

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS
COURT AT NAIROBI
CAUSE NO. E428 OF 2025
KENYA UNION OF WATER AND SEWERAGE
EMPLOYEES
CLAIMANT**

v

**RUIRU JUJA WATER AND SEWERAGE
CO LIMITED
RESPONDENT**

EMPLOYMENT AND LABOUR RELATIONS COURT

RULING NO. 2

1. On 21 October 2025, the Court reserved a Ruling on 2 applications dated 15 May 2025 by the Kenya Union of Water & Sewerage Employees (the Union), and 19 June 2025 by Ruiru Juja Water & Sewerage Co Ltd (the Respondent) to 11 December 2025.
2. However, the Respondent filed a Motion dated 3 November 2025 seeking orders:
 - (i) ...
 - (ii) THAT there be an order arresting the delivery of the Ruling scheduled for December 2025 in this matter,

pending the hearing and determination of application.

- (iii) THAT this Honourable Court be pleased to find and declare that the Claimant, Kenya Union of Water and Sewerage Employees, having been deregistered by the Registrar of Trade Unions and with its appeal dismissed by the Employment and Labour Relations Court on 25th July 2025, lacks the legal capacity and *locus standi* to maintain or participate in these proceedings.

- (iv) THAT consequently, this Honourable Court be pleased to strike out the Claim for want of *locus standi* and for being incurably defective and incompetent.

EMPLOYMENT AND LABOUR RELATIONS COURT



NAIROBI

(v) THAT costs of this application and the entire cause be borne by the Claimant.

3. The grounds in support of the Motion were that the Registrar of Trade Unions had deregistered the Union under section 34 of the Labour Relations Act; an appeal to the Court to rescind the decision of the Registrar had been dismissed; the Union no longer existed legally and could therefore not maintain the present action and that the interest of justice and judicial economy demanded that the Court abort the delivery of Ruling on the Motion filed on 15 May 2025.

4. The Court gave directions on the Motion on 4 November 2025, and the Respondent filed its submissions on 10 November 2025.

5. The Grievant filed a replying affidavit opposing the Motion on 18 November 2025, deponing that the Respondent's advocate was conflicted; admitting the Union had been deregistered but

an appeal against the decision was pending in Court; that the question of the Union's *locus* did not arise because of Article 22 of the Constitution, and that the Motion was incurably defective.

6. When the Motion was called out on 19 November 2025, the Union requested for time to file submissions and the Court obliged.

7. The submissions were not on record by the agreed timeline (the Respondent filed further affidavit and submissions on 28 November 2025. No leave was sought or granted and the Court expunges them from the record).

8. The Court has considered the Motion, affidavits and submissions and makes the following determinations.

9. One, the Union was a validly registered trade union when it moved the Court.

10. Two, upon deregistration as a trade union, the Union cannot validly prosecute the instant Cause

until the decision is stayed or overturned by the Courts.

11. Three, on 14 October 2025, the Grievant filed a Notice to Act in Person.

12. Four, the Grievant appointed the firm of M'njau & Mageto Advocates to act for him, and a Notice of Appointment was filed in Court on 21 October 2025.

13. Five, in the interest of justice and in order to expedite the proportionate hearing of the dispute, the instant Cause should not be struck out, but should be stayed to allow the Grievant to consider the legal options available to him.

Orders

14. Flowing from the above, the Cause herein is stayed for 45 days to allow the Grievant to consider the legal options available to him and move the Court appropriately.

15. Costs in the cause.

Delivered virtually, dated and signed in Nairobi on this 11th day of December 2025.

**Radido Stephen, MCIArb
Judge**

For Claimant

For Union

did not participate in
the Motion

For Grievant

M'njau & Mageto Co.
Advocates

For Respondent

Y. Jeruto & Co.
Advocates

Court Assistant

Wangu



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