



REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI

MISC APPLICATION NO 166 OF 2017

UNION OF NATIONAL RESEARCH INSTITUTES

STAFF OF KENYA (UNRISK)APPLICANT

VERSUS

KENYA INDUSTRIAL PROPERTY INSTITUTE (KIPI)..... RESPONDENT

R U L I N G

1. The Motion dated 22nd November 2017 is on a single issue which is an allegation that respondent deducted but omitted to remit union dues to the Claimant union of the Claimant's members on the respondent's employment.
2. The matter came before me several times and I encouraged the parties to try amicable settlement of the issue if it be that the only issue is failure or omission by the respondent to remit union dues.
3. On 19th June, 2018, I set the matter for mention on 24th July, 2018 for the parties to verify and confirm if the Union dues in dispute were indeed deducted but not remitted to the Claimant's Union's account. I further directed that the respondent does file evidence of such remission.
4. The respondent through a replying affidavit sworn on 4th July, 2018 by one Elvine Opiyo who described himself as the respondent's officer attached cheque counterfoils and delivery notes showing remittances claimed by the Claimant Union. According to the respondent the cheque in issue were collected by the Claimant's agent, and Johnson Koima.
5. The Claimant never filed any affidavit to reflect or contradict the depositions by the respondent but instead proceeded to file submissions reiterating their claim for unremitted dues even in the lighting the Replying affidavit by the respondents,
6. In view of the order issued by the Court on 19th June, 2018 that the respondent files and serves evidence of remission of union dues, the Court is satisfied that the replying affidavit of Elvine Opiyo referred to above and which has not been disputed by the Claimant Union, renders the orders sought in the application and the application itself dated 22nd November, 2017 superfluous and spent.
7. It is so 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