



**Wafula v Postal Corporation of Kenya (Cause E053 of 2023)  
[2025] KEELRC 336 (KLR) (12 February 2025) (Ruling)**

Neutral citation: [2025] KEELRC 336 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAKURU  
CAUSE E053 OF 2023  
AN MWAURE, J  
FEBRUARY 12, 2025**

**BETWEEN**

**ANDREW JUMA WAFULA ..... APPELLANT**

**AND**

**POSTAL CORPORATION OF KENYA ..... RESPONDENT**

**RULING**

1. The case was to proceed for hearing but the parties are clearly not ready for to proceed especially the Respondent.
2. The Respondent wishes to file a Preliminary Objection to determine the jurisdiction of this court. He is given four (4) days to file and serve the Preliminary objection and file his submissions on Preliminary objection within 3 days.  
  
The Claimant is to file their submissions on Preliminary objection within 4 days upon service by the respondent and case will be mentioned on 5<sup>th</sup> March 2025 to give a Ruling date to the Preliminary objection.
3. Claimant to avail their Notice of appointment of advocate to court physically by 18<sup>th</sup> February 2025.
5. Respondent to also avail their response to court physically and witness statements and the documents they purport to file by 14<sup>th</sup> February 2025 failure of which court will not consider them.
5. The claimant can file the reply to the Respondents response within 4 days if they wish but the court will determine the Preliminary objections before giving any further directions on the suit. No other indulgence will be given to the parties after 5<sup>th</sup> March 2025 whatsoever.
6. The Respondent has misused a lot of Judicial time due to his laxy. He is to pay 30,000/= to the Claimants as throw away costs and 5,000/= as court adjournment fees before 5<sup>th</sup> March 2025.



Copy of the Ruling to be provided to the parties upon paying court fees.

**DATED, SIGNED AND DELIVERED VIRTUALLY AT NAKURU THIS 12<sup>TH</sup> DAY OF FEBRUARY, 2025.**

**ANNA NGIBUINI MWAURE**

**JUDGE**

ORDER

In view of the declaration of measures restricting Court operations due to the COVID-19 pandemic and in light of the directions issued by His Lordship, the Chief Justice on 15<sup>th</sup> March 2020 and subsequent directions of 21<sup>st</sup> April 2020 that judgments and rulings shall be delivered through video conferencing or via email. They have waived compliance with Order 21 Rule 1 of the Civil Procedure Rules, which requires that all judgments and rulings be pronounced in open Court. In permitting this course, this Court has been guided by Article 159(2)(d) of *the Constitution* which requires the Court to eschew undue technicalities in delivering justice, the right of access to justice guaranteed to every person under Article 48 of *the Constitution* and the provisions of Section 1B of the Procedure Act (Chapter 21 of the Laws of Kenya) which impose on this Court the duty of the Court, inter alia, to use suitable technology to enhance the overriding objective which is to facilitate just, expeditious, proportionate and affordable resolution of civil disputes.

A signed copy will be availed to each party upon payment of Court fees.

**ANNA NGIBUINI MWAURE**

**JUDGE**

