



REPUBLIC OF KENYA



**KENYA LAW**  
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**Kenya National Private Security Workers Union v Kariuki t/a Kirima Paradezi  
(Cause E103 of 2024) [2025] KEELRC 2388 (KLR) (29 August 2025) (Ruling)**

Neutral citation: [2025] KEELRC 2388 (KLR)

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

**J RIKA, J**

**AUGUST 29, 2025**

**BETWEEN**

**KENYA NATIONAL PRIVATE SECURITY WORKERS UNION ..... CLAIMANT**

**AND**

**MRS SARAH NJOKI KARIUKI T/A KIRIMA PARADEZI ..... RESPONDENT**

**RULING**

1. In her application dated 21st May 2025, the Respondent prays for striking out of the Statement of Claim, and dismissal of the Claim.
2. The application is founded on the affidavit of the Respondent sworn on the 21st May 2025.
3. The grounds in support of the application are that:-
  - a. The Statement of Claim is drawn and filed by Geoffrey Onyulo, who is not an Advocate, authorized to practice law in Kenya.
  - b. Proceedings initiated by unqualified persons are a nullity.
  - c. There is no employment relationship between the Grievant David Kimutai Rotich and the Respondent.
  - d. There is no evidence that the Grievant is a member of the Claimant.
4. The application was last mentioned before the Court on 25th June 2025, when the Claimant was directed to file and serve its response within 7 days. Parties were also directed to file and exchange written submissions, with the ruling reserved for today.
5. Regrettably, the Court has not been able to locate the response filed by the Claimant, at the time of preparing the ruling.



**The Court Finds: -**

6. The Statement of Claim dated 18th December 2024, is signed by Geoffrey Onyulo, for the Claimant.
7. Onyulo does not disclose his designation.
8. It was confirmed by the regulatory body Law Society of Kenya, in a letter dated 7th May 2025, that Geoffrey Onyulo is not an Advocate, authorized to practice law in Kenya.
9. So his designation cannot be that of an Advocate, instructed by the Claimant.
10. The verifying affidavit filed with the Claim, is sworn by Geoffrey Onyulo.
11. In this affidavit, he identifies himself as the Claimant. Obviously, he cannot be the Claimant. The Claimant is a trade union.
12. Rule 8 of the Employment and Labour Relations Court [Procedure] Rules, 2024, requires that a Statement of Claim, filed pursuant to the *Labour Relations Act*, shall be signed by the authorized representative of the party referring the dispute to the Court. Rule 9 requires Claims filed other than under the *Labour Relations Act*, to be signed by the parties or their Advocates, or by authorized officers.
13. The capacity of the person who files pleadings before the Court, must be made clear in the pleadings.
14. The Statement of Claim and the verifying affidavit are fatally defective. They are filed, sworn and signed by a person who is a stranger to the Claim.
15. It is not correct however, as advanced by the Respondent, that pleadings before a Court can only be drawn and filed by a Advocate.
16. Trade Unions have associational standing, and are allowed by the law and their constitutions and rules, to represent their members, in and out of Court.
17. Nonetheless, even assuming Geoffrey Onyulo is an official of the Claimant, he is not shown to be the General Secretary of the Claimant, or a person appointed by the General Secretary in writing, to represent the Claimant.
18. This authority is expounded under Rule 63 of the Employment and Labour Relations Court [Procedure] Rules, 2024, which stipulates that trade unions are entitled to represent themselves or their members, through their authorized officers.
19. The Rule requires trade unions to furnish the Registrar of the Court with a list of their authorized officers who may appear before the Court. A copy of the list must be filed in the respective file.
20. Section 2 of the *Labour Relations Act*, 2007, defines an authorized representative to be the General Secretary in case of a trade union, or a person appointed in writing to perform the functions of the authorized representative.
21. There are copies of receipts attached to a list of documents filed by the Claimant dated 28th May 2025, showing that the Grievant routinely paid a monthly subscription fees of Kshs. 200 to the Claimant. The Claim cannot be defeated on the ground that the Grievant is not a member of the Claimant.
22. The Claim cannot also be preliminarily rejected, on the ground that there was no employer-employee relationship, between the Respondent and the Grievant. The presence or absence of such a relationship would need to be established through trial.



23. In the end, the Court is satisfied that the Statement of Claim is fatally defective. The capacity of Geoffrey Onyulo to draw, sign and file the Statement of Claim, and swear the verifying affidavit, is not manifest on the record. He is a stranger to the pleadings filed before the Court.

It is ordered: -

- a. The Statement of Claim is struck out and the Claim is declined.
- b. No order on the costs.

**DATED, SIGNED AND DELIVERED ELECTRONICALLY AT NAKURU, PURSUANT TO RULE 68 [5] OF THE E&LRC RULES, 2024, THIS 29TH AUGUST 2025.**

**JAMES RIKA**

**JUDGE**

