

REPUBLIC OF KENYA
EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE NO. 51 OF 2017

**INTER PUBLIC UNIVERSITIES COUNCILS
CONSULTATIVE FORUM OF THE FEDERATION
OF KENYA EMPLOYERS.....CLAIMANT/APPLICANT
VERSUS**

UNIVERSITIES 'ACADEMIC STAFF UNION RESPONDENT

**AND
SALARY REMUNERATION COMMISSIONINTERESTED PARTY**

(In Court on 13th January, 2017 before The Hon. Lady Justice Hellen Wasilwa)

ORDER

Application for orders:

1. THAT this Honourable Court certifies this Application as urgent and the service of this Application upon the Respondent be dispensed with in the first instance and the application be heard ex-parte.
2. THAT this Honourable Court be pleased to issue an order restraining the Respondent by themselves, their officials, agents and/or members from taking part in, calling, instigating or inciting others to take part in an unprotected strike or any form of industrial action pending the hearing and determination of this application.
3. THAT this Honourable Court be pleased to issue an order restraining the Respondent by themselves, their officials, agents and/or members from taking part in, calling, instigating or inciting others to take part in unprotected strike or any form of industrial action pending the hearing and determination of the claim herein.
4. THAT this Honourable Court declares the strike called by the Respondent in their notice dated on 12th January, 2017 unlawful and therefore unprotected.
5. THAT this Honourable Court do allow the Claimant to serve the Respondent by way of substituted service by way of emails provided, registered post and or advertisement through the Nation daily newspaper.
6. THAT the Respondent be condemned to pay the costs of this Application.

UPON READING the Application presented to this Court on 13th January, 2017, under Articles 24, 159, 162 (2), 164 (3) of the Constitution, Sections 62,76,77,78, 80 and 81 of Labour Relations Act , Section 87 of the Employment Act, Sections 12 (3) (i) & (viii), 17 (1) & (2) of the Employment & Labour Relations Court Act, Rule 16 & Rule 27 of the Employment & Labour Relations Court (Procedure) Rules and all the enabling provisions of the Law and the inherent powers of the Court **AND UPON READING** the supporting affidavit of **RUTH KIRWA** sworn on 13th January, 2017 and annextures thereto **AND UPON HEARING** Counsel for the Claimant Applicant exparte:-

IT IS HEREBY ORDERED:-

- 1. THAT**, this application be and is hereby certified as urgent and the service of this Application upon the Respondent be dispensed with in the first instance and the application be heard ex-parte.
- 2. THAT** an order be and is hereby issued restraining the Respondent by themselves, their officials, agents and/or members from taking part in, calling, instigating or inciting others to take part in unprotected strike or any form of industrial action pending the hearing and determination of this application.
- 3. THAT** the Claimant be and is hereby allowed to serve the Respondent by way of substituted service by way of emails provided, registered post and or advertisement through the Nation daily newspaper.
- 4. THAT** the Application be served upon the Respondent and be heard interpartes on **18th January, 2017.**

GIVEN UNDER my hand and the seal of the Court this 13th day of January, 2017.

ISSUED at **NAIROBI** this13th.....day of.....January.....2017.

DEPUTY REGISTRAR
EMPLOYMENT AND LABOUR RELATIONS COURT

PENAL NOTICE

TAKE NOTICE that any disobedience or non-observance of the order of the Court given on the 13th day of January, 2017 respectively served herewith will result in penal consequences to you and any other person(s) so disobeying and not observing the same **AND FURTHER** that this order is not obeyed, an application shall be made citing you and any other such person(s) so disobeying for contempt of Court seeking therein your detention and other punishment for you and such persons (s).

Certified True copy of the Original
Sign:.....
Deputy Registrar Employment and
Labour Relations Court
Date: 13/1/2017