



REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI

MISCELLANEOUS APPLICATION NO. 112 OF 2016

JOEL MBUTHIA

SAMSON O. ONGERA

STEVE O. HANGALLAH

**(Suing on behalf of the proposed National Union of
Shops-Retailers & General Merchants Workers).....APPLICANTS**

VERSUS

REGISTRAR OF TRADE UNIONS.....RESPONDENT

RULING

1. This ruling relates to the Applicant's application dated 6th October 2016 seeking leave to file an appeal to challenge the Respondent's decision declining registration of the proposed union out of time.
2. The application which is supported by the affidavit of Joel Mbutia sworn on 6th October 2016 is based on the ground that the interim General Secretary of the proposed union failed to disclose the decision of the Respondent to the promoters.
3. The Respondent's decision therefore came to the Applicants' attention when the thirty (30) day period provided for appeal under Section 30 of the Labour Relations Act had lapsed.
4. The Applicants state that their intended appeal has a high chance of success.
5. The Respondent does not oppose the application and considering the reasons advanced by the Applicants for the delay in bringing their appeal, the Court is inclined to exercise discretion in the Applicant's favour.
6. The Applicant's application for leave to file an appeal against the decision of the Registrar of Trade Unions declining registration of the proposed union is therefore allowed.
7. I make no order for costs.
8. Orders accordingly.

DATED SIGNED AND DELIVERED IN OPEN COURT AT NAIROBI THIS 3RD DAY OF

MARCH 2017

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JUDGE

Appearance:

Mr. Ongera for the Applicants

Mr. Kioko for the Respondent