



REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
APPEAL UNDER SECTION 30 OF THE LABOUR RELATIONS ACT NO. 14 OF 2007
APPEAL NO. 26 OF 2016

IN THE MATTER OF AN APPEAL OF THE DECISION OF THE REGISTRAR OF TRADE UNIONS

MURDOCK OWUOR

ARNOLD KEDENGE

JAYNE N. EMISEMBE

ZACHARY CHEBULOB

JOHN MUTHINI

BEATRICE AYUMA

JOHN MURAYA

JAMES M. MUNYAO

LEDIGU SEBASTIAN

JOSEPHINE NYAKWACHI

EMANUEL R. LOYAMORU'RO

(all suing as the proposers of the proposed

Kenya Union of Technical and Vocational Education

Trainers).....APPELANTS

v

THE REGISTRAR OF TRADE UNIONS.....RESPONDENT

SEBASTIAN LUDIGO.....1st INTERESTED PARTY

KEPHAS OGUWI.....2nd INTERESTED PARTY

ELIZABETH CHEPTOO.....3rd INTERESTED PARTY

DIRECTIONS SUO MOTO

1. On 13 March 2018, after highlighting of submissions, the Court reserved judgment to 4 May 2018.
2. In the course of preparing the judgment, the Court has noted several anomalies/failure to disclose relevant and material facts/documents on

the part of the Respondent that makes it impossible to do justice to the parties.

3. As an illustration, the Respondent admitted that it had issued a certificate of registration in respect of *Kenya Union of Technical and Vocation Education Trainers* to the Interested Parties.

4. There was no disclosure as to whether the Interested Parties were part of the promoters or those who made an application for the registration of the trade union.

5. Such disclosure, in the view of the Court goes to the root of the Appeal pending judgment herein.

6. The Court also notes that the Respondent did not attach a legible copy of what she referred to as "ENG 8" in her replying affidavit or a copy of the certificate issued.

7. The Court further notes that there is no evidence that the Interested Parties were served with the *Amended Memorandum of Appeal*. None of the parties drew the attention of the Court to this question. Whether this was deliberate or genuine mistake is at large.

8. Considering the foregoing, the Court on its own motion directs the Deputy Registrar to issue summons to the Appellants and Respondent to appear in Court on 11 April 2018 for appropriate directions.

Issued and dated in open Court in Nairobi on this 6th day of April 2018.

Radido Stephen

Judge

Court Assistant Lindsey