



REPUBLIC OF KENYA
IN THE INDUSTRIAL COURT AT NAIROBI
CAUSE NUMBER 68 OF 2006

BETWEEN

TRANSPORT AND ALLIED WORKERS UNION.....
.....APPLICANT

VERSUS

KENYA BUS SERVICE LIMITED.....
RESPONDENT

AND

KENYA BUS SERVICE MANAGEMENT LIMITED.....
.....OBJECTOR

Rika J

CC. Mr. Kidemi

Mr. Nyamu instructed by Nyamu & Nyamu Company Advocates for the Applicant

Mr. Mituga instructed by Mukite Musangi & Company Advocates for the Objector

RULING

The Court authorized the Claimant to proceed with execution against the Respondent, in satisfaction of the Award given in favour of the Claimant's Members on 6th September 2007.

The Claimant commenced execution, which process was promptly resisted by the Respondent, acting in concert with an Objector named as the Kenya Bus Services Management Limited.

Upon hearing the Objector's Application dated 3rd July 2013, the Court finds and orders:-

- 1. The objection is not merited, but is part of the prolonged effort by the Respondent, not to meet the obligation arising under the Award on record.***
- 2. In Employment Law, Legal separation of the Respondent and the Objector as argued by the Objector, counts for nothing. The Court is satisfied the Respondent and the Objector are part***

of the same economic enterprise, with common business objectives and indeed represented by the same firm of Advocates or network of Advocates.

- 3. The objection is therefore dismissed, and the Claimant granted the liberty to proceed with execution.***

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

James Rika

Judge