



Banking, Insurance & Finance Union (Kenya) v Consolidated Bank of Kenya Ltd (Employment and Labour Relations Cause E2330 of 2017) [2023] KEELRC 2741 (KLR) (2 November 2023) (Ruling)

Neutral citation: [2023] KEELRC 2741 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
EMPLOYMENT AND LABOUR RELATIONS CAUSE E2330 OF 2017
AN MWAURE, J
NOVEMBER 2, 2023**

BETWEEN

BANKING, INSURANCE & FINANCE UNION (KENYA) CLAIMANT

AND

CONSOLIDATED BANK OF KENYA LTD RESPONDENT

RULING

1. The court has keenly listened to the submissions by the respective parties pertaining to the stay of execution pending the hearing of this application. There is another application before the court of appeal and hearing will be on 8/11/2023.
2. For interest of justice to be done and court having admonished the applicant's counsel for having multiplicity of applications in the different courts the court will grant a very temporary stay of execution up to 8/11/2023.
3. This court will not entertain the applications vide the notice of motion dated 30th October 2023 and 1st November 2023 as there is similar application at the court of appeal and it will be heard on 8/11/2023.
4. This order for stay which is interim will terminate automatically the court of appeal delivers its ruling and as earlier said these applications will not be listed before this court again since a superior court is already handling a similar application.

Orders accordingly.

DATED, SIGNED AND DELIVERED VIRTUALLY IN NAIROBI THIS 2ND DAY OF NOVEMBER, 2023.

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

