



Kenya Plantation & Agricultural Workers Union v Flamingo Horticulture Kenya Limited (Employment and Labour Relations Cause E050 of 2024) [2025] KEELRC 388 (KLR) (13 February 2025) (Ruling)

Neutral citation: [2025] KEELRC 388 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAKURU
EMPLOYMENT AND LABOUR RELATIONS CAUSE E050 OF 2024
AN MWAURE, J
FEBRUARY 13, 2025**

**BETWEEN
KENYA PLANTATION & AGRICULTURAL WORKERS UNION .. CLAIMANT
AND
FLAMINGO HORTICULTURE KENYA LIMITED RESPONDENT**

RULING

1. E049/2024 will be mention on May 12, 2025 to confirm if the parties have met a concilliator. There is no Preliminary objection in this file and so the Ruling in 049/2024 cannot apply in this file as requested by the parties who say the parties in the two files are the same and issues are the same.
2. The Respondent has 14 days to file his Preliminary objection and submissions.
3. The claimant will also file his submissions if he wishes to once he is served by the Respondent with his submissions.
4. Both cases E049/2024 and E050/2024 will be mentioned on May 12, 2025 for further directions.
5. Court to advise the parties on these directions.

DATED, SIGNED AND DELIVERED VIRTUALLY AT NAKURU THIS 13TH DAY OF FEBRUARY, 2025.

ANNA NGIBUINI MWAURE

JUDGE

Order

In view of the declaration of measures restricting Court operations due to the COVID-19 pandemic and in light of the directions issued by His Lordship, the Chief Justice on 15th March 2020 and subsequent directions



of 21st April 2020 that judgments and rulings shall be delivered through video conferencing or via email. They have waived compliance with Order 21 Rule 1 of the Civil Procedure Rules, which requires that all judgments and rulings be pronounced in open Court. In permitting this course, this Court has been guided by Article 159(2)(d) of the Constitution which requires the Court to eschew undue technicalities in delivering justice, the right of access to justice guaranteed to every person under Article 48 of the Constitution and the provisions of Section 1B of the Procedure Act (Chapter 21 of the Laws of Kenya) which impose on this Court the duty of the Court, inter alia, to use suitable technology to enhance the overriding objective which is to facilitate just, expeditious, proportionate and affordable resolution of civil disputes.

A signed copy will be availed to each party upon payment of Court fees.

ANNA NGIBUINI MWAURE

JUDGE

