



Karani v Principal Secretary, Ministry of Interior & Coordination of National Government & 3 others (Employment and Labour Relations Petition E104 of 2024) [2025] KEELRC 3754 (KLR) (18 December 2025) (Ruling)

Neutral citation: [2025] KEELRC 3754 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
EMPLOYMENT AND LABOUR RELATIONS PETITION E104 OF 2024
MN NDUMA, J
DECEMBER 18, 2025**

BETWEEN

JAMES ETYANG KARANI PETITIONER

AND

PRINCIPAL SECRETARY, MINISTRY OF INTERIOR & COORDINATION OF NATIONAL GOVERNMENT 1ST RESPONDENT

THE NATIONAL POLICE SERVICE COMMISSION 2ND RESPONDENT

THE PUBLIC SERVICE COMMISSION 3RD RESPONDENT

THE HON. ATTORNEY GENERAL 4TH RESPONDENT

RULING

1. The petition dated 19th April 2024 was filed on 11th July 2024. From the facts set out in the petition, the Petitioner worked as a police officer enlisted in the police force on 4/7/1981 and rose through the ranks to the position of Chief Inspector of Police earning a monthly salary of Kshs. 59,509.40.
2. The Petitioner was charged with various offences of misconduct, and subjected to a disciplinary process that he states was unlawful and unfair and a violation of his rights protected under Articles 41, 47, 50 and 236 of *the Constitution* of Kenya 2010.
3. The Petitioner seeks the following reliefs: -
 - A. A declaration that the decision of the 2nd Respondent, National Police Service Commission, conveyed by a letter dated 15/1/2008 was illegal, null and void and/or unconstitutional.



- B. A declaration that 3rd Respondent's (PSC) circular dated 21/10/2022 applies to all employees who exited service pre-constitution of Kenya 2010 and thereafter and also to those with litigations in courts.
 - C. A declaration that the Petitioner herein be and is hereby deemed an employee of the 1st, 2nd and 3rd Respondents as at 15/1/2008 stands reinstated with back pay up to retirement age of 60 years.
 - D. The Respondents to compute and pay to the Petitioner his pension dues up to date of his retirement and service gratuity for 25 years of service.
 - E. An order of mandamus be issued compelling the 1st, 2nd and 3rd Respondents to pay general damages subjected to the Petitioner through their illegal actions of violations of Petitioner's rights cited above in this petition.
 - F. Any other order the court may deem fit and just to grant.
 - G. Costs of the suit and interest be awarded to the Petitioner.
4. The 2nd Respondent filed a Notice of Preliminary Objection to the petition dated 7/8/2024 in the following terms: -
- a. That the petition was filed 17 years after the dismissal of the Claimant on 7/08/2024, the petition, is time barred by dint of section 4 of Limitation of Actions Act, Cap 22 Laws of Kenya which provides as follows: "Section 4. Actions of contract and tort and certain other actions.
 - 1. The following actions may not be brought at the end of six years from the date on which the cause of action accrued –
 - a. actions founded on contract
 - b. actions to enforce a recognizance
 - c. actions to enforce an award;
 - d. actions to recover a sum recoverable by virtue of a written law, other than a penalty or forfeiture or sum by way of penalty or forfeiture;
 - e. actions including actions claiming equitable relief for which no other period of limitation is provided by the Act or by any other written law."
5. The Petitioner and other Respondents did not file any submissions with regard to the notice of Preliminary Objection.
6. The court was referred to the case of Muraguri versus Principal Secretary, Ministry of Interior Coordination of National Government and 2 others (Employment and Labour Relations Court Petition E1771 of 2023 [2024] KEELRC 1379 (KLR (6 June 2024) (Ruling) where the court per Hon. Nduma Nderi J. held as follows:
- [16.] Indeed, this is a mundane claim for terminal benefits and compensation arising from matters that arose while the Petitioner worked for the Respondents and upon being dismissed from service about 37 years from the date the cause of action arose.
- [17.] The filing of the petition is a ruse meant to circumvent the stark reality in this matter, that it is indeed a claim arising out of an employment contract and the suit is long time barred firstly by dint of section 4(1) of the Limitation of Actions Act Cap 22 Laws of Kenya, having been



filed more than six years from the date the dismissal took place and also in terms of section 90 of *Employment Act* 2007, having been filed more than three years from the date the Petitioner retired.

- (18) Accordingly, the Preliminary Objection is upheld and the court strikes out the suit for lack of jurisdiction to entertain the same.” [Emphasis added].
7. The court follows its finding in the above cited case and holds that this petition arises from termination of a contract of employment between the Petitioner and the Respondents that took place on 15/1/2008.
8. This suit was filed on 11/7/2024 about 17 years from the date the cause of action arose. The court finds that this is a matter that ought to have been filed by a normal plaint and /or Memorandum of Claim and need not to have been elevated to a constitutional dispute in terms of Articles 41, 47, 50 and 236 of *the Constitution* of Kenya 2010 retrospectively.
9. The suit is time barred firstly by dint of section 4(1) of the *Limitation of Actions Act* Cap 22 Laws of Kenya, having been filed 17 years later and more than six years from the date the dismissal of the Petitioner took place.
10. Section 4 of the *Limitation of Actions Act* Cap 22 as read with Section 26 of *Government proceedings Act*, Cap 40 applies to this matter. Section 26 provides;
- Nothing in this Act shall prejudice the right of the Government to rely upon any written law relating to the limitation of time for bringing proceedings against public authorities”
11. Accordingly, this suit is time barred and is struck out for lack of jurisdiction to hear and determine it.

DATED AT NAIROBI THIS 18TH DAY OF DECEMBER 2025.

MATHEWS NDUMA

JUDGE

Appearance:

Mr. Ogosso for 3rd Respondent

Mr. Kemboi – Court Assistant

