



REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI

CAUSE NO. 1060 OF 2014

BENSON OYUGI AMBUNI.....CLAIMANT

v

UNION OF KENYA CIVIL SERVANTS.....RESPONDENT

RULING

1. For determination is a Motion dated 22 September 2020 by Union of Kenya Civil Servants (the Respondent) seeking orders

1. ...

2. **THAT** pending the hearing and determination of this application *inter partes*, this Honourable Court be pleased to issue orders staying the execution of the judgment delivered herein on 15th November 2019 and the decree extracted therefrom pending the hearing and determination of this application.

3. **THAT** this Honourable Court be pleased to issue any other order that it may deem fit and just to grant.

4. **THAT** costs of this application be provided for.

2. The Court gave directions on 29 September 2020.

3. Instead of complying, the Respondent filed another Motion dated 14 October 2020 seeking more time to comply and leave to amend the initial Motion to seek a stay of execution pending appeal.

4. The Motion dated 22 September 2020 was incompetent and without merit as it sought vague orders. Stay of execution is ordinarily granted pending appeal and not *inter-partes* hearing of an application.

5. The Respondent realised the error and this must have prompted the Motion dated 14 October 2020.

6. The Court, therefore, strikes out the Motion dated 22 September 2020 and directs

i. The Respondent serves the Motion dated 14 October 2020 together with submissions upon the Claimant on or before 4 December 2020.

ii. The Claimant to file and serve replying affidavit/grounds of opposition and submissions on or before 11 December 2020.

iii. The Motion be placed before a Judge in Nairobi on 14 December 2020 for further directions.

iv. In the meantime, an interim stay of execution pending further orders of the Court is allowed on condition the Respondent deposits the decretal sum into Court on or before the end of 7 December 2020.

7. Costs in the cause.

Delivered through e-filing portal, dated and signed in Kisumu on this 25th day of November 2020.

Radido Stephen

Judge

Appearances

For Claimant Mr. Mburu instructed by Munguru Mburu & Associates Advocates

For Respondent Mr. Onjoro instructed by Rachier & Amollo Advocates

Court Assistant Judy Maina/Chrispo Aura