



**REPUBLIC OF KENYA**

**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI**

**CAUSE NO. 134 OF 2011**

**GEORGE ONDIEGE .....1<sup>ST</sup> CLAIMANT**

**ELKANAH MWINAMI ..... 2<sup>ND</sup> CLAIMANT**

**EUNICE NGINA MBUTA .....3<sup>RD</sup> CLAIMANT**

*VERSUS*

**ALBERT OBED NJERU/KUDHEIHA WORKERS .....1<sup>ST</sup> RESPONDENT**

**REGISTRAR OF TRADE UNIONS .....2<sup>ND</sup> RESPONDENT**

**PATRICK KARANJA/KUDHEIHA NAIROBI BRANCH .....3<sup>RD</sup> RESPONDENT**

**HOPKINS OGUTU & OTHERS .....INTERESTED PARTY**

George Ondege – claimant in person

M/S Guserwa for 1<sup>st</sup> & 3<sup>rd</sup> respondents

Chesina for 2<sup>nd</sup> respondent

Mr. Mogire for interested party

**JUDGMENT**

1. Suits No. 134/2011; 429/2012, 420/2012 and 407/2014 were consolidated on 14<sup>th</sup> December 2016 with 134/2011 being the lead file.
2. The claimants allege that the Nairobi Branch elections held on 29<sup>th</sup> January 2011, were held contrary to the directions of the Registrar of Trade Unions, who had already cancelled the same.
3. The claimants pray that the purported elections be deemed irregular and the court directs holding of fresh elections.
4. Subsequent elections were held in 2004 and the officials elected in 2011 were replaced by new ones. This fact is not in dispute.
5. It is the court’s finding that the substratum of the suit before court was spent by fact of a new election

in 2004 and replacement of the union officials pursuant to the elections.

6. All the prayers sought in the amended memorandum of claim dated 3<sup>rd</sup> February 2011 and filed on 3<sup>rd</sup> May 2011 have been overtaken by events. The court cannot at this stage issue any orders with regard to form Q presented to the Registrar of Trade Unions pursuant to the elections held on 29<sup>th</sup> January 2011.

7. Accordingly the consolidated suits Nos. 134/2011; 429/2012; 420/2012 and 407/2014, having been overtaken by events are dismissed with no order as to costs.

**Dated and delivered at Nairobi this 28<sup>th</sup> July, 2017**

**MATHEWS NDERI NDUMA**

**PRINCIPAL JUDGE**