



Kinyanjui v Amana Elementary School Karen & another (Cause E381 of 2021) [2025] KEELRC 3505 (KLR) (5 December 2025) (Ruling)

Neutral citation: [2025] KEELRC 3505 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE E381 OF 2021
NJ ABUODHA, J
DECEMBER 5, 2025**

BETWEEN

SALOME WAMBUI KINYANJUI CLAIMANT

AND

AMANA ELEMENTARY SCHOOL KAREN 1ST RESPONDENT

EDWIN NGINYA 2ND RESPONDENT

RULING

1. The 2nd respondent raised an objection that the claimant is non-suited against him in that he was an employee of the 1st respondent hence no employer-employee relationship between him and the claimant.
2. In her pleadings the claimant has clearly stated that she was employed by the 1st respondent as a teacher which has been admitted by the respondent in its defence to the claim. From the claimant's pleading, the only mention of the 2nd respondent is that on 5th June, 2020, the 2nd respondent as the director of the 1st respondent summoned her to his office and informed her that he had received complaints from other teachers that they were not getting enough support from her. According to the claimant, the respondent subsequently terminated her service.
3. What can be easily deduced from the foregoing is that the second responded must have been acting as an agent of the 1st respondent and therefore bears no personal responsibility over the termination of service of the claimant even if he was the one who triggered it and signed the termination letter. The claimant has not pleaded any extraordinary action by the 2nd respondent that would make him bear personal responsibility for actions he took in the course of his employment by the first respondent.
4. The preliminary objection by the 2nd respondent is therefore sustained and the 2nd respondent is hereby struck of these proceedings with costs to him.



5. It is so ordered.

**DATED AT NAIROBI THIS 5TH DAY OF DECEMBER 2025 DELIVERED VIRTUALLY THIS
5TH DAY OF DECEMBER 2025**

ABUODHA NELSON JORUM

PRESIDING JUDGE-APPEALS DIVISION

