



**Jubilous v Cooperative Bank of Kenya Limited (Cause  
E308 of 2022) [2023] KEELRC 1384 (KLR) (31 May 2023) (Ruling)**

Neutral citation: [2023] KEELRC 1384 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI  
CAUSE E308 OF 2022**

**J RIKA, J**

**MAY 31, 2023**

**BETWEEN**

**KIPTOO JUBILOUS ..... CLAIMANT**

**AND**

**THE COOPERATIVE BANK OF KENYA LIMITED ..... RESPONDENT**

**RULING**

1. The claimant was an Employee of the respondent Bank.
2. He was employed on April 11, 2011, as Direct Sales Representative.
3. His contract was terminated by the respondent on February 17, 2020.
4. His performance was alleged to be unsatisfactory, leading to the decision by the respondent , to terminate his contract.
5. He lodged this claim against the respondent , asking the Court to find that termination was unfair, and to grant him an order of reinstatement, or compensation for unfair termination, among other prayers.
6. He had an outstanding staff housing loan, at the time of termination.
7. He defaulted on repayment after he lost his job. Consequently, the respondent demanded repayment of the full amount, failing which the respondent would sell by way of auction, the claim ant 's charge property, registration Kapsabet / Kapsabet Block 4[ Lemook'A'] 35.
8. He filed an application under Certificate of Urgency, dated 16<sup>th</sup> December 2022, asking the Court issue orders: -
  - a. Restraining the respondent from proceeding with the sale of his piece of land.



- b. Compelling the respondent to reverse from charging him commercial rate of interest on his staff housing loan, to staff rate of interest.
  - c. Restraining the respondent from demanding further loan repayment, until the claim is heard and determined.
9. The respondent filed a replying affidavit sworn by its Legal Manager, Duncan Matisero, on January 12, 2023.
  10. Parties agreed to have the application considered and determined by way of written submissions, which they confirmed to have filed and exchanged at the last mention, on April 17, 2023.

**The Court Finds: -**

11. The claimant is a resident of Kapsabet, in the Rift Valley Region. His P.O. Box Number is 216-30301 Kapsabet.
12. At paragraph 7 of his Statement of claim, he states that he was working at Nakuru East Branch, at the time of termination, 17<sup>th</sup> February 2020.
13. There is no reason therefore, why he filed his claim at Nairobi. He ought to have filed his claim either at Nakuru, or at Eldoret, near his hometown of Kapsabet.
14. The court shall therefore defer making a Ruling on the application dated December 16, 2022, and direct: -
  - a. The claim is transferred to the Employment and Labour Relations Court at Nakuru.
  - b. The application dated December 16, 2022 shall be placed before the court at Nakuru, on an accelerated basis, for further directions.

**DATED, SIGNED AND RELEASED TO THE PARTIES VIA E-MAIL, AT NAIROBI, UNDER PRACTICE DIRECTION NO. 6 [2] OF THE ELECTRONIC CASE MANAGEMENT PRACTICE DIRECTIONS, 2020, THIS 31<sup>ST</sup> DAY OF MAY 2023.**

**James Rika**

**Judge**

