



REPUBLIC OF KENYA



KENYA LAW
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**Obara v Technical University of Kenya (Cause E186 of 2024)
[2025] KEELRC 559 (KLR) (27 February 2025) (Ruling)**

Neutral citation: [2025] KEELRC 559 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE E186 OF 2024
S RADIDO, J
FEBRUARY 27, 2025**

BETWEEN

JOHN JAGONO OBARA CLAIMANT

AND

TECHNICAL UNIVERSITY OF KENYA RESPONDENT

RULING

1. Technical University of Kenya (the Respondent) interdicted John Jagongo Obara (the Claimant) through a letter dated 11 December 2023.
2. The Claimant was aggrieved he sought legal advice and on 13 December 2023, his advocate sent a formal demand to the Respondent asserting constructive dismissal and breach of contract.
3. The Claimant sent another demand on 18 January 2024 and on 11 March 2024, he sued the Respondent, alleging unfair termination of employment (constructive dismissal) and breach of contract.
4. The Respondent filed a Response on 16 May 2024, and on 31 October 2024, the Claimant filed a Motion seeking orders:
 - i. The Respondent's Defence dated 8th May 2024 be and is hereby struck out.
 - ii. This Honourable Court be and is hereby pleased to enter judgment in favour of the Claimant/ applicant as prayed in the Statement of Claim dated 4th March 2024.
 - iii. Costs of this application be awarded to the Claimant/ applicant.
5. The grounds in support of the Motion were that the Response constituted blanket denials; supporting documents/statements had not been filed; the Response did not disclose any triable issues or reasonable defence; was an abuse of the court process and meant to delay the determination of the Cause.



6. The Respondent filed a replying affidavit in opposition to the Motion on 2 December 2024, wherein it contended that the Response raised triable issues; traversed the allegations by the Claimant; list of witnesses and documents had been filed alongside the Response and that 34 documents had been filed.
7. The Claimant's submissions were not on record while the Respondent filed its submissions on 21 February 2025.
8. The Court has considered the Motion, affidavits, submissions and the record and the following emerge.
9. First, the Respondent filed a list of witnesses and documents on 16 May 2024. The Response was filed on the same day.
10. Second, a witness statement and supplementary documents were filed on 4 November 2024.
11. Third, in paragraph 3 of the Response, the Respondent pleaded that the Claimant was in breach of contract/misconduct, and this led to the disciplinary process/action. Instances of breach have been outlined.
12. Clearly, the Response raises a triable issue.
13. Lastly, the Court has yet to issue pre-trial directions and it would not be apposite to strike out the Response or shut out the Respondent from the ventilating its case.

Orders

14. Flowing from the above, the Court finds the Motion dated 28 October 2024 without merit. It is dismissed with costs.

DELIVERED VIRTUALLY, DATED AND SIGNED IN NAIROBI ON THIS 27TH DAY OF FEBRUARY 2025.

RADIDO STEPHEN, MCIARB

JUDGE

Appearances

For Claimant Ibrahim, Issack & Co. Advocates

For Respondent Tongoi & Co. Advocates

Court Assistant Wangu

