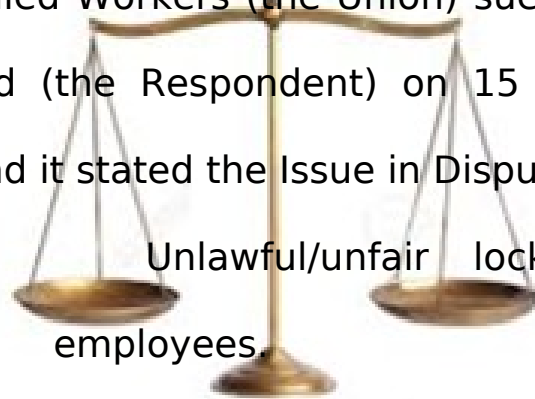


**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS
COURT AT NAIROBI
CAUSE NO. E775 OF 2025
KENYA UNION OF COMMERCIAL, FOOD, AND
ALLIED WORKERS
CLAIMANT**

v

**KAZURI 2000 LIMITED
RESPONDENT**

1. The Kenya Union of Commercial, Food & Allied Workers (the Union) sued Kazuri 2000 Ltd (the Respondent) on 15 August 2025, and it stated the Issue in Dispute as:



Unlawful/unfair lockout of 158 employees.

2. At the same time, the Union filed a Motion seeking orders

(i) ...

(ii) ...

(iii) THAT pending the hearing and determination of this suit, the Honourable Court be pleased to direct the Respondent to

declare its position on the 156 employees who are still awaiting recall.

(iv) THAT pending the hearing and determination of this matter, this Honourable Court be pleased to issue an order restraining the Respondent from leaving the country and to deposit his travel documents with the Honourable Court.



(v) ...

(vi) THAT costs of this application be in the cause.

3. The grounds in support of the Motion were that the parties had a recognition agreement; during COVID-19 the Respondent sent the employees home for 3-months; only 15 employees were recalled in August 2020; Respondent issued a notice of closure of business in December 2020; in

May 2022, the Respondent moved its business premises to the Managing Director's residence and handed over the then premises to another business; on 31 May 2022, the recalled employees were sent home with instructions to await to be recalled, and about 58 named employees were still waiting to be recalled.

4. The Duty Court certified the Motion urgent

on 20 August 2025, and directed the Union to serve the Respondent ahead of further proceedings on 28 August 2025.

5. On 28 August 2025, the Duty Court directed that the Motion be placed before this Court on 29 September 2025.

6. When the Cause was called out on 29 September 2025, an advocate called Mr Kinyanjui informed the Court he was acting for the Respondent and requested to be given 14 days to respond to the Motion.

7. The Court granted the request and further directed the filing and exchange of responses and submissions.
8. The responses and submissions were not on record by the agreed timelines.
9. Instead, on 15 October 2025, the firm of Litoro & Ombui Advocates filed an application under a Certificate of Urgency seeking to be granted leave to cease acting for the Respondent.
10. The Court has considered the Union's Motion filed on 15 August 2025 and the affidavit in support and makes the following determinations.
11. One, there is no evidence in the form of an affidavit of service that the Respondent was served with the Motion or Notice of Summons.
12. Two, the orders sought by the Union are vague and would not serve any legal utility in the cause of justice if granted as drafted.

EMPLOYMENT AND LABOUR RELATIONS COURT

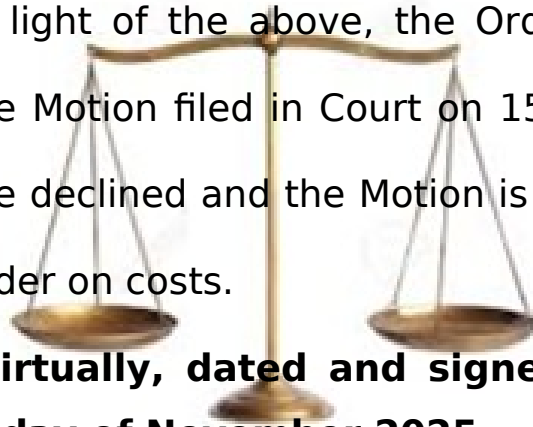


NAIROBI

13. Lastly, the Union has stated that it has a recognition agreement with the Respondent.
14. However, there is no evidence that the Union complied with the alternative dispute resolution avenues outlined in Part VIII of the Labour Relations Act (conciliation) before invoking the jurisdiction of the Court.

Order

15. In light of the above, the Orders sought in the Motion filed in Court on 15 August 2025 are declined and the Motion is dismissed. No order on costs.



Delivered virtually, dated and signed in Nairobi on this 20th day of November 2025.

NAIROBI

Radido Stephen, MCI Arb

Judge

Appearances

For the Claimant

Mr
Nyumba,
Industrial
Relations
Officer

For the Respondent

no
evidence of
service
Wangu

Court Assistant

EMPLOYMENT AND LABOUR RELATIONS COURT



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