



REPUBLIC OF KENYA
EMPLOYMENT AND LABOUR RELATIONS COURT OF KENYA

AT NAIROBI

CAUSE NO. 1962 OF 2015

(Before Hon. Justice Hellen S. Wasilwa on 8th March, 2016)

KENYA CONCRETE STRUCTURAL

CERAMICS TILES WOODPLY AND

INTERIOR DESIGN WORKERS UNION.....CLAIMANTS

VERSUS

REGISTRAR OF TRADE UNIONS.....1ST RESPONDENT

THE CO-OPERATIVE BANK OF KENYA.....2ND RESPONDENT

RULING

1. The application before Court by the Applicants is the Notice of Motion dated 2.12.2015 and filed in Court on 4.12.2015 where the Applicants seek to be enjoined in this case. The reason they state is that they are bona fide officials of the Claimants yet have been left out of the claim.
2. They annexed the extract from the Registrar of Trade Unions to show their position in the Claimants union.
3. They contend that allegations that they have engaged in criminal activities is not true as there is no evidence to that claim.
4. The Respondents, the Registrar of Trade Unions conceded to this application stating that the Interested Parties are the bona fide officials of the Claimant.
5. Claimants are opposed to this application. They aver that the Interested Parties lack capacity to bring the application because Section 2 of Labour Relations Act states that the authorized representative of the Union is the Secretary General.
6. They also aver that the Interested Parties are not employed in this sector and they adduced DAMC showing that 1st and 2nd Interested Parties had submitted for registration of another union and there is no proof that, that union has been abandoned.

7. I have considered submissions of both parties, I note that the Interested Parties are bona fide officials of the Claimant and excluding them from the suit is detrimental to the entire suit. As officials of the Claimant, the interests of the Claimants will best be served with the Interested Parties being enjoined in this suit.

8. I therefore allow the application and allow the Interested Parties to be enjoined in this suit as Interested Parties.

9. The Interested Parties are therefore ordered to file their reply to the main application pending in Court within 14 days. The Claimants to reply if need be within 7 days. The application will thereafter proceed on priority basis.

Read in open Court this 8th day of March, 2016

HON. LADY JUSTICE HELLEN WASILWA

JUDGE

In the presence of:

Miss Kingara for 2nd Respondents – Present

Claimants – Absent

Interested Parties – Absent