



REPUBLIC OF KENYA  
 IN THE INDUSTRIAL COURT AT MOMBASA  
 CAUSE NUMBER 217 OF 2013

*(Formerly, Industrial Court at Nairobi Cause No. 425 OF 2011)*

**BETWEEN**

KENYA PETROLEUM OIL WORKERS’ UNION.....  
 CLAIMANT

**VERSUS**

PETRO OIL (K) LIMITED.....  
 RESPONDENT

*Rika J.*

*Court Assistant: Benjamin Kombe*

*Mr. Olala Industrial Relations Officer acting for and on behalf of the Claimant.*

*Mr. Obinchu Advocate holding brief Mr. Noorani Advocate instructed by Inamdar & Inamdar Advocates for the Respondent*

ISSUE IN DISPUTE: UNFAIR AND UNLAWFUL TERMINATION

AWARD

[Rule 27[1][a] of the Industrial Court [Procedure] Rules 2010]

1. The Claimant filed its Statement of Claim on 21<sup>st</sup> March, 2011.
2. The Respondent filed its Statement of Response on 26<sup>th</sup> August 2011.
3. On 14<sup>th</sup> July, 2015 the Parties informed the Court they have settled the dispute on the following terms:
  - a) The Respondent shall pay each of the nine Grievants an equivalent of three (3) months’ wages as all-inclusive compensation and final settlement of their claims as per the attached Schedule subject to statutory deductions (if applicable).

## **SCHEDULE**

Settlement Amount payable to each Grievant

<b>No.</b>	<b>Name</b>	<b>Amount (Kshs.)</b>
1	Harrison Chiwala	30,097.80
2	Benard Githae	30,097.80
3	Nicodemus Njogu	30,097.80
4	Boniface Mireri	30,097.80
5	Daniel Ondora	30,097.80
6	Gibrian Mwakio	30,097.80
7	Mutate Muthangya	30,097.80
8	Roseline Mwalimu	30,097.80
9	Titus Mulwa	30,097.80
<b>TOTAL</b>		<b>270,880.20</b>

b) The Claimants and/or the Grievants' claims for notice pay, leave pay, overtime and days worked be marked as withdrawn.

c) The total sum of Two hundred and Seventy thousand eight Hundred and Eighty and Twenty Cents (Kshs. 270,880.20) being the aggregate settlement amount, to be paid by cheque drawn in the name of Kenya Petroleum Oil Workers' Union and delivered to the Claimant Union within Seven (7) days from the date of recording this Consent in Court, failing which the Claimant shall be at liberty to execute.

d) There be no order as to costs.

e) This Suit be marked as fully and finally settled.

4. The Court is satisfied the proposed terms of settlement are fair, adequate, regular and made in accordance with the Law.

IT IS ORDERED:-

a. *Award is entered in terms of the Parties' proposal above.*

Dated and delivered at Mombasa this 14<sup>th</sup> day of July 2015.

James Rika

Judge