



**REPUBLIC OF KENYA**

**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT**

**AT NAIROBI**

**PETITION NUMBER 49 OF 2018**

**(as consolidated with petition 123 of 2018)**

**BETWEEN**

CHARLES WAWERU KIMANI .....1<sup>ST</sup> APPLICANT/PETITIONER

ABEDNEGO MUTUA.....2<sup>ND</sup> APPLICANT/PETITIONER

CHARLES OLUOCH .....3<sup>RD</sup> APPLICANT/PETITIONER

PETERSON SAGWE OGAMBA.....4<sup>TH</sup> APPLICANT/PETITIONER

KITHEMBE KYALE .....5<sup>TH</sup> APPLICANT/PETITIONER

DANIEL MAILU..... 6<sup>TH</sup> APPLICANT/PETITIONER

DANIEL MWASYA .....7<sup>TH</sup> APPLICANT/PETITIONER

ELLY MURATENYI VITA .....8<sup>TH</sup> APPLICANT/PETITIONER

JOASH OTWOMA BOSIRE ..... 9<sup>TH</sup> APPLICANT/PETITIONER

ANTHONY MWANGI KINYUA.....10<sup>TH</sup> APPLICANT/PETITIONER

**VERSUS**

**THE KENYA KAZI SERVICES LIMITED.....RESPONDENT**

**AND**

**THE KENYA PRIVATE UNIVERSITIES WORKERS UNION.....INTERESTED PARTY**

**THE KENYA NATIONAL PRIVATE SECURITY WORKERS UNION.....INTERESTED PARTY**

**CENTRAL ORGANISATION OF TRADE UNIONS.....INTERESTED PARTY**

**RULING**

1. The Respondent filed a reference under Rule 11 of the Advocates (Remuneration) Order, on 12 March 2020.
2. The Order sought is not clear. It is worded as follows:-

**“The Respondent’s objection to the decision of Taxing Officer on all the items of the Respondent’s Bill of Costs dated and filed on 1<sup>st</sup> October 2019, be heard and decided.”**

3. The matter was mentioned on 17.12.2020, when the Respondent informed the Court, that there was no reply to the Application. The Respondent sought a date for the Ruling, which was scheduled for 18.2.2021. Unfortunately, the Court was not able to deliver the Ruling on 18.2.2021.

**The Court finds:-**

4. There is no reply to the Application from the Petitioners.

5. The Respondent is challenging the decision of the Taxing Master on Respondent's own Bill of Costs. The Court presumes that the Respondent seeks to have the Bill taxed afresh.

6. In the absence of a reply from the Petitioners, ***IT IS ORDERED:*** -

**a. The decision of the Taxing Master of 20<sup>th</sup> February 2020 is set aside.**

**b. The Bill of Costs shall be taxed afresh.**

**c. No order on the costs.**

**DATED AND DELIVERED AT NAIROBI THIS 25<sup>TH</sup> DAY OF FEBRUARY, 2021.**

**JAMES RIKA**

**JUDGE**