



**Kenya Plantation & Agricultural Workers Union v Mahee Flowers Limited
(Cause E004 of 2023) [2025] KEELRC 1870 (KLR) (20 June 2025) (Ruling)**

Neutral citation: [2025] KEELRC 1870 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAKURU
CAUSE E004 OF 2023**

**J RIKA, J
JUNE 20, 2025**

**BETWEEN
KENYA PLANTATION & AGRICULTURAL WORKERS UNION .. CLAIMANT
AND
MAHEE FLOWERS LIMITED RESPONDENT**

RULING

1. Judgment was delivered in favour of the Grievant herein, on 28th November 2024.
2. The Respondent was ordered to pay the Grievant, through his Trade Union, the Claimant, gratuity and compensation for unfair termination, amounting to Kshs. 334,163.
3. The Respondent intends to appeal against the Judgment at the Court of Appeal, and has applied for an order of stay of execution pending appeal.
4. The application is dated 17th December 2024. It is founded on the affidavit of Vitalis Osodo, Respondent's Group Human Resource Manager, sworn on 17th December 2024.
5. Osodo explains that the Respondent would suffer irreparable loss if the order is not granted; it has an arguable appeal with high chances of success; the appeal would be rendered nugatory if successful, in the absence of the order; the Appellant is willing to offer security; and the application has been presented without delay.
6. The application is opposed through the replying affidavit of the Claimant's official Thomas Kipkemboi, sworn on 13th February 2025.
7. Kipkemboi states that the application is without merit, and intended to delay finalization of the dispute. The Respondent has not demonstrated: how it will suffer irreparable loss, if execution proceeds; that it has an arguable appeal with probability of success; and deposit of security is not a matter of willingness by the Respondent to deposit, but is entirely at the discretion of the Court.



8. Parties agreed that the application is considered and determined on the strength of their affidavits and submissions. They confirmed filing and exchange of submissions at the last appearance before the Court, on 29th April 2025.

The Court Finds: -

9. The Claim herein is brought by Kenya Plantation and Agricultural Workers Union. It is brought on behalf of the Grievant, one Kennedy Kariuki Macharia, a member of the Claimant Union.
10. While the Respondent may have doubt, on the Grievant's ability to repay the sum of Kshs. 334,163 awarded by the Court in event the intended appeal succeeds, there can be no doubt on the ability of the Claimant Union to repay.
11. The Claimant brought this Claim in its own name, and bears full responsibility for the Claim.
12. It is a large, old, stable and reputable Trade Union. It is not a pseudo-Union, with unknown address and irretraceable assets. It represents tens of thousands of workers in agricultural and plantations sector. It has a Recognition Agreement, and has executed several Collective Bargaining Agreements with the Respondent's umbrella body, Agricultural Employers' Association. The parties are well-known to each other.
13. The Claimant is not alleged by the Respondent, to be a Trade Union operating in a state of poverty, with limited resources, financial instability and a struggler in meeting basic needs. It is a well-established player in the labour movement. It would be able to refund any money paid to it by the Respondent, in execution of the decree. It has an ongoing labour relationship with the Respondent. It would not be difficult at all, for the Respondent to recover the decretal sum from the Claimant, if the appeal is successful.
14. There is no need to look into other issues raised by the parties, with regard to the application at hand. The Respondent's right of appeal is secure. The Claimant is at liberty to execute decree. Parties have been through conciliation and litigation, and the Grievant merits closure to the dispute, and merits also, enjoyment of the fruits of conciliation and litigation. The Claimant is aware that if the appeal succeeds, it will be required to refund the decretal sum to the Respondent.

It is ordered: -

- a. The application dated 17th December 2024 filed by the Respondent is declined.
- b. No order on the costs.

DATED, SIGNED AND DELIVERED ELECTRONICALLY AT NAKURU, THIS 27TH DAY OF JUNE 2025.

JAMES RIKA

JUDGE

