



REPUBLIC OF KENYA  
IN THE INDUSTRIAL COURT AT NAIROBI  
CAUSE NUMBER 2001 OF 2013

**BETWEEN**

JAYNE NYAGOHA EMISEMBE..... CLAIMANT

**VERSUS**

NAIROBI COUNTY BRANCH OF KUPPET..... RESPONDENT

RULING

The Court gave a Ruling on 14<sup>th</sup> February 2014, declining an application made by the Claimant, which sought reinstatement of the Claimant to the position of Treasurer of the Respondent.

Further Orders issued on 27<sup>th</sup> March 2014, directing the Respondent to exhaust its Internal Dispute Resolution mechanisms within 60 days.

The Parties returned to Court on 27<sup>th</sup> June 2014. The Advocates informed the Court nothing has been done, within the 60 days, in resolving the dispute internally. The Respondent's National Office, the Court was informed, holds it cannot deal with the dispute internally, as the dispute is in Court. The Respondent Branch Office, at the initial hearing, submitted the Claimant had come to Court prematurely, as the Internal Process had not been exhausted.

This position leads the Court to review its decision of 14<sup>th</sup> February 2014, as quite clearly, no Internal Dispute Resolution Mechanism involving the Branch and the National Office, has been put into motion within the specified 60 days, and the National Office holds that the Court should exercise its jurisdiction. *IT IS ORDERED:-*

***(a) The Orders of 14<sup>th</sup> February 2014 are hereby reviewed and set aside.***

***(b) Pending hearing of the main Claim, the suspension of the Claimant from Office of Treasurer is hereby stayed, and the Claimant reinstated to the position of Treasurer.***

***(c) Parties to take a hearing date for the main Claim at the Registry.***

Dated and delivered at Nairobi this 4<sup>th</sup> day of July 2014

James Rika

Judge