



**REPUBLIC OF KENYA**

**Industrial Court of Kenya**

**Cause 1325 of 2011**

GEOFFREY IRUNGU & OTHERS ..... CLAIMANTS

**-VERSUS-**

KENYA UNION OF POST

PRIMARY

EDUCATION TEACHERS (KUPPET) ..... RESPONDENTS

**RULING**

The 1<sup>st</sup> Respondent appeared before me on 4<sup>th</sup> January 2013 for hearing ex-parte of their application dated 28<sup>th</sup> December 2012.

I certified the application urgent, stayed the orders of 13<sup>th</sup> November and 10<sup>th</sup> December 2012 and directed inter-partes hearing on 16<sup>th</sup> January 2013.

On 7<sup>th</sup> January 2013, Hon. Justice Nduma made an order consolidating the application with another one filed by the Claimants on 4<sup>th</sup> January 2013.

Both applications came before me for hearing on 16<sup>th</sup> January 2013.

On 16<sup>th</sup> January 2013, it was brought to my attention that there were 5 cases altogether affecting KIAMBU Branch of KUPPET which were related and that there were conflicting orders in the files. I then directed that all the files be mentioned together before one Judge with a view to making an order to resolve all the cases in an orderly manner. The mention date was fixed for 7<sup>th</sup> February 2013.

On 7<sup>th</sup> February 2013 the parties appeared before me and gave the status of all the 5 cases pending in respect of KIAMBU Branch of Kenya Union of Post Primary, Education Teachers (KUPPET). These are Cause No.1325 of 2011, 980 of 2012, 1430 of 2012, 1573 of 2012 and 2444 of 2012.

After hearing presentations by all the parties I made an order that the status quo pending in all the cases be maintained and set the case for directions on 20<sup>th</sup> February 2013.

On 20<sup>th</sup> February 2013 I again heard representations by all the parties and made the following orders:-

1. There are new officials of the branch elected pursuant to elections held on 19/1/2013.
2. Parties are directed to make submissions on why all the cases pending in Court in respect of KUPPET

KIAMBU branch should not be terminated in view of the fact that there are new officials.

3. Current status quo to be maintained including the orders staying all pending orders in respect of the 5 cases before the Court.

4. Submissions to be filed by 9<sup>th</sup> April 2013.

5. Case will be mentioned on 24<sup>th</sup> April 2013 at 11.00 a.m. for further directions.

The parties filed their submissions and when they appeared before me on 24<sup>th</sup> April 2013 I reserved ruling for today on the way forward for the cases.

I have studied the submissions and make the following orders:-

1. **THAT** all the 5 cases have a common denominator in that they are filed in respect of KIAMBU Branch of KUPPET.

2. **THAT** the issues in dispute in each case are separate and distinct and merging them may result in an injustice to some of the parties. Each case should therefore proceed to its final conclusion.

3. **THAT** where there are several applications pending in one file they should be fixed for hearing on the same date to avoid conflicting orders being made in the same file in respect of different applications.

4. The order made on 13<sup>th</sup> March 2013 maintaining status quo and staying all pending orders is hereby discharged.

5. Having understood the position in each of the files, and in order to avoid conflicting orders being made by different judges in the 5 different files, parties are directed to fix dates for hearing of all pending matters in this Court save for matters that may be filed under certificate of urgency which would ordinarily be heard by the duty judge.

6. **THAT** all the files herein shall be kept in the strong room.

Orders accordingly.

Read in open Court and signed on this 30<sup>th</sup> day of April 2013.

**HON. LADY JUSTICE MAUREEN ONYANGO**

**JUDGE.**

**KINGORI**

In the presence of:- \_\_\_\_\_ for Claimant

**NO APPEARANCE**

\_\_\_\_\_ for the Respondent