



**Kenya Plantations and Agricultural Workers Union v Exotic Penina
Fields Group (Formerly Carnations Plants) (Cause 2045 of 2017)
[2022] KEELRC 13349 (KLR) (1 December 2022) (Ruling)**

Neutral citation: [2022] KEELRC 13349 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE 2045 OF 2017
MN NDUMA, J
DECEMBER 1, 2022**

BETWEEN

**KENYA PLANTATIONS AND AGRICULTURAL WORKERS
UNION CLAIMANT**

AND

**EXOTIC PENINA FIELDS GROUP (FORMERLY CARNATIONS
PLANTS) RESPONDENT**

RULING

1. By a notice of motion application dated November 23, 2021, the applicant prays the court to stay any intended implementation of the Recognition Agreement entered into on October 28, 2012 by the parties pending the determination of the Respondent's application to the National Labour Board to revoke/terminate the Recognition Agreement dated October 28, 2013.
2. The Recognition Agreement is said to have been entered into pursuant to protracted Court proceedings and that the same has become invalid since the number of staff of the Respondent who are union members has grossly fallen below the threshold required under section 54(2) of the *Labour Relations Act* No 14 of 2007 and therefore the basis for the recognition has ceased to exist.
3. The application is opposed vide a replying affidavit of Thomas Kipkenda, the Deputy Secretary General of the Claimant/Respondent who deposes that the application is malafide, is incompetent, misconceived, bad in law, defective, meritless and an abuse of the process of the Court.
4. The respondent states that the Recognition Agreement dated October 28, 2013, entered into pursuant to court orders is still valid and in force and there is no basis of having it stayed and/or revoked.



5. The court having considered the prayers sought by the applicant is fully in agreement with the submissions by the respondent that the application is incapable of being granted, lacks any legal and/or factual basis and is an abuse of the court process.
6. The application is wholly without merit and is dismissed with costs.

DATED AND DELIVERED AT NAIROBI (VIRTUALLY) THIS 1ST DAY OF DECEMBER, 2022.

MATHEWS N NDUMA

JUDGE

Appearances

Mr. Michuki for Applicant

Mr. Saya for Respondent

Ekale – Court clerk

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