



Kizugane & 56 others v Golden Jubilee t/a Crowne Plaza Hotel International Nairobi-Upperhill & another (Cause E460 of 2021) [2022] KEELRC 13533 (KLR) (14 December 2022) (Ruling)

Neutral citation: [2022] KEELRC 13533 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE E460 OF 2021
J RIKA, J
DECEMBER 14, 2022**

BETWEEN

WYCLIFFE KIZUGANE & 56 OTHERS CLAIMANT

AND

**GOLDEN JUBILEE T/A CROWNE PLAZA HOTEL INTERNATIONAL
NAIROBI-UPPERHILL 1ST RESPONDENT**

**KENYA UNION OF DOMESTIC, HOTELS, EDUCATION INSTITUTIONS AND
ALLIED WORKERS [KUDHEIHA] 2ND RESPONDENT**

RULING

1. Parties recorded a consent order dated July 26, 2022.
2. The 1st respondent undertook to pay 51 remaining claimants the sum of Kshs 12,051,002.88, less statutory deductions.
3. It was agreed further that the 1st respondent would pay the claimants' costs of the suit, to be taxed if not agreed.
4. The claim was marked as settled.
5. The claimants have returned to court under certificate of urgency, through an application dated December 7, 2022, asking the court to compel the 1st respondent to release the claimants' pension release forms and their respective certificates of service.
6. It is conceded that the claimants have been paid the settlement sum. They complain that the respondent has however, failed to release the pension release forms and the certificates of service.



The Court Orders: -

7. The application is not urgent.
8. It is not suited to *ex parte* hearing.
9. The settlement orders issued with the participation of both parties.
10. The orders sought, should have been part of the terms of settlement.
11. The application shall be served, and the respondents shall, if opposed to the application, file and serve their respective responses, within 7 days of service.
12. Thereafter parties shall obtain a suitable hearing date from the Registry, in the new term.

**DATED, SIGNED AND RELEASED TO THE PARTIES ELECTRONICALLY AT NAIROBI, THIS
14TH DAY OF DECEMBER 2022.**

JAMES RIKA

JUDGE

