.E., for the Respondents (hereinafter called the Company).

A W A R D.

The Minister for Labour referred this dispute to this Court for consideration and determination on 30th April, 2002 under 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); and his reference together with 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 2nd May, 2002 and the dispute was listed for mention on 21st May, 2002. On this occasion, Mr. L.W. Kariuki appeared for the Company but there was no appearance for the Union. In the circumstances, the dispute was listed for another mention on 4th June, 2002, when Mr. Alex Okoth and Mrs. M. Onyango, who appeared for the parties respectively, were directed to submit or file their respective written memoranda or statements on or before 5th July and 16th August, 2002, and the dispute was fixed for hearing on 26th September, 2002. The Union submitted their memorandum on 8th July, 2002 and the Company filed their reply statement on 26th September, 2002. On this day, Messrs. Jumba Odondi and L.W. Kariuki, who appeared for the parties respectively, jointly applied for adjournment of the case to enable them negotiate a settlement or compromise out of Court. The application was granted and the dispute was fixed for a further mention on 8th October, 2002. On this date, Mr. Odondi and Mrs. Onyango again appeared for the parties respectively; and the dispute was by mutual agreement fixed for hearing to-day, i.e. on 30th October, 2002.

Before the commencement of the hearing this morning, Messrs. Muga and Kariuki, who appeared for the parties respectively, presented a memorandum of settlement to the Court, duly signed by them, with the prayer that the grievants be paid

Kshs.5,073/= and Kshs.9,077/= respectively, in full and final settlement of their respective claims.

In my view, the terms of the settlement are fair and reasonable, and I award as prayed for in terms thereof.

DATED and given at Nairobi this 30th day of October, 2002.

Charles P. Chemmutut,

JUDGE.