



REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAKURU

CAUSE NO. 589 OF 2014

KENYA NATIONAL PRIVATE SECURITY WORKERS UNION.....CLAIMANT

v

NIGHT GUARDS LTD.....RESPONDENT

JUDGMENT

1. The Kenya National Private Security Workers Union (Union) commenced legal proceedings against Night Guards Ltd (Respondent) and the issue in dispute was stated as *unlawful termination of 46 employees on account of redundancy* (names provided).
2. According to an affidavit of service sworn by one Vincent Ochieng, a Mr. Kenneth Njenga, son to Mrs. Christine C. Blunt was served with Notice of Summons, and he acknowledged service by signing on a copy of the Summons.
3. However, the Respondent did not file a Response.
4. On 18 December 2014, the Court fixed the Cause for hearing on 26 November 2015 with an order to the Union to serve a hearing notice.
5. When the Cause was called for hearing on the scheduled date, the Court directed the Union to file a computation of the dues it was seeking on behalf of the 46 Grievants and hearing was postponed to 5 July 2016.
6. The Union filed the computations on 31 December 2015.
7. The Cause could not proceed on 5 July 2016 and the Court rescheduled the hearing to 26 September 2016. The Union was directed to serve a hearing notice.
8. According to an affidavit of service sworn by one Morris Ajwang Akuku, a hearing notice was effected upon a Mrs Mary Ann, wife to one Jorum Waweru (caretaker to Mrs Christine N Blunt).
9. In the Court's view, the service of both the Summons and hearing notice appear unsatisfactory considering that the Respondent is a *juristic* person, which should be having a registered office somewhere.
10. When the Cause was called out for hearing, Mr. Onuonga, Industrial Relations Officer holding brief for Mr. Onyulo informed the Court that the Union did not want to call any *viva voce* evidence and that he would rely on the record and written submissions to be filed.

