

REPUBLIC OF KENYA

IN THE EMPLOYMENT & LABOUR RELATIONS

COURT OF KENYA AT NAIROBI

CAUSE NO. E039 OF 2021

TRANSPORT WORKERS UNION.....CLAIMANT

VERSUS

SOUTH AFRICAN AIRWAYS – SOC LIMITED.....RESPONDENT

RULING

1. The Motion seeks to introduce on record the affidavit in reply to the Motion by the Claimant herein.
2. This is a matter for the exercise of Court's discretion and the Court minted that Respondent made a genuine mistake in mis-diarizing the Cause, the lapse in filing a day or so late is therefore one that a Court can excuse being a genuine mistake or error or excusable inadvertence. I thus allow the affidavit on record in order to the Claimant's Motion.
3. The Respondent's Counsel Mr. Nyaoga made a concession in regard to the dispute in that he indicated the Respondent is ready and willing to engage the Claimant on the issues before me. To this end and in recognition of the need to ensure industrial harmony, I order the Claimant and Respondent to meet within the next 7 days and report to Court on 3rd March 2021 on the effort to reach amicable settlement even as the Court mulls over the directions to give in respect to the Claimant's Motion.
4. Mention on 3rd March, 2021.

It is so ordered.

Dated and delivered at Nairobi this 17th day of February 2021

Nzioki wa Makau

JUDGE