



Union of National Research and Allied Institutes Staff of Kenya (UNRISK) v Kenya Agricultural and Livestock Research Organisation (KALRO) (Employment and Labour Relations Cause E648 of 2020) [2024] KEELRC 1017 (KLR) (18 April 2024) (Ruling)

Neutral citation: [2024] KEELRC 1017 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
EMPLOYMENT AND LABOUR RELATIONS CAUSE E648 OF 2020**

MN NDUMA, J

APRIL 18, 2024

BETWEEN

UNION OF NATIONAL RESEARCH AND ALLIED INSTITUTES STAFF OF KENYA (UNRISK) CLAIMANT

AND

KENYA AGRICULTURAL AND LIVESTOCK RESEARCH ORGANISATION (KALRO) RESPONDENT

RULING

1. The applicant through a notice of motion dated 19/10/2023 prays the court to uphold the respondent’s preliminary objection dated 5th December 2022 in its entirety on grounds that the court in the ruling made a finding that the suit was filed on 10/8/2019 which is an error on the face of the record since the suit was filed on 12/10/2020 and not 10/08/2019.
2. The court has examined the statement of claim in the court file and same bears the court stamp dated 10/8/2019. There was no allegation before the court made the ruling that the court stamp was affixed on the court record in error or it was illegally affixed on the court pleadings.
3. The court has also noted that the same pleading, which bears the court stamp of 10/8/2019 is dated 12/10/2019. These were not matters placed before me during the hearing and determination of the preliminary objection. The court did not therefore make any error apparent on the face of its ruling and cannot on the basis of the present application revisit its ruling. However the court will have opportunity to consider the apparent discrepancies in the court file at the hearing of the suit on the merits and appropriate orders made.
4. The application lacks merit and is dismissed with costs in the cause.

DATED AT NAIROBI THIS 18TH DAY OF APRIL, 2024



Mathews Nderi Nduma

JUDGE

Appearance:

Mr. Mokaya for claimant/respondent

Mr. Ngethe for respondent/ objector

Mr. Kemboi, Court Assistant

