



**REPUBLIC OF KENYA**

**IN THE INDUSTRIAL COURT OF KENYA AT NAKURU**

**CAUSE NO. 415 OF 2013**

**TRANSPORT WORKERS UNION.....CLAIMANT**

**-VERSUS-**

**RIFT PETROLEUM LIMITED.....RESPONDENT**

(Before Hon. Justice Byram Ongaya on Friday 14<sup>th</sup> March, 2014)

**JUDGMENT**

The claimant **Transport Workers Union** filed the memorandum of claim on 28.11.2013. Despite service, the respondent did not enter appearance, file a memorandum of response or attend the court for mention which was last scheduled for 6.3.2014 for directions on the hearing of the suit. At the mention, the claimant opted to rely on the documents on record and the memorandum of claim. The court therefore directed that the judgment would be delivered accordingly.

The court has perused the memorandum of claim and finds that the main claim and prayer is that the respondent be ordered to implement the Regulation of Wages (General) (Amendment) Order, 2012 namely paying 13% general increment on wages of the claimant's members in the respondent's employment for the period 1.05.2012 to 30.04.2013 being a period of 12 months. The court finds that in absence of a memorandum of response, the respondent is deemed to have admitted the claim and the claimant is entitled to the prayers as made.

In conclusion, judgment is entered for the claimant against the respondent for:

- 1. The respondent to implement the Regulation of Wages (General) (Amendment) Order, 2012 namely paying 13% general increment on wages of the claimant's members in the respondent's employment for the period 1.05.2012 to 30.04.2013 being a period of 12 months.**
- 2. The respondent to pay the claimant's members in the respondent's employment at the material period the dues in order 1 above by 1.05.2014, in default, interest at court rates to be payable from the date of the suit (28.11.2013) till the date of full payment.**
- 3. The respondent to pay costs of the suit.**

**Signed, dated and delivered in court at Nakuru this Friday, 14<sup>th</sup> March, 2014.**

**BYRAM ONGAYA**

**JUDGE**