



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

CAUSE NO. 47 OF 2017

(Originally Nakuru Cause No. 160 of 2015)

KENYA NATIONAL PRIVATE SECURITY

WORKERS UNION

CLAIMANT

v

S & I SECURITY ASSURED LIMITED

RESPONDENT

RULING

1. The Kenya National Private Security Workers Union (Union) commenced legal proceedings against S & I Security Assured Ltd (Respondent) on 4 June 2015 and the issue in dispute was stated as *Refusal to deduct and remit union dues*.
2. The Respondent filed a Response on 19 June 2015 exhibiting cheques issued in favour of the Union, being union dues.
3. On 26 April 2017, the Court directed that the Cause be transferred from Nakuru to Eldoret where the Court had opened a sub-registry and during appearances on 25 July 2017, the Court scheduled hearing for 28 September 2017.
4. During the scheduling, Mr. Odima, Assistant Secretary General was present for the Union while Mr. Ndege appeared for the Respondent.
5. While scheduling the hearing date, the Court also directed the parties to file and exchange witness statements and affidavits.
6. When the Cause was called out for hearing on 28 September 2017, the Union was not represented and Mr. Nyachiro for the Respondent applied to have the Cause dismissed for non-attendance.
7. Apart from failing to attend Court to prosecute the Cause, both the Union and the Respondent did not comply with the Court order as to filing of witness statements/affidavits.
8. For those 2 reasons, the Court orders that the Cause be dismissed with no order as to costs.

Delivered, dated and signed in Eldoret on this 29th day of September 2017.

Radido Stephen

Judge

Appearances

For Union Mr. Odima, Assistant Secretary General

For Respondent Mr. Nyachiro instructed by Nyachiro Nyagaka & Co. Advocates

Court Assistants Nixon/Etyang