



IN THE INDUSTRIAL COURT OF KENYA
AT MOMBASA.

**(Before: Charles P. Chemmutut, J.,
O.A. Wafula & J.M. Kilonzo, Members.)**

CAUSE NO. 96 OF 2006.

**KENYA UNION OF DOMESTIC, HOTELS,
EDUCATIONAL INSTITUTIONS, HOSPITALS**

& ALLIED WORKERSClaimants.

v.

TRAVELLERS BEACH HOTELRespondents.

Issue in Dispute:-

**“Failure by the Management to pay salary arrears for
seven months from March to September, 1999.”**

Mwari S. Njiru, Industrial Relations Officer, for the Claimants (hereinafter called the Union).

A.O. Ambenge, Senior Executive Officer, F.K.E., for the Respondents (hereinafter called the Hotel).

AWARD BY CONSENT.

The Notification of dispute, Form ‘A’, dated 20th March, 2006, together with the statutory certificate from the Labour Commissioner under Section 14(7) and (9)(e) of the Trade Disputes Act, Cap. 234, Laws of Kenya (which is hereinafter referred to as the Act), were received by the Court on 27th September, 2006, and the dispute was listed for mention on 28th November, 2006. On this occasion, Messrs. Njiru and Ambenge, who appeared for the parties respectively, were directed to submit or file their respective written memoranda or statements on or before 29th December 2006, and 29th January, 2007, and the case was listed for another mention on 8th February, 2007. Mr. Njiru submitted his memorandum, on behalf of the Union, on 20th December, 2006, but Mr. Ambenge did not file his reply statement as directed by the Court. On 8th February, 2007, Mr. Mwari S. Njiru, who appeared again for the Union, and Mr. Harrison O. Okeche, Senior Executive Officer, F.K.E., who appeared for the Hotel, informed the Court that the matter would be settled, and requested that the same be listed for a further mention in Mombasa on 6th February, 2006, to record an award by consent.

This morning, the parties filed or presented a memorandum of settlement to the Court, dated 5th February, 2007, and prayed that an award by consent be entered as follows:-

“After the Respondent received the Claimant’s memorandum on 20th December, 2006 they implemented our prayers and cleared the outstanding on 22nd December 2006 to all the employees amounting to Kshs.1,745,156/= as per the attached schedule signed by the payees.”

The memorandum of settlement was signed by Mr. F.Kiuru, General Manager, on behalf of the Hotel, and Messrs. Mwari S. Njiru and J.B. Odero, on behalf of the Union.

In our considered opinion, the terms of settlement are reasonable and acceptable, and we award as prayed for by the parties and mark the case as settled.

DATED and given in Mombasa this 6th day of March, 2007.

Charles P. Chemmutut, MBS.,
JUDGE.

J.M. Kilonzo,
MEMBER.

A.O. Wafula.
MEMBER.