



REPUBLIC OF KENYA
IN THE INDUSTRIAL COURT OF KENYA

AT NAIROBI

CAUSE NO. 448 OF 2011

TRANSPORT AND ALIED WORKERS UNIONCLAIMANT

-VERSUS-

DUALE TRANSPORT SERVICES LTD.RESPONDENT

Mr. Mokuwa for claimant.

Mr. Omwega for the Respondent.

RULING

The Claimant union sought to review the judgment of the court dated and delivered on 24th January, 2013 in terms of **Rule 32** of the **Industrial Court (Procedure) Rules, 2010**.

The grounds for review are stated thus;

That the Grievant ought to have been awarded one month salary in lieu of notice; 42 days salary in lieu of leave days not taken and severance pay for being declared redundant in terms of **Section 40** of the **Employment Act 2007**.

In its award, the court specifically addressed these three prayers and found that the Claimant was duly registered with NSSF and the Respondent had remitted all dues on his behalf and was therefore not entitled to payment of severance pay.

The court also found that the Respondent had demonstrated that it did not owe the Claimant any leave days.

The claim for notice pay was settled by the parties and was duly awarded in the judgment.

The application for review dated 15th February, 2013 is frivolous and without any merits at all and the same is dismissed with costs to be paid to the Respondent.

Dated and delivered at Nairobi this 18th day of December, 2013.

MATHEWS N. NDUMA

PRINCIPAL JUDGE

