



**REPUBLIC OF KENYA**  
**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAKURU**  
**CAUSE NO. 134 OF 2013**  
**KENYA UNION OF DOMESTIC, HOTELS, EDUCATIONAL**  
**INSTITUTIONS, HOSPITALS & ALLIED WORKERS . CLAIMANT**  
**v**  
**COOL RIVERS HOTEL LIMITED RESPONDENT**

**JUDGMENT**

1. The Kenya Union of Domestic, Hotels, Educational Institutions, Hospitals & Allied Workers (Union) commenced legal proceedings against Cool Rivers Hotel Ltd (Respondent) on 23 May 2013 alleging that the dismissal of Joseph Ngatia Nderitu (1<sup>st</sup> Grievant) and Josephine Karanja (2<sup>nd</sup> Grievant) were unfair.
2. The Union sought on behalf of the Grievants *wages in lieu of notice, underpayments, unpaid house allowance, unpaid leave, travelling allowance and compensation for unfair termination.*
3. The Respondent filed a Response on 21 June 2013.
4. On 21 June 2013, the Union sought leave which was granted by Ongaya J to file a Supplementary Claim. The Union thereafter filed what it referred to as a Further Memorandum of Claim on 1 July 2013. The Further Memorandum of Claim added 2 new Grievants, Patrick Njogu (3<sup>rd</sup> Grievant) and Gerald Ywaya (4<sup>th</sup> Grievant).
5. As a consequence of the Further Memorandum of Claim, the Respondent filed a Further Response on 18 July 2013.
6. The Cause was heard on 9 February 2015, 23 April 2015 and 12 May 2015. Judgment was reserved to 24 July 2015.
7. On 26 May 2015, the Union and the Respondent filed a consent settling the Claim.
8. Pursuant to the consent, the Court adopts the settlement therein and enters judgment for the Grievants and awards them as follows

**1<sup>st</sup> Grievant**

9. Kshs 93,350/- (Kshs Ninety Three Thousand and Fifty Shillings only) to be paid in 2 equal instalments of Kshs 46,675/- on 25 May 2015 and 25 June 2015.

**2<sup>nd</sup> Grievant**

10. Kshs 295,600/- (Kshs Two Hundred and Ninety Five Thousand, Six Hundred only) to be paid in 3 instalments of Kshs 93,350/- on 25 May 2015; Kshs 92,800/- on 25 June 2015 and Kshs 92,800/-

on 25 July 2015.

**3<sup>rd</sup> Grievant**

11.Kshs 94,350/- (Kshs Ninety Four thousand, three hundred and fifty only) to be paid in 2 equal instalments of Kshs 47,175/- on 25 May 2015 and 25 June 2015.

**4<sup>th</sup> Grievant**

12.Kshs 82,000/- (Kshs Eighty Two Thousand only) to be paid in 2 equal instalments of Kshs 41,000/- on 25 May 2015 and 25 June 2015.

13. There will be no order as to costs.

**Delivered, dated and signed in Nakuru on this 24<sup>th</sup> day of July 2015.**

**Radido Stephen**

**Judge**

**Appearances**

For Union Mr. Onwonga, Industrial Relations Officer (KUDHEIHA)

For Respondent Ms. Muthoni instructed by Karanja Mbugua & Co. Advocates

Court Assistant Nixon