

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT  
AT NAIROBI  
CAUSE NO. E286 OF 2025  
MARY NYAMBURA KINYANJUI  
CLAIMANT**

v

**M-GAS LIMITED  
RESPONDENT**

**EMPLOYMENT AND LABOUR RELATIONS COURT  
RULING**

1. For the Court's attention is a Motion dated 4 July 2025 by M-Gas Ltd (the Respondent) seeking orders:

(i) That the Honourable Court be pleased to transfer this suit to the Employment Division of the Chief Magistrate's Court at Milimani,

Nairobi.

**NAIROBI**

(ii) That the costs of the application herein be in the cause.

2. The grounds supporting the Motion were that the Claimant was earning a monthly salary of Kshs 28,300/- and therefore by virtue of Gazette Notice

No. 6024 of 18 June 2018, the Chief Magistrates Court had jurisdiction.

3. Mary Nyambura Kinyanjui (the Claimant) filed a replying affidavit on 21 July 2025 opposing the application. In the affidavit, the Claimant deponed that she was alleging the violation of her rights to equality and freedom from discrimination, dignity, freedom from inhuman and degrading treatment, privacy, and economic and social rights; Magistrates Courts had no jurisdiction over actions alleging and seeking compensation for violation of such rights by dint of section 8 of the Magistrates Court Act.

4. The Respondent filed its submissions on 8 September 2025, and the Claimant on 9 September 2025.

5. The Court has considered the application, affidavits and submissions.

6. Section 8 of the Magistrates Court Act restricts the jurisdiction of the Magistrates Court in actions alleging violation of fundamental rights.
7. The Claimant has pleaded that the Respondent violated some of her fundamental rights and has gone ahead to seek appropriate relief beyond the customary remedies for unfair termination of employment and breach of contract.
8. In the circumstances, and not to prejudice a fair hearing of the Issues in dispute, the Court finds that the Cause should not be sent to the Magistrates Court for hearing and determination.

### **Orders**

9. The orders sought in the Motion dated 4 July 2025 are declined with costs in the cause.

**Delivered virtually, dated and signed in Nairobi on this 6<sup>th</sup> day of November 2025.**

**Radido Stephen, MCI Arb**  
**Judge**

### **Appearances**

For Claimant

S.B. Otieno & Co.  
Advocates

For Respondent

Kipkorir & Wanyama

LLP

Court Assistant

Wangu

**EMPLOYMENT AND LABOUR RELATIONS COURT**



**NAIROBI**