



**Owino v Raicha's Electro Services Limited (Cause E518 of 2024)
[2025] KEELRC 2855 (KLR) (23 October 2025) (Ruling)**

Neutral citation: [2025] KEELRC 2855 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE E518 OF 2024
CN BAARI, J
OCTOBER 23, 2025**

BETWEEN

VICTOR OUMA OWINO CLAIMANT

AND

RAICHA'S ELECTRO SERVICES LIMITED RESPONDENT

RULING

1. For determination is the Respondent's Notice of Preliminary Objection dated 28th March 2025, seeking the striking out of the Claimant's claim on the premise that it falls within the jurisdiction of the Magistrates Court pursuant to Gazette Notice No. 6024 of 22nd June 2018, wherein, the Chief Justice appointed Magistrates of the rank of Senior Resident Magistrates and above, to hear and determine employment disputes where the employee's gross monthly pay does not exceed Kshs.80,000.
2. It is the Respondent's contention that the Claimant was a casual employee of the Respondent earning a wage of Kes.840 per day, and that it is in the interest of justice that this matter be heard by the proper forum.
3. The Claimant opposed the objection vide a Relying affidavit dated 4th June,2025 where he argued that should the court determines it is bereft of Jurisdiction, the ends of Justice would be served if Court Transfers the instant Claim to a Magistrates Court rather than dismiss the same as sought in the Instant Objection.
4. The Court directed parties to file submissions on the Objection and submissions were filed for both parties, and have been duly considered.

Analysis and Determination

5. I have considered the Objection, the reply and the parties' submissions. The issue for determination is whether this Court has jurisdiction to hear and determine the Claimant's claim.



6. Nyarangi JA in Owners of Motor Vessel “Lilian S” –vs- Caltex Oil (Kenya) Limited 1989] opined thus:

“Jurisdiction is everything. Without it a Court has no power to make one more step. Where a Court has no jurisdiction there would be no basis for a continuation of proceedings pending other evidence. A Court of law downs its tools in respect of the matter before it the moment it holds the opinion that it is without jurisdiction.”

7. As was correctly submitted by the Respondent, the Hon. Chief Justice pursuant to Gazette Notice No. 6024 (Vol. CXX No. 74) dated 22nd June 2018, in the quest to reduce backlog at the Employment and Labour Relations Court, conferred jurisdiction on specific cadres of magistrates to hear and determine disputes arising from contracts of employment where the employee’s gross salary is below Kshs.80,000/=.
8. This delegation of jurisdiction has since been provided for under the Magistrates’ Act, which provision limits the Magistrates pecuniary jurisdiction in employment matters to Kshs.80,000/=.
9. Jurisdiction is conferred by either *the Constitution*, Statute or both. This court derives its jurisdiction from Article 162(1)(2)(a) and Section 12 of the *Employment and Labour Relations Court Act*.
10. For the reasons foregone, I am in agreement with the Respondent that the gazette notice referred to herein, and subsequently Section 7 of the Magistrates Act, donated to the Magistracy concurrent jurisdiction with this court to hear and determine employment disputes, where the gross monthly salary of an employee does not exceed Kshs80,000/=.
11. This delegation in my considered view, does not mean that this court lacks jurisdiction over such matters. The jurisdiction donated to the magistracy is concurrent to that of this court in those specific disputes.
12. It is not denied that the Claimant’s salary at termination was below Kshs.80,000. I however return, that this is a matter for transfer and not for striking out on the premise that there exists a competent suit before this court capable of being tried and disposed of.
13. I thus conclude by ordering that the suit herein be and is hereby transferred for hearing and determination before the Magistrates court.
14. Parties shall bear their own costs.
15. It is so ordered.

SIGNED, DATED AND DELIVERED BY VIDEO-LINK AND IN COURT AT NAIROBI THIS 23RD DAY OF OCTOBER, 2025.

C. N. BAARI

JUDGE

Appearance:

N/A for the Claimant

Mr. Kabugu Present for the Respondent

Ms. Esther-CA

