



REPUBLIC OF KENYA  
IN THE INDUSTRIAL COURT AT NAIROBI  
CAUSE NUMBER 1410 OF 2013

**BETWEEN**

NAIROBI CITY COUNTY.....  
CLAIMANT

VERSUS

KENYA LOCAL GOVERNMENT WORKERS  
UNION

AND 2 OTHERS  
.....RESPONDENT

*Rika J*

*CC. Kidemi*

*Prof. Tom Ojienda Advocate for the Claimant*

*Mr Mbuvi Advocate for the Respondent Union*

*Mr Fedha for the Attorney General*

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RULING

The issues raised by the various parties' applications arise from a Collective Bargaining Agreement registered at the Industrial Court. There is reason to believe parties have had the opportunity to address the Court on the Collective Bargaining Agreement at the time of its registration. Issues relating to transition from the City Council to County of Nairobi, and the obligation inherited by the County Government have been addressed in this court in the past.

At the heart of the proceedings herein is the failure, or inability of the Claimant to honour its obligations under the existing Collective Bargaining Agreement. As the matter has been addressed by the Principal Judge, it is imprudent for this Court to re-look into the issues involved. If the Claimant feels there are issues that have not been fully addressed by the Court in its past decisions revolving around the Collective Bargaining Agreement, it is most appropriate to be heard before the Principal Judge. We do not wish to have different Judges giving conflictual decisions.

The Claimant ought to be addressing itself on the grievances causing the industrial unrest, instead of

rushing to court to restrict the Union from legitimate trade union activity.

IT IS ORDERED:

- 1. The Attorney General is granted leave to file his replying affidavit and application with regard to the Collective Bargaining Agreement.**
- 2. The application by the Claimant to extend the Orders given on 2nd September, 2013; the application to order stay of the fresh strike notice; and the application to have the Officials of 1<sup>st</sup> and 3<sup>rd</sup> Respondents restrained from engaging in strike action are for now declined.**
- 3. The file shall be placed before the Principal Judge on 17/9/13 for further Orders.**

Dated and delivered at Nairobi this 9<sup>th</sup> day of September 2013

James Rika

Judge