

REPUBLIC OF KENYA
IN THE EMPLOYMENT & LABOUR RELATIONS COURT
AT MOMBASA
CAUSE NUMBER 687 OF 2015

BETWEEN

**KENYA UNION OF DOMESTIC, HOTELS, EDUCATIONAL INSTITUTIONS AND
HOSPITALS.....CLAIMANT**

VERSUS

EMERALD FLAMINGO BEACH RESORT AND SPA.....RESPONDENT

RULING

The Claimant filed this Claim on behalf of 17 Grievants. It is the position of the Claimant that the Respondent terminated the Grievants' Contracts, through declaration of redundancies, on 31st August 2015. Termination has taken effect, and the Claimant, in the substantive Claim, seeks reinstatement of the Grievants, or payment of compensation and terminal benefits.

The orders sought in the Notice of Motion appear to this Court to have been overtaken by events. They are sought through the substantive Claim, and they can only be considered, on hearing the Parties in full. This is true for the prayer on accrued salary for August 2015, included in paragraph 3 of the main prayers. The Notice of Motion therefore serves no purpose. **The Court Orders:-**

- 1. The Respondent shall file and serve its Statement of Response, Documents and Witness Statements if any, within 14 days.***
- 2. Thereafter the Claimant will move the Court for a hearing date of the Main Claim.***
- 3. The Notice of Motion is spent.***

Dated and delivered at Mombasa this 7th day of October, 2015

James Rika

Judge