



**Kenya Medical Practitioners, Pharmacists and Dentist Union (KMPDU) v Cabinet Secretary, Ministry of Labour & Social Protection (Employment and Labour Relations Cause E191 of 2021) [2024] KEELRC 2110 (KLR) (26 July 2024) (Ruling)**

Neutral citation: [2024] KEELRC 2110 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI  
EMPLOYMENT AND LABOUR RELATIONS CAUSE E191 OF 2021**

**AN MWAURE, J**

**JULY 26, 2024**

**BETWEEN**

**KENYA MEDICAL PRACTITIONERS, PHARMACISTS AND DENTIST UNION (KMPDU) ..... PETITIONER**

**AND**

**CABINET SECRETARY, MINISTRY OF LABOUR & SOCIAL PROTECTION ..... RESPONDENT**

**RULING**

1. The applicant herein filed an application dated 5<sup>th</sup> February 2024 seeking the following prayers.
  - a. That this honourable Court be pleased to adopt the return to work formula (RTWF) dated 11<sup>th</sup> February 2022 as an order of this honourable Court hereof
  - b. That this honourable Court be pleased to order Moi University to pay the arrears herein within thirty (30) days form he date hereof.
  - c. That this honourable Court be pleased to give directions hereof and further orders that it may deem fit to grant hereon.
  - d. That the costs of this application be paid by the respondents in any event.
2. This is a case which has been pending for a long time but on 11<sup>th</sup> July 2023 the parties signed a consent order of return to work formula dated 11<sup>th</sup> July 2023. The return to work formula was signed and is dated 11<sup>th</sup> February 2022.
3. The Court has walked with the parties and the respondents have always been admitting they will pay the dues to the petitioner’s but claim they have no funds as yet.



4. The applicant filed this application and the Court did not see any response from the respondent and since the respondent had never denied owing the sums claimed or return to work formula where indeed they all signed a consent the Court does not find it hard to grant the prayers sought in the petitioners' prayers in the application dated on 5<sup>th</sup> February 2024.
5. The Court to be precise grants prayers a, and b of this application and orders the petitioner to be pleased to proceed to institute execution proceedings if the respondent does not settle the decretal sum within 60 days hereof as far as is hereby applicable in view of the passage of time.
6. Also the costs of this application be paid by the respondent.

Orders accordingly.

**DATED, SIGNED AND DELIVERED VIRTUALLY IN NAIROBI THIS 26<sup>TH</sup> DAY OF JULY, 2024.**

**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 15<sup>th</sup> March 2020 and subsequent directions of 21<sup>st</sup> 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**

