



REPUBLIC OF KENYA

IN THE INDUSTRIAL COURT AT NAIROBI

CIVIL APPEAL 1 OF 2006

AVIATION & ALLIED WORKERS UNION .....Appellants.

V.

THE MINISTER FOR LABOUR

& HUMAN RESOURCE DEVELOPMENT .....Respondents.

**and**

KENYA AIRWAYS LTD .....Interested Party.

S/No.4734.” (hereinafter called the grievant).

Mr. Julius M. Kitheka, Advocate, of M/S Kitheka & Co., Advocates, for the Appellants (hereinafter called the Union).

Mr. P.N. Macharia, Senior Labour Officer, for the Respondents (hereinafter called the Minister).

M. Onyango (Mrs.), Advocate, of M/S Obura Mbeche & Co., Advocates, for the Interested Party (hereinafter called the Company).

APPEAL.

This appeal was received by the Court on 1<sup>st</sup> February, 2006 and the same was listed for mention on 15<sup>th</sup> March, 2006, when Mr. Kitheka, Mr. Macharia and Mrs. Onyango appeared for the parties respectively. On this occasion, Mr. Macharia and Mrs. Onyango were directed to submit or file their respective written reply and rejoinder on or before 31<sup>st</sup> March and 18<sup>th</sup> April, 2006, and the matter was fixed for hearing on 3<sup>rd</sup> May, 2006. On 24<sup>th</sup> March, 2006, Mr. Macharia raised a Preliminary Objection to the hearing of the appeal, and on 12<sup>th</sup> April, 2006, Mrs. Onyango presented her rejoinder in support thereof. On 3<sup>rd</sup> May, 2006, the appeal was rescheduled for hearing, and was in fact heard, on 18<sup>th</sup> May, 2006.

The Union lodged an application for leave to appeal against an order by the Minister, dated 14<sup>th</sup> September, 2005, whereby the Minister rejected the

and delivered at Nairobi this 27<sup>th</sup> day of November, 2007.

-

Charles P. Chemmutut, MBS.,

JUDGE.

**J.M. Kilonzo,**  
**A.O. Wafula,**  
MEMBER.