



**Osieko & 3 others v Ooko & 2 others (Petition E25 of 2021)
[2022] KEELRC 12936 (KLR) (24 October 2022) (Ruling)**

Neutral citation: [2022] KEELRC 12936 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT KISUMU
PETITION E25 OF 2021**

S RADIDO, J

OCTOBER 24, 2022

**IN THE MATTER OF CONTRAVENTION OF RIGHTS TO FAIR
LABOUR RELATIONS, FAIR ADMINISTRATIVE ACTION, AND
RIGHT AGAINST INHUMAN AND DEGRADING TREATMENT**

BETWEEN

**NASHON OLIECH OSIEKO 1ST PETITIONER
RAPHAEL MUYONGA 2ND PETITIONER
RACHEL MAYAKA 3RD PETITIONER
IMELDA NUBIA 4TH PETITIONER**

AND

**FRANCIS OOKO 1ST RESPONDENT
HARUN KIRUI 2ND RESPONDENT
MUHORONI SUGAR CO LIMITED (IN RECEIVERSHIP) 3RD RESPONDENT**

RULING

1. On 19 October 2022, the court declined to allow a motion by the respondents seeking an order lifting warrant of arrest which had been issued against the 1st and 2nd respondents.
2. Later the same day, the respondents filed an application under a certificate of urgency seeking a temporary stay of execution pending settlement of any disputed aspects of the decree of the court, which had been issued on 1 December 2021.
3. The respondents requested that the settlement be agreed upon before the Deputy Registrar.
4. The court gave directions on the motion with a ruling reserved for today.



5. However, again on the same day, parties filed a consent in the following terms:
- (1) The 3rd respondent to pay the 1st petitioner three (3) months salary arrears (inclusive of allowances) on or before October 21, 2022.
 - (2) The 3rd respondent to pay the 2nd petitioner three (3) months' salary arrears (inclusive of allowances) on or before October 21, 2022.
 - (3) The 3rd respondent to pay the 3rd petitioner three (3) months' salary arrears (inclusive of allowances) on or before October 21, 2022.
 - (4) The advocates the petitioners, and the respondents shall meet and discuss on a proposal of payment of the outstanding arrears and such agreement to be reached within fourteen (14) days from the date hereof and report the outcome to the Deputy Registrar on a date to be agreed by counsels.
 - (5) In the meantime, the warrants of arrest issued on October 19, 2022 are hereby suspended to await the outcome of the negotiations and further directions by the court.
6. The court adopts the consent as an order of the court and further directs that the parties appear before the Deputy Registrar on 8 November 2022.

DELIVERED VIRTUALLY FROM VOI, DATED, AND SIGNED ON THIS 24TH DAY OF OCTOBER 2022.

Radido Stephen, MCI Arb

Judge

Appearances

For applicant N.E. Mogusu & Co. Advocates

For 1st and 2nd Respondents Kale Maina & Bundotich Advocates, LLP

For 3rd Respondent , The Federation of Kenya Employers

Court Assistant Chrispo Aura

