



REPUBLIC OF KENYA

THE INDUSTRIAL COURT OF KENYA

AT NAIROBI

CAUSE NO. 695(N) OF 2009

**KENYA CHEMICAL AND ALLIED
WORKERS UNION.....
CLAIMANT**

VERSUS

KENYA TANNING EXTRACTS COMPANY LIMITED.....RESPONDENT

RULING

1. The Claimant herein had filed suit against the Respondent on behalf of its members and a Consent judgment entered on 15th May 2012 before the predecessor of this Court Hon. Kosgey J. The consent was in the following terms:-
 1. The Union member's terminal dues be paid on or before 30th June 2012.
 2. The parties representatives to compute the dues of each grievant to due date of payment.
 3. Mention on 10th July 2012 at 10 a.m.
2. In Court were Mr. Were D. Ogutu for the Claimant and Mr. George Masese Advocate for the Respondent. They both appended their signatures to this consent. The matter was mentioned on 10th July 2012 before Judge Kosgey and the case was to be mentioned further on 10th August 2012. I together with my 11 colleagues were sworn in as Judges on 12th July 2012 but the case was not mentioned before any of the judges until 22nd October 2012 when the matter appeared before me. Subsequently, the matter came up and Mr. Mueke appeared and stated that the parties had agreed to settle but the Respondent had consequently approached some grievants selectively and paid them some dues leaving a balance.

3. As the consent was not set aside and granted that the dispute is at the point of computation of dues, it would be inappropriate to make further orders save for orders to ensure compliance with the decision in the case. In the premises, the Respondent and the Claimant are to comply with limb 2 of the Consent Judgment and revert to Court with the figures on 17th March 2014. If any payments have been made the same must be reflected in the computations to be filed jointly by the parties.

4. Mention on 17th March 2014 for further directions.

It is so ordered.

Dated and delivered at Nairobi this 17th day of January 2014

Nzioki wa Makau

JUDGE