



**REPUBLIC OF KENYA**  
**IN THE EMPLOYMENT AND LABOUR**  
**RELATIONS COURT AT NAIROBI**  
**CAUSE NUMBER 2362 OF 2016**

**BETWEEN**

**EMMANUEL OBINGO OKUMU ..... CLAIMANT**

**VERSUS**

**1.THE PASTOR ELIEZER KIRATU**

**2. SUPERVISOR FLORENCE OCHIENG**

**3. THE MANAGER, KENYA ASSEMBLIES OF GOD**

**OLYMPIC AND CHIDLIFE VOCATIONAL TRAINING**

**CENTRE OLYMPIC .....RESPONDENTS**

**RULING**

1. The Claimant filed his Claim in person, on 22<sup>nd</sup> November 2016.
2. He has since engaged Counsel.
3. His initial Verifying Affidavit was not dated.
4. The Claim was challenged on this ground by the Respondent.
5. In a Ruling dated 16<sup>th</sup> October 2020, the Claimant was given by the Court, 30 days to rectify the anomaly by filing a proper Verifying Affidavit.
6. Dispute has arisen as to whether the Claimant complied with the Ruling of 16<sup>th</sup> October 2020.
7. The Court undertook to study the record, and issue further orders today.
8. There is another Verifying Affidavit, sworn by the Claimant on 22<sup>nd</sup> November 2016. This was before the Ruling.
9. It is not indicated on which date it was received in Court. It has no stamp of the Court. It is a photocopy. It is different from the Verifying Affidavit filed with the Claim, on 22<sup>nd</sup> November 2016 which was found to be defective. The defective Affidavit was sworn before Commissioner for Oaths Enonda A.M. Dickson, while the second one is indicated to have been sworn before Commissioner for Oaths Samson Kinyanjui. Did the Claimant swear 2 different Verifying Affidavits, before different Commissioners, on 22<sup>nd</sup> November 2016? Why did he not submit on the second Affidavit, during the hearing leading to the Ruling of 16<sup>th</sup> October 2020, if the second Affidavit was on record from 22<sup>nd</sup> November 2016?
10. In the end the Claimant has not shown compliance to the Ruling of 16<sup>th</sup> October 2020. There is no Verifying Affidavit on record, sworn and filed within 30 days of the Ruling. The Claimant has failed to rectify a fundamental defect to his Claim, even after the Court accommodated him.

**IT IS ORDERED: -**

*a. The Claim is struck out.*

*b. No order on the costs.*

**DATED, SIGNED AND RELEASED TO THE PARTIES ELECTRONICALLY, AT NAIROBI, UNDER THE MINISTRY OF HEALTH AND JUDICIARY COVID-19 GUIDELINES, THIS 28TH DAY OF JANUARY 2022.**

**JAMES RIKA**

**JUDGE**