



**Rift Valley Railways Workers' Union (K) v Kenya Railways Corporation
(Cause E103 of 2024) [2025] KEELRC 1061 (KLR) (3 April 2025) (Ruling)**

Neutral citation: [2025] KEELRC 1061 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE E103 OF 2024**

S RADIDO, J

APRIL 3, 2025

BETWEEN

RIFT VALLEY RAILWAYS WORKERS' UNION (K) CLAIMANT

AND

KENYA RAILWAYS CORPORATION RESPONDENT

RULING

1. The Rift Valley Railways Workers Union (the Union) sued Kenya Railways Corporation (the Respondent) on 8 February 2024, and it set out the Issue in Dispute as:

The unlawful and unjustifiable dismissal of Mr Francis Oduor Odera, C/N 120440, Locomotive Driver Eastern Region, Mombasa.
2. On 21 June 2024, the Respondent filed a Notice of Preliminary Objection contending:
 - i. This Honourable Court has no jurisdiction to hear and determine the present Application and Claim dated 26th March 2024, as the alleged cause of action falls (sic) is time-barred by dint of Section 90 of the [Employment Act](#).
 - ii. The entire suit and the application herein are hopelessly incompetent, fatally defective and inadmissible, and the same ought to be dismissed forthwith.
 - iii. The continued pendency (sic) Claimant's application and suit is an abuse of the Court process and that there is no competent suit before this honourable Court.
3. The Court gave directions on the Notice of Preliminary Objection on 11 February 2025. The parties did not file submissions within the agreed timelines (the Respondent's submissions should have been filed and served before 21 February 2025). The Union should have filed its submissions by 7 March 2025.



4. The Court has considered the Statement of Claim and Notice of Preliminary Objection.
5. In paragraph 2 of the Brief History, the Union pleaded that Francis Oduor Odera (the Grievant) was informed on 21 October 2014 that he had been dismissed with effect from 1 September 2014.
6. The Grievant appealed, and he was notified of the dismissal of the appeal through a letter dated 10 February 2015.
7. The Union reported a trade dispute to the Cabinet Secretary, Labour but the dispute was not resolved and on 11 November 2015, the Conciliator issued a Certificate that the dispute had not been resolved.
8. The Union then filed Nairobi Cause No. 830 of 2019, Rift Valley Railway Workers Union v Kenya Railways Corporation to challenge the Grievant's dismissal.
9. In a Ruling delivered on 18 February 2021, the Court declined to assume jurisdiction because the Union had acknowledged the existence of other Causes on the same subject matter.
10. The Grievant's cause of action accrued on 21 October 2014 when he was informed of dismissal.
11. In terms of section 90 of the *Employment Act*, 2007, litigation should have been commenced within 3-years of that date.
12. The instant Cause was filed in Court on 8 February 2024, outside the prescribed limitation period.

Orders

13. The Court declines jurisdiction and strikes out the Cause with no order on costs since the Respondent failed to file submissions within agreed timelines.

DELIVERED VIRTUALLY, DATED AND SIGNED IN NAIROBI ON THIS 3RD DAY OF APRIL 2025.

RADIDO STEPHEN, MCIARB

JUDGE

Appearances

For Claimant Mr Munayi Opondo, Secretary-General

For Respondent Nyaanga & Mugisha Advocates

Court Assistant Wangu

