

REPUBLIC OF KENYA

IN THE INDUSTRIAL COURT OF KENYA

AT NAIROBI

CAUSE NO. 737N OF 2009

KENYA BUILDING CONSTRUCTION,

TIMBER FURNITURE AND ALLIED

INDUSTRIES EMPLOYEES UNION CLAIMANT

VERSUS

M/S MEHTA ELECTRICALS LIMITED RESPONDENT

Mr. S. M. Jengo for the Respondent / Applicant

M/S Chege for the Claimant / Respondent

RULING

1. This is an application for stay of execution pending Appeal. Notice of Appeal was filed on 25/9/2013.
2. Judgment was delivered on 27/8/2013.
3. The Draft memorandum of appeal has three grounds of appeal to wit;
 1. the learned Judge erred in law and fact in awarding compensation for seven (7) months yet the termination was legal.
 2. the learned trial Judge erred in law and fact in awarding severance pay of Kshs.12,684 yet the Claimants were terminated.
 3. that the learned trial Judge erred in law and fact in invoking **Section 49** and **50** of the **Employment Act** yet the Respondent was keen to pay all dues instantly.
4. As the Respondent states it was ready to pay all dues instantly, stay of execution is refused.

Applicant to pay costs.

Dated and Delivered at Nairobi this 14th day of July, 2014.

MATHEWS N. NDUMA

PRINCIPAL JUDGE