



REPUBLIC OF KENYA

IN THE INDUSTRIAL COURT OF KENYA

AT NAIROBI

CAUSE NO. 1353 OF 2012

KENYA CHEMICAL & ALLIED

WORKERS UNION CLAIMANT

VERSUS

LEATHER LIFE EPZ LIMITED RESPONDENT

Mr. Mutinda for Respondent/Applicant

Mr. Mweke for Claimant / Respondent

RULING

1. This Court delivered judgment on 6th September 2013 wherein the Claimant was awarded Kshs. 186,648 and Ksh. 288,750 in respect of two named Grievants.
2. An application dated 23rd September 2013, was brought seeking to stay execution of the judgment pending the hearing and determination of an intended Appeal.
3. A notice of Appeal dated 16th September 2013 is attached to the supporting affidavit of Mr. Mumtaz Mughal a director of the Respondent. A memorandum of Appeal of the same date is attached thereat wherein the following grounds interalia are outlined;
 - (i) The learned Judge erred in law and in fact in holding that the Appellant failed to justify the summary dismissal;
 - (ii) The learned Judge erred in law and in fact in finding that the summary dismissal was contrary to *Section 45(2)(a) and (c) of the Employment Act*.
 - (iii) The Judge erred in awarding 10 months salary as compensation.

Though the *Industrial Court Act No. 20 of 2011*, provides:

“17(7) An Appeal from a judgment, award, decision, decree or order of the Court shall be only on matters of law.”

4. The Court finds that the intended Appeal is arguable and grants the application for stay pending the hearing and determination of the Appeal.

5. However, the Respondent is directed to deposit the decretal amount in the sum of Kshs. 475,398/= with the Court within 14 days from the date of its ruling failing which the order for stay of execution shall automatically abate.

Dated and delivered at Nairobi this 26th day March, 2014.

MATHEWS N. NDUMA

PRINCIPAL JUDGE