



REPUBLIC OF KENYA



KENYA LAW
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**Omedi & 14 others v Kenya Medical Research Institute (Cause
E025 of 2022) [2022] KEELRC 13208 (KLR) (16 November 2022) (Ruling)**

Neutral citation: [2022] KEELRC 13208 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT KISUMU
CAUSE E025 OF 2022
S RADIDO, J
NOVEMBER 16, 2022**

BETWEEN

A LOYDOMS OMEDI 1ST CLAIMANT
GEORGE OGANGA 2ND CLAIMANT
NABOTH OGUTU 3RD CLAIMANT
MOSES OCHIENG 4TH CLAIMANT
SELINE OGAMBI 5TH CLAIMANT
DAN TITO 6TH CLAIMANT
SAMUEL OPIYO 7TH CLAIMANT
OMONDI OINDO 8TH CLAIMANT
JANE ONYANGO 9TH CLAIMANT
JOCINTER AKINYI 10TH CLAIMANT
COLLINS AWANDU 11TH CLAIMANT
GILBERT AURA 12TH CLAIMANT
JOHN OKOTH 13TH CLAIMANT
FREDRICK AGWENA 14TH CLAIMANT
MONICA ADEDE 15TH CLAIMANT

AND

KENYA MEDICAL RESEARCH INSTITUTE RESPONDENT



RULING

1. A Loydoms Omedi and 13 others (the claimants) sued the Kenya Medical Research Institute (KEMRI) on 23 May 2022, alleging breach of contract during employment from 1986 to 1993.
2. Despite the service of notice of summons and the statement of claim, KEMRI did not enter an appearance or file a response.
3. When the cause was mentioned on 28 June 2022, the court directed the claimants to file pleadings in respect of 2 previous cases which had been mentioned in the statement of claim (Kisumu Cause No. 110 of 2015, *George Amoth & 14 ors v Kenya Medical Research Institute* and Kisumu Cause No. 399 of 2017, *George Amoth & 14 ors v Kenya Medical Research Institute*).
4. Instead of filing the complete pleadings, the claimants only filed the rulings, which had been delivered in the 2 causes on 12 September 2022.
5. The ruling in Kisumu Cause No. 110 of 2015, *George Amoth & 14 ors v KEMRI*, delivered on 15 September 2016, indicates that the cause of action was founded upon a breach of contract from 1986 to 1993.
6. The court held that the cause had been filed outside the period prescribed by the *Limitation of Actions Act* and struck it out.
7. Undeterred, the claimants lodged a fresh case, Kisumu Cause No. 399 of 2017, *George Amoth & 14 ors v KEMRI*, and in a Ruling delivered on 20 December 2017, the court struck out the new suit on the ground of limitation.
8. The claimants have now made a third attempt to resurrect a cause of action in which two judges of this court held were time-barred.
9. Regrettably, the hands of this court are tied by the previous decisions invoking lack of jurisdiction because of the time-bar and the law as set out in the *Limitation of Actions Act* as read with section 90 of the *Employment Act* 2007.
10. The Court has no option to strike out the instant Cause and put down its pen. No order on costs.

DELIVERED VIRTUALLY FROM LAMU, DATED AND SIGNED ON THIS 16TH DAY OF NOVEMBER 2022.

RADIDO STEPHEN, MCIARB

JUDGE

Appearances

Claimants in person

Respondent did not participate

Court Assistant Chrispo Aura

