



REPUBLIC OF KENYA

Industrial Court of Kenya

Cause 1394 of 2010

1. LEONARD K. MUDAVADI
2. JULIUS G. GACHOKI
3. ESTHER NJOKI

4. RICHARD M. KINYUA CLAIMANTS

VERSUS

THE MANAGING TRUSTEES OF THE INSURANCE TRAINING
AND EDUCATION TRUST (COLLEGE OF INSURANCE)..... RESPONDENT

RULING

The parties hereto agreed to dispose of this case by way of written submissions on 12th October 2012. The submissions were subsequently filed and exchanged by both parties. Thereafter the parties took a date for judgement.

I have read the submissions and realized that the parties restricted themselves to submitting on the findings and recommendations of the Labour Officer. The legal position on reports of a Labour Officer is that they are only binding on parties if both of them agree. If any of the parties does not agree then the case must go to full hearing. That is why the Conciliator makes only findings and recommendations

In such event the report becomes merely a point of reference like all the other documents on record.

In the circumstances I am unable to prepare judgement as parties have not addressed the issues in dispute.

Parties are directed to agree on whether they wish to still do written submissions on all issues in dispute or go for the hearing of the case.

Orders accordingly

Read in open Court and signed on this 26th day of March, 2013.

HON. LADY JUSTICE MAUREEN ONYANGO

JUDGE

In the Presence of:-

Richard Kinyua and
Julius Gachoki

_____ Claimant

No appearance for the

_____ Respondent