

REPUBLIC OF KENYA

IN THE EMPLOYMENT & LABOUR RELATIONS

COURT OF KENYA AT NAIROBI

CAUSE NO. 1722 OF 2011

DAVID MWANGI GIOKO & 50 OTHERS.....CLAIMANTS

VERSUS

NAIROBI CITY & WATER SEWERAGE.....RESPONDENT

RULING

1. The Claimants' have sought the settling of the terms of the decree of this court. The Respondent is opposed and filed a replying affidavit sworn by Judy Gitaari the Legal Coordinator of the Respondent. It is clear that the court (Rika J.) awarded some relief to the Claimants on 28th January 2014. The Claimants preferred an appeal being Civil Appeal No. 66 of 2014 before the Court of Appeal. That appeal is still pending before the Court of Appeal and it is the Appellants (Claimants) who instigated the appeal. As such, this court lacks jurisdiction to entertain the matter before it as the Court of Appeal is seized of the case. In the premises I will dismiss the reference to court by the Claimants herein with costs to the Respondent.

It is so ordered.

Dated and delivered at Nairobi this 4th day of December 2017

Nzioki wa Makau

JUDGE