



**Wanjohi v Laikipia University (Cause E089 of 2024)
[2025] KEELRC 2396 (KLR) (29 August 2025) (Ruling)**

Neutral citation: [2025] KEELRC 2396 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAKURU
CAUSE E089 OF 2024
J RIKA, J
AUGUST 29, 2025**

BETWEEN

EUNICE WARUGURU WANJOHI CLAIMANT

AND

LAIKIPIA UNIVERSITY RESPONDENT

RULING

1. The Respondent has raised a point of preliminary objection against the Claim herein, on the ground that it is statute-barred, under Section 90 [revised Section 89] of the Employment Act, 2007.
2. The law places a limit of 3 years on actions involving a contract of employment, computed from the date of termination.
3. The Respondent submits, that the Claimant pleads that her contract with the Respondent ended in December 2020.
4. She filed her Claim in December 2024, over the limitation period.
5. The Respondent urges the Court to strike out the Claim, for offending Section 89 of the Employment Act.
6. The Claimant's position is that she was required to administer and mark examinations, even after she finished teaching in 2020. Her duties as part-time lecturer did not end in 2020. According to her, time did not start running in 2020, and when it did, needs to be established through a full trial.
7. Parties agreed that the objection is considered on the strength of their affidavits and submissions.



The Court Finds: -

8. The Respondent does not seem to have filed its Statement of Response. On record is a Memorandum of Appearance, and a Notice of Preliminary Objection, dated 15th April 2025.
9. There are no documents filed by the Respondent, establishing the nature of the contract or contracts, it issued to the Claimant.
10. The Preliminary Objection indeed, denies that there was any engagement with the Claimant.
11. The Claimant exhibits various letters of appointment, each with its own terms and conditions of service. While the amounts payable are indicated, it is not clear when the amounts were to be paid.
12. It is important that parties are given adequate time to complete their pleadings, file and exchange documents, and are heard, to establish the nature of their engagement if any.
13. The Respondent appears to have rushed to raise the preliminary objection, without placing before the Court its pleadings and documents in full, on record. It denies that the Claimant was its Employee. There is need for the parties to complete pleading, and to subsequently give evidence. Only after examining their pleadings, documents and hearing their evidence, can the Court reach an informed decision, on all the issues placed before it.

it is ordered: -

- a. The Preliminary Objection is declined.
- b. No order on the costs.

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

JAMES RIKA

JUDGE

