REPUBLIC OF KENYA

IN THE INDUSTRIAL COURT OF KENYA

AT NAIROBI

CAUSE NO. 1528 OF 2013

MATHEW MULYUNGI …….....…….....CLAIMANT/APPLICANT

VERSUS

MWINGI MWALIMU SACCO COOPERATIVE SOCIETY LIMITED……RESPONDENT

Mr. Kalove for the Applicant

Mr. Mungai for Respondent

RULING

1. Having read the papers filed on record it is apparent that the orders granted by the Court on 24th September 2013 were meant to be interim in nature pending the hearing and determination of the Application.

2. The prayers were couched in a manner calculated to pre-empt the interpartes hearing.

3. The Court has noted this error on the face of the record and has set aside the said orders pending the hearing of the Application dated 24th September 2013.

4. In any event the Court has noted the submissions by counsel for the Respondent to the effect that the Applicant has been paid the half salary for the period of suspension and the amount has been credited in the Applicant's salary account No. 001301001131 as per annexture CKM 3.

5. The arrears up to November 2013 were Kshs.133,239/= and a further Kshs.11,879/= for December and Kshs.4,353/= for half of January 2014 which have all been paid.

To this end, the application to hold the Respondent in contempt of the Court order is dismissed.

Costs in the cause.

Dated and Delivered at Nairobi this 25th day of July, 2014.

MATHEWS N. NDUMA

PRINCIPAL JUDGE