



**Muhia v Commander, Kenya Navy (Cause E635 of 2023)
[2024] KEELRC 2168 (KLR) (30 August 2024) (Ruling)**

Neutral citation: [2024] KEELRC 2168 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE E635 OF 2023
J RIKA, J
AUGUST 30, 2024**

BETWEEN

SAMSON CHEGE MUHIA CLAIMANT

AND

COMMANDER, KENYA NAVY RESPONDENT

RULING

1. The Claimant filed his Statement of Claim, dated 7th August 2023.
2. He states that he worked for the Kenya Navy as a Vehicle Mechanic, between 24th April 1984 and 30th June 2019.
3. He states that he unwillingly resigned from employment.
4. He pleads that he is a Person Living With Disability [PLWD], and that the Court should compel the Respondent to: recognize him as such; re-enlist [reinstate] him to work; and grant him back salaries and allowances.
5. The Respondent filed a Notice of Preliminary Objection, dated 23rd January 2024. Its position is that the Claim is time-barred, pursuant to Sections 3[2] and 3[3] of the Public Authorities Limitations Act, Cap 39 the Laws of Kenya.
6. The Parties agreed to have the Preliminary Objection considered on the strength of their Pleadings, Documents and Submissions.
7. They confirmed filing and exchange of Submissions, at the last mention, on 10th July 2024.
8. The Claimant, who acts in person, was advised by the Court, to supply his e-mail address to the Court, for ease of e-proceedings.



The Court Finds: -

9. The Navy Commander and his Base, are located at the beautiful coastal City of Mombasa. The Claimant mainly worked at the Base in Mtongwe, in Mombasa.
10. Facts relevant to the hearing and determination of the dispute, as disclosed in the Pleadings and Documents filed by the Claimant, mainly revolve around the Base at Mtongwe, Mombasa.
11. The Court Station, closest connected with his dispute, is the Employment and Labour Relations, Mombasa.
12. The Court Station in Nairobi, is congested. It is not prudent to saddle this Station with Claims, that have their origins in other geographical jurisdictions.
13. The Preliminary Objection and indeed the whole Claim, if the whole Claim survives the Preliminary Objection, should be heard and decided at the Employment and Labour Relations Court, Mombasa.

IT IS ORDERED:-

- a. The Claim is transferred to E&LRC Mombasa.
- b. Mention date to be obtained before any Hon. Judge at Mombasa.
- c. Costs in the cause.

DATED, SIGNED AND RELEASED TO THE PARTIES ELECTRONICALLY AT NAIROBI, UNDER PRACTICE DIRECTION 6 [2] OF THE ELECTRONIC CASE MANAGEMENT PRACTICE DIRECTIONS, 2020, THIS 30TH DAY OF AUGUST 2024.

JAMES RIKA

JUDGE

