

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT
AT NAIROBI
CAUSE NO. E 707 OF 2024
KAKEETO AUGUSTINE RICHARD
CLAIMANT**

v

**THE CATHOLIC UNIVERSITY OF EASTERN
AFRICA
RESPONDENT**

**AND
KENYA PRIVATE UNIVERSITIES
WORKERS' UNION PROPOSED INTERESTED
PARTY**

RULING

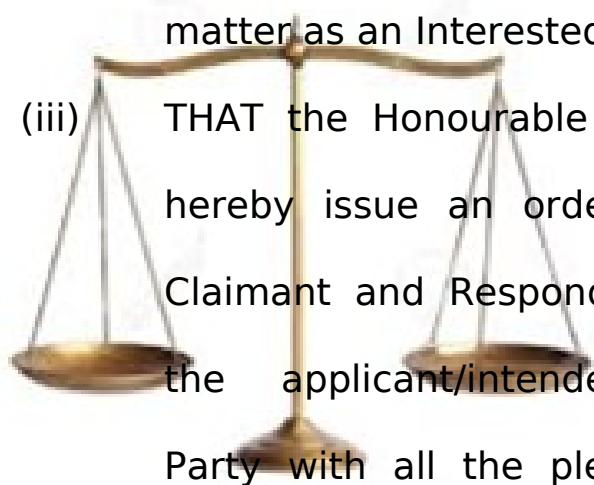
1. Kakeeto Augustine Richard (the Claimant) sued the Catholic University of Eastern Africa (the Respondent), alleging unfair termination of employment and breach of contract.
2. The Court gave directions on 12 March 2025 and 21 May 2025.
3. During appearances on the latter day, Mr Owiti, on behalf of the Kenya Private Universities Workers Union (the Proposed Interested Party), informed

the Court that he had filed a Motion dated 19 May 2025, seeking orders:

- (i) ...
- (ii) THAT the Honourable Court do and hereby deem fit and issue an order

allowing the Kenya Private Universities Workers Union to be the matter as an Interested Party.

- (iii) THAT the Honourable Court do and hereby issue an order against the Claimant and Respondents to serve the applicant/intended Interested Party with all the pleadings in the suit.



- 4. The grounds in support of the Motion were that the proposed Interested Party and Respondent had a recognition agreement; the Claimant was a member of the proposed Interested Party; the proposed Interested Party had secured a Court order in Cause No. 805 of 2017 stopping the

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Respondent from victimising its members; the Respondent stopped deducting and remitting union dues in February 2019 and the Court ordered it to comply with the law on union subscriptions, and that the Respondent was a violator of laws.

5. On 21 May 2025, the Claimant informed the Court that he would not oppose the joinder of the proposed Interested Party.

6. The Respondent filed a replying affidavit opposing the Motion on 31 May 2025.

7. In the affidavit, it was deponed that the Claimant was not a member of the proposed Interested Party; the Respondent had not been served with any valid orders in Nairobi Cause No 805 of 2017 and that the Cause had been dismissed on 25 April 2025; there was no recognition agreement between the parties; Nairobi Cause No. 239 of 2019 had been dismissed on 23 February 2024; the proposed Interested Party had not shown any

personal stake in the Cause or value it would add and that the application was meant to forum shop.

8. The proposed Interested Party filed a supplementary affidavit on 21 June 2025.

9. In the supplementary affidavit, the proposed Interested Party asserted that it had a recognition agreement with the Respondent and the same was confirmed during arbitration; the Claimant was a member of the Union, and the Court had ruled in favour of the proposed Interested Party in Nairobi Cause No 805 of 2017 and other Causes on unfair redundancy.

10. The Claimant filed his submissions on 24 June 2025, in which he supported the application by urging that he was a member of the proposed Interested Party and that the proposed Interested Party had demonstrated sufficient interest in the proceedings and that the Respondent would not suffer any prejudice if the joinder application was allowed.

11. The proposed Interested Party filed its submissions on 7 July 2025, contending that since it had a recognition agreement with the Respondent, it had sufficient interest in the Cause; that the termination of the Claimant's employment was unfair and that the Respondent had mistreated and harassed its officials, including causing their arrest.

12. The Respondent filed its submissions on 1 August 2025.

13. In the submissions, the Respondent asserted that with the admission of the Claimant that he was a member of the proposed Interested Party, then the proceedings were premature because the proposed Interested Party should have invoked the alternative dispute resolution avenues outlined in section 62 of the Labour Relations Act and that the proposed Interested Party had not met the threshold for joinder.

14. The Court has considered the Motion, affidavits and submissions, including authorities and makes the following determinations.

15. First, the Claimant did not declare or disclose that he was a member of the proposed Interested

Party in his founding pleading.

16. If indeed the Claimant was a member of the proposed Interested Party as asserted, then, in all probability, the instant proceedings would be premature for failure to comply with the parties' recognition agreement on handling grievances and Part VIII of the Labour Relations Act on alternative dispute resolution (conciliation).

17. Second, the Claimant opted to agitate for alleged legal wrongs/injuries occasioned to him as a person, and he has not suggested that he is not capable of advancing his case through the advocates he has retained.

18. Third, apart from referring generally to court orders issued in 2017 and 2019, the proposed

Interested Party has not established any factual or legal nexus between the instant Cause and the Court decisions cited and sought to be relied on.

19. Fourth, the role of an Interested Party has been well settled. The party must have a demonstrable stake or legal interest in the outcome of the legal proceedings (see *Trusted Society of Human Rights Alliance v Mumo Matemo & 5 Ors* (2014) eKLR.

20. The proposed Interested Party has not demonstrated that the outcome or any of the remedies pleaded by the Claimant would affect its organisational rights as a trade union or its relationship with its members and the Respondent.

21. The proposed Interested Party has also not shown that its legal interests or rights would be prejudiced if it were not joined to the proceedings.

Orders

22. In light of the above, the Motion dated 19 May 2025 is found without merit, and it is dismissed with costs to the Respondent.

Delivered virtually, dated and signed in Embu on this 2nd day of October 2025.

EMPLOYMENT AND LABOUR RELATIONS COURT
Radido Stephen, MCI Arb
Judge

Appearances

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|-------------------------------|--------------------------------------|
| For Claimant | Kinyanjui, Kirimi & Co. Advocates |
| For Respondent | KP & M Partners Co. Advocates LLP |
| For Proposed Interested Party | Mr Owiti, General Secretary |
| Court Assistant | Wangu |

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