



**Ehenzo v Cosmos Limited (Cause E339 of 2023)  
[2024] KEELRC 666 (KLR) (15 March 2024) (Ruling)**

Neutral citation: [2024] KEELRC 666 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI  
CAUSE E339 OF 2023**

**J RIKA, J  
MARCH 15, 2024**

**BETWEEN**

**GEORGE EHENZO ..... CLAIMANT**

**AND**

**COSMOS LIMITED ..... RESPONDENT**

**RULING**

1. The Claimant filed this Claim on 27<sup>th</sup> April 2023.
2. He states that he was unfairly dismissed by the Respondent, on 15<sup>th</sup> July 2022. He seeks compensation and damages for what he deems to have been an unfair and unlawful redundancy exercise.
3. At paragraph 4 of his Statement of Claim, he states that he earned a monthly basic salary of Kshs 55,769, and house allowance of Kshs 8,923, as of the date of termination. His gross monthly salary was Kshs 64,692.
4. The Respondent has raised preliminary objection based on Gazette Notice Number 6024 of 10<sup>th</sup> June 2018, which sets the jurisdiction of this Court to claims where an Employee earned a gross monthly salary of Kshs 80,000 and above at the time of termination.
5. Claims below this salary, arising after the Gazette Notice, are filed and heard before designated Chief Magistrate's Courts.
6. The Respondent prays that the Claim is struck out for want of jurisdiction, with costs to the Respondent.
7. The Claimant filed Grounds of Opposition, dated 11<sup>th</sup> October 2023. He insists that the Court has jurisdiction to hear and determine his Claim, invoking Section 12 of the *EE&LRC Act* and Articles 48 and 162 [2] [a] of the *Constitution*.



8. It was agreed by the Parties to have the preliminary objection considered and determined on the strength of Written Submissions. Parties confirmed filing and exchange of these Submissions, at the last mention before the Court, on 5<sup>th</sup> December 2023.

**The Court Finds: -**

9. The Claimant seems to have filed his Claim before this Court in error, ignorance or disregard of Gazette Notice Number 6024 of 2018.
10. Instead of owning up to his error, and seeking to move his Claim to the proper jurisdiction, he opted to stand his ground, and advance before the Court, unpersuasive Grounds of Opposition, arguing that the Court and the Chief Magistrate's Court both have jurisdiction in his matter. He does not suggest in his argument, what was the purpose of the Gazette Notice under discussion.
11. He stretches his argument to constitutional mandate of the Court, citing Articles 48 and 162 of the Constitution, none of which deals with the pecuniary jurisdiction of the Courts.
12. He ought to have conceded to his error and sought to file his Claim in the proper jurisdiction, instead of wasting time and risking time-bar, at the Chief Magistrate's Court.
13. His Grounds of Opposition have no merit whatsoever. Gazette Notice 6024 of 2018 clearly sets the pecuniary jurisdiction of the Courts, in employment disputes. The pecuniary delimitation, is not an issue, like the material and personal jurisdiction of the Courts, which should exercise the Parties' legal minds and consume Judicial time.
14. It is ordered:-
  - a. The Claim is struck out for want of jurisdiction.
  - b. No order on the costs.

**DATED, SIGNED AND RELEASED TO THE PARTIES ELECTRONICALLY AT NAIROBI, UNDER PRACTICE DIRECTION 6[2] OF THE ELECTRONIC CASE MANAGEMENT PRACTICE DIRECTIONS, 2020, THIS 15<sup>TH</sup> DAY OF MARCH 2024.**

**JAMES RIKA**

**JUDGE**

