



**REPUBLIC OF KENYA**

**IN THE EMPLOYMENT & LABOUR RELATIONS**

**COURT OF KENYA AT NAIROBI**

**CAUSE NO. 891 OF 2016**

**ISAACK NG'ANG'A.....CLAIMANT**

**VERSUS**

**NETWORK FOR WATER & SANITATION**

**INTERNATIONAL.....RESPONDENT**

**RULING**

1. It is unfortunate the Claimant is absent in Court as his case could well be dismissed for non-attendance. Counsel for the Claimant took a very risky gamble by assuming that the request by the Respondent's Advocate was sufficient to allow for the adjournment.
2. The Respondent cheekily filed additional documents late last evening and as a result propelled the current scenario. They are also absent in Court perhaps in the comfort that Claimant is unavailable. The Court deprecates such sharp practice.
3. The case was delayed as a consequence of the unavailability of the Claimant and the Respondent's Counsel. To the Respondent's benefit, Mr. Robert Njoroge Ngare has made it to Court and articulated the problems it has had in getting its advocate who is said to be unwell. That in my view in what has save the Respondent from being mulcted in costs.
4. As the hearing has now aborted, the Court will grant the very last adjournment to the Parties and order an in person hearing on 22<sup>nd</sup> June, 2021 at 9.00 am. Ministry of Health guidelines must be observed. There will be no further adjournment.

It is so ordered.

**DATED AND DELIVERED AT NAIROBI THIS 3RD DAY OF MARCH 2021**

**Nzioki wa Makau**

**JUDGE**