



**REPUBLIC OF KENYA**

**EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI**

**CAUSE NO 540 OF 2014**

***(Before Hon. Lady Justice Maureen Onyango)***

**WILLIAM MUGA AKETCH.....CLAIMANT**

**-VERSUS-**

**TAILORS AND TEXTILES WORKERS' UNION.....RESPONDENT**

**JUDGMENT**

Vide statement of claim dated and filed on 3<sup>rd</sup> April 2014, the claimant seeks the following orders against the respondent –

- a) Kshs.1,214,125.00
- b) Costs
- c) Interest in (a) and (b) above at court rates until payment in full.
- d) Any other relief as this court may deem just and fair to grant.

The respondent filed a memorandum of reply denying the averments in the statement of claim.

By consent of the parties the case was disposed off by way of written submissions.

**Background**

The claimant William Muga Aketch is a former Secretary General of the respondent, Tailors and Textiles Workers' Union. He was elected into office on 15<sup>th</sup> June 2002 and re-elected into office in 2006. Both elections were for 5 year terms. The second term was to expire in 2011.

However in 2009 the claimant was removed from office and the Registrar of Trade Unions advised through a notice of Change of Names or Titles of Officers/Officials (Form Q of the Labour Relations Court Act). The Registrar acted on the Form Q and effected the changes as advised. On 30<sup>th</sup> and 31<sup>st</sup> December 2009, the respondent placed an advertisement of the removal of the claimant in the Daily Newspaper.

The claimant was aggrieved by his removal and upon confirming the changes with the Registrar of Trade Unions, filed a complaint against the respondent with the Registrar. According to the claimant, the Registrar advised the respondent to reinstate the claimant but the respondent failed to comply. The claimant thereafter filed Industrial Court Cause No. 3N of 2010. The case was heard and determined on 1<sup>st</sup> November 2010 when the court read its award in favour of the claimant in the following terms –

1. It is hereby declared that the National Executive Committee meeting held on 30<sup>th</sup> December 2009 was improperly convened and appointments made thereat were improper and illegal *ab initio*.
2. The first respondent is hereby ordered to immediately de-register the notice of change of officers of the second respondent as contained in Form Q filed following the NEC meeting of 30<sup>th</sup> December 2009 and that the status quo before the notice was filed be maintained and the claimant be reinstated as the Secretary General of the second respondent without loss of benefits.
3. We further order that the claimant shall continue to hold the position of Secretary General of the second respondent without any interruption, up to and including the 31<sup>st</sup> December 2011 after which the second respondent may conduct elections with respect to



