



**REPUBLIC OF KENYA**

**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT**

**AT NAIROBI**

**CAUSE NO. 2519 OF 2016**

**KENYA ENGINEERING WORKERS UNION .....CLAIMANT**

**VERSUS**

**SWITCHCRAFT LIMITED .....RESPONDENT**

Mr. Makale for claimant

Mr. Njiru for respondent

**RULING**

1. Application dated 7<sup>th</sup> December 2016 by the claimant union seek the following orders;

1. That, interim order be issued against the respondent to pay the shop steward (Samuel Muchokli Kareri) his November 2016 salary and continue to pay the grievants herein their full salaries while on the purported suspension and or be allowed back to their duties till the hearing and determination of this suit.

2. That, the Honourable Court issue interim orders against the respondent from terminating dismissing and or declaring redundant any of the grievants herein on ground of Trade Union affiliation and or activities till the hearing and determination of this suit.

3. That, the Honourable Court issue interim orders against the respondent to remit the union dues deducted from the shop steward for the past two years and continue complying with Section 48 of the Labour Relations Act 2007 till the hearing and determination of this suit.

2. The application is based on grounds set out on the notice of motion and supporting affidavit of Mr. Wycliffe Nyamwatta, the Deputy General Secretary of the claimant.

3. The application is opposed vide a replying affidavit of Jasvinder Murbah, a Director of the respondent.

4. Both parties filed written submissions.

5. The court has considered the papers filed on record and the submissions by the parties and is of the considered view that interim orders are unmerited in this matter since the applicant seeks substantive reliefs which may be granted upon hearing the merits of the case.

6. The application is dismissed and the parties are directed to set down the suit for hearing on the merits.

**Dated and delivered at Nairobi this 5<sup>th</sup> day of May 2017**

**MATHEWS NDERI NDUMA**

**PRINCIPAL JUDGE**