



**Kemunto & 2 others v G4S Kenya Limited (Cause 341, 342 & 343 of 2018 (Consolidated)) [2022] KEELRC 13255 (KLR) (17 November 2022) (Ruling)**

Neutral citation: [2022] KEELRC 13255 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI  
CAUSE 341, 342 & 343 OF 2018 (CONSOLIDATED)**

**L NDOLO, J  
NOVEMBER 17, 2022**

**BETWEEN**

**ESTHER KEMUNTO ..... 1<sup>ST</sup> CLAIMANT**

**VINCENT OBURE MOSE ..... 2<sup>ND</sup> CLAIMANT**

**HEZRON OMAMBIA NYAOSI ..... 3<sup>RD</sup> CLAIMANT**

**AND**

**G4S KENYA LIMITED ..... RESPONDENT**

**RULING**

1. The Respondent, who is the applicant in the Notice of Motion dated 5<sup>th</sup> May 2022, asks the Court to dismiss the Claimants' claims for want of prosecution.
2. The Respondent's Motion is supported by an affidavit sworn by its Employee Relations Manager, Emma Maina and is based on the grounds that:
  - a. Pleadings herein closed on 7<sup>th</sup> September 2018 and since then the Claimants have not taken any steps to prosecute their cases;
  - b. It has been more than three (3) years since the suits were filed. It is clear that the Claimants have lost interest in the claims;
  - c. The continued delay in prosecuting the matters is prejudicial to the Respondent as most of the witnesses it was to call have since left employment and are no longer available to give evidence;
  - d. It is just and fair that the application be allowed.
3. The Claimants were duly served but did not file any response to the Respondent's Motion.
4. Rule 16 of the Employment and Labour Relations Court (Procedure) Rules provides as follows:



16. Notice to show cause why suit should not be dismissed
  1. In any suit in which no application has been made in accordance with Rule 15 or no action has been taken by either party within one year from the date of its filing, the Court may give notice in writing to the parties to show cause why the suit should not be dismissed and if no reasonable cause is shown to its satisfaction, may dismiss the suit.
  2. If reasonable cause is given to the satisfaction of the Court, it may make such order as it thinks fit to obtain the expeditious hearing and determination of the suit.
  3. Any party to the suit may apply for dismissal as provided in paragraph (1).
  4. The Court may dismiss the suit for non-compliance with any direction given under this rule.
5. A perusal of the court record indicates that since filing of their claims in 2018, the Claimants have taken no action towards their prosecution.
6. No cause has been shown as to why the said claims should not be dismissed for want of prosecution.
7. In the circumstances, the Respondent's Notice of Motion dated 5<sup>th</sup> May 2022 is allowed, with the consequence that the three claims being Causes No 341 of 2018, 342 of 2018 and 343 of 2018 are dismissed for want of prosecution.
8. Each party will bear their own costs.
9. Orders accordingly.

**DELIVERED VIRTUALLY AT NAIROBI THIS 17<sup>TH</sup> DAY OF NOVEMBER 2022**

**LINNET NDOLO**

**JUDGE**

**Appearance:**

No appearance for the Claimants

Ms. Muthiani for the Respondent

