



REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT

AT NAIROBI

CAUSE NO 2065 OF 2014

BAKERY CONFECTIONERY, FOOD

MANUFACTURING AND ALLIED WORKERS UNION (K).....CLAIMANT

VERSUS

JOY SUPER BAKERS LIMITED.....RESPONDENT/APPLICANT

RULING

1. On 5th July, 2018 Mr. Masinde for Mr. Mungai for the respondent informed the Court that there was a related matter being cause number 1345 of 2014 which was pending before Hon. Justice Nduma Nderi and the judgement in that matter would impact on the outcome of the present matter.
2. I consequently directed that the matter be mentioned before the principal judge on 16th July, 2018 for directions. When the matter came up for mention on 16th July, 2018, Lady Justice Maureen Onyango in her capacity as the Principal Judge, stayed the hearing of this matter pending judgement in cause number 345 of 2014.
3. On 17th January, 2019 I directed that the Counsel for the Claimant to file a copy of the judgement in Cause No. 1345 of 2014 for my perusal and consideration whether the issues in that judgement and the present matter are related or not.
4. The Court has perused and considered the judgement of Hon. Justice Nderi Nduma delivered on 10th August, 2018 in cause number 1345 of 2014 side by side with the claim herein and is not persuaded that they concern similar issues.
5. The issue in 1345 of 2014 concerned recognition agreement and the signing of a CBA subsequently, while the issue in dispute in present case concerned what the Claimant considers unlawful lockout or declaration of redundancy of the grievants named in the statement of claim.
6. In the circumstances the Court lifts the stay order made on by Lady Justice Maureen Onyango on 15th July, 2018 on the allegation that the issues in this suit and 1345 of 2014 were related.
7. The matter shall therefore proceed to hearing on merit on a date to fixed by the parties.
8. It is ordered.

Dated at Nairobi this 18th day of October, 2019

Abuodha Jorum Nelson

Judge

Delivered this 18th day of October, 2019

Abuodha Jorum Nelson

Judge

In the presence of:-

.....for the Claimant and

.....for the Respondent.

Abuodha J. N.

Judge