



Kenya Airways PLC v Kenya Airlines Pilot Association (Cause E774 of 2022) [2022] KEELRC 13126 (KLR) (8 November 2022) (Ruling)

Neutral citation: [2022] KEELRC 13126 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE E774 OF 2022
AN MWAURE, J
NOVEMBER 8, 2022**

BETWEEN

KENYA AIRWAYS PLC PETITIONER

AND

KENYA AIRLINES PILOT ASSOCIATION RESPONDENT

RULING

In view of the application dated November 7, 2022 and the sub sequent order made by this Honourable Court summoning the Respondent officials to Court on November 8, 2022 the Court has this to state:

1. The Court is aware there is a grave industrial dispute between the Applicant and the Respondents which led to the Respondents taking industrial action albeit against a Court order dated October 31, 2022 and that is not to be taken lightly or sanitized by the Court. The Country exists because its subjects obey Court orders and judgements. On that the Court strongly admonishes the Respondents.
2. Having said so, this Court issued an order yesterday around 3.00p.m summoning the officials of the respondents to appear in Court and explain why they should not be punished for disobeying Court order. It is gratifying that all made time to come to court promptly and that is a good sign of individuals who appear now desirous to comply with Court orders.
3. Having said so this Court gave the respective parties ample time this morning to give their submissions orally and the Court listened keenly and patiently. The Court taking all things into consideration including the pathetic plight of the Nation's airline (KQ) the Court now makes the following interim orders:-
4. The Respondents members and especially the Kenya Airways Pilots to resume their duties as the pilots by 6.00a.m on November 9, 2022 unconditionally.



5. The Applicant (KQ) to allow the Pilots to perform their duties without harassing them or intimidating them and especially by not taking any disciplinary action against any of them pending the hearing and determination of this matter.
6. The Respondents are given until Friday November 11, 2022 to file their reply to the applications dated October 28, 2022 and application dated November 6, 2022 and serve the Applicants accordingly.
7. Upon service the Applicant will file their submissions of 10 pages each by November 15, 2022 and the respondents Will also file their submissions by November 17, 2022) (10 pages).
8. Case will be mentioned on November 21, 2022 to confirm compliance and give a date for ruling.
9. The respective parties are also urged to pursue ADR through the appointed conciliator and should an agreement be reached the matter can be mentioned earlier to record the same.
10. Meanwhile since the parties have come to Court and the Court is fully seized of the matter parties are ordered to refrain from prosecuting the matter through the media and in the public gallery and allow the Court to handle the same henceforth.

Orders accordingly.

DELIVERED, DATED AND SIGNED IN OPEN COURT AT NAIROBI THIS 8TH NOVEMBER, 2022.

ANNA NGIBUINI MWAURE

JUDGE

In the Presence of:

Mr. S.C. Ohaga

Miss Lella Ahmed for the Applicant

Mr. Levi Munyiri for the Respondent

Mr. Peter Kimani

