



REPUBLIC OF KENYA  
 IN THE EMPLOYMENT AND LABOUR  
 RELATIONS COURT AT MOMBASA  
 CAUSE NUMBER 421 OF 2017

**BETWEEN**

DOCK WORKERS UNION [K] .....  
 CLAIMANT

**VERSUS**

COMMISSIONER FOR LABOUR, MINISTRY OF EAST  
 AFRICAN

COMMUNITY, LABOUR & SOCIAL PROTECTION.....  
 RESPONDENT

**AND**

MOHAMMED SHERIA ..... 1<sup>ST</sup> INTERESTED  
 PARTY

JOSEPH SIALO MAKERO.....2<sup>ND</sup> INTERESTED  
 PARTY

*Rika J*

*Court Assistant: Benjamin Kombe*

*Leonard Rufus Ochieng' Executive Officer for the Claimant*

*No appearance for the Respondent*

*No appearance for the 1<sup>st</sup> Interested Party*

*Wanjiku Mohamed Advocates for the 2<sup>nd</sup> Interested Party*

**RULING**

The Court has read the Application dated 24.5.2017 and the Supporting Affidavit, together with the annexures.

The Court has also taken into account the views of Mrs. Mohamed and Mr. Ochieng.

It is agreed the dispute between the Parties is not a trade dispute. It was not reported to the Labour Officer as a trade dispute, to be considered and resolved as such, under the Labour Relations Act.

It is a dispute involving a Trade Union and its National Officials. It should have been considered under the office of the Registrar of Trade Unions.

The Court does not see why this matter should be prolonged through hearing of the Claim in full, and makes the following orders:-

- 1) It is declared this is not a trade dispute.***
- 2) The Certificate of unresolved trade dispute issued on 17<sup>th</sup> May 2017 is null and void.***
- 3) It is declared the Labour Officer has no jurisdiction to consider a dispute between the Claimant and its Officers and/or Members.***
- 4) The Certificate of unresolved dispute dated 17<sup>th</sup> May 2017 is hereby quashed.***
- 5) Parties are at liberty to refer any outstanding issues to the Registrar of Trade Unions.***
- 6) No order on the costs.***
- 7) This file is closed.***

Dated and delivered at Mombasa this 15<sup>th</sup> day of June 2017

James Rika

Judge