



Cheruiyot v Trustee, Rift Valley Development Trust Technology Farm (Employment and Labour Relations Cause E289 of 2024) [2025] KEMC 265 (KLR) (4 November 2025) (Ruling)

Neutral citation: [2025] KEMC 265 (KLR)

**REPUBLIC OF KENYA
IN THE NAKURU LAW COURTS
EMPLOYMENT AND LABOUR RELATIONS CAUSE E289 OF 2024
PA NDEGE, SPM
NOVEMBER 4, 2025**

BETWEEN

ERICK CHERUIYOT CLAIMANT

AND

THE TRUSTEE, RIFT VALLEY DEVELOPMENT TRUST TECHNOLOGY FARM RESPONDENT

RULING

Background

1. The claimant was employed by the respondent as a security guard for six years. He alleges that he was unfairly terminated, underpaid, and not compensated for overtime or work done during public holidays. He seeks a total of Kshs. 529,160.44 as compensation relating to unfair termination, underpayments, annual leave pending, overtime, and gratuity pay.
2. The respondent maintains that the claimant was caught attempting to steal maize from the farm he was guarding and thereafter absconded duty, thereby denying any wrongful termination.

Preliminary Objection

3. The respondent raised a preliminary objection under Section 90 of the *Employment Act* (2007), contending that the claim is time-barred. The law provides that employment-related claims must be filed within three years, and those based on a continuing injury must be brought within twelve months after cessation.

Determination

4. Upon consideration, the court finds that the claims herein including those relating to continuous injury — including underpayment and non-payment of overtime or holiday dues — were filed within



the twelve months period as provided under section 90 of the [Employment Act](#). It is common ground herein that the cause of action herein arose on 01/11/2023, while the claim herein was filed on 05/09/2024, hence within twelve months. Accordingly, the preliminary objection herein fails in its entirety. The suit shall proceed to full hearing on its merits.

DATED, SIGNED AND DELIVERED AT NAKURU THIS 04TH DAY OF NOVEMBER 2025.

ALOYCE PETER NDEGE

SENIOR PRINCIPAL MAGISTRATE

In the presence of;

Claimant's counsel: Kiprop H/b Awuor

Respondent's Counsel: Wairimu

Claimant: N/A

Kiprop: We take a mention date to confirm compliance

Wairimu: I do agree

CT: PTD on 05/05/26.

