



REPUBLIC OF KENYA



KENYA LAW
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**Wekesa v Cheki Kenya Ltd (Cause E142 of 2025)
[2025] KEELRC 3080 (KLR) (6 November 2025) (Ruling)**

Neutral citation: [2025] KEELRC 3080 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE E142 OF 2025
S RADIDO, J
NOVEMBER 6, 2025**

BETWEEN

EUGENE WANYONYI WEKESA CLAIMANT

AND

CHEKI KENYA LTD RESPONDENT

RULING

1. Eugene Wanyonyi Wekesa (the Claimant) sued Cheki Kenya Ltd (the Respondent) on 27 February 2025, alleging unfair termination of employment and breach of contract.
2. On 26 March 2025, the Respondent filed a Chamber Summons dated 25 March 2025, seeking orders:
 - a. That there be a stay of all proceedings herein pending arbitration of the dispute.
 - b. That the dispute between the parties herein be referred to arbitration.
 - c. That the costs of this application be awarded to the Respondent/applicant.
3. The main grounds in support of the Summons were that the employment contract between the parties provided for arbitration of any disputes and that section 6 of the *Arbitration Act* clothed the Court with the power to refer disputes to arbitration.
4. The Claimant filed Grounds of Objection on 15 April 2025, contending that the Summons was frivolous and an abuse of the court process; the Court had exclusive jurisdiction over employment disputes under Article 162(2)(a) of *the Constitution*; the dispute revolved around redundancy which was not part of the employment contract; the Claimant had no source of income to meet the costs of arbitration and that the employment contract by its nature was not freely negotiated.
5. The Claimant also filed a replying affidavit on 3 July 2025 mirroring the Grounds of Objection.



6. The Respondent filed its submissions on 26 August 2025, drawing support from *Adrec Ltd v Nation Media Group Ltd* (2017) eKLR and *Kenneth Kinoti Muriuki & 5 Ors v Dinara Developers Ltd & Ar* (2020) eKLR.
7. The Claimant filed his submissions on 5 September 2025, reiterating that this Court was a specialist Court with exclusive jurisdiction over employment disputes and that subjecting the dispute to arbitration would hinder the right to access justice.
8. The Claimant cited *Steve Okeyo v Board of Directors HHI Management Service Limited & Another* eKLR (2024) and *Okeyo v Board of Directors HHI Management Service Limited & Ar* (Cause E970 of 2023) (2024) KEELRC 1006 (KLR) (6 May 2024).
9. The Court has given due consideration to the Summons, affidavits, Grounds of Opposition and submissions.
10. The employment contract between the Claimant and Respondent provided for arbitration, including cases of termination of the contract. The Claimant asserted that he was coerced into resigning because of operational reasons. The resignation or redundancy, as the Claimant asserts, constitutes termination of the contract.
11. The Court has no evidence at this particular juncture that the Claimant was unduly influenced to enter into the contract, and it cannot presume that there was an uneven balance of negotiation power when the contract was executed.
12. Arbitration is one way of resolving disputes, and it does not derogate from the right to access justice in Article 48 of *the Constitution*. Access to justice is not the exclusive mandate of the Court, and Article 159(2)(c) of *the Constitution* recognises alternative forms of dispute resolution.
13. The arbitration provision in the contract set timelines for the settlement of disputes.

Orders

14. In light of the above, the Court allows the Summons on the following terms:
 - i. The parties to agree to a single arbitrator within 21 days.
 - ii. The arbitration process is to be concluded within 45 days of the appointment of an arbitrator.
 - iii. Parties given liberty to apply.
15. Costs in the cause.

DELIVERED VIRTUALLY, DATED AND SIGNED IN NAIROBI ON THIS 6TH DAY OF NOVEMBER 2025.

RADIDO STEPHEN, MCI Arb

JUDGE

Appearances

For Claimant Sichangi & Associates Advocates LLP

For Respondent COL Advocates LLP

Court Assistant Wangu

