

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT OF KENYA

AT ELDORET

COURT NAME: ELDORET LAW COURT

CAUSE NUMBER: ELRCMISC/E019/2021

CITATION: MOSES KIMUTAI MNERIA VS TEACHERS SERVICE COMMISSION

RULING

ON 2021-10-29 BEFORE HON. JUSTICE J. N. ABUODHA

1. Section 90 of the Employment Act is couched in mandatory terms such that once the time limited by the section for filing a suit based on the Act or contract of employment has lapsed the Court does not have the discretion and or jurisdiction to extend time.
2. This Court and the Court of Appeal has so held in several cases which the applicant's counsel could have reviewed and advised her client appropriately. The application is therefore found incompetent and is hereby dismissed with no order as to costs.
3. It is so ordered.

GIVEN under my hand and Seal of this Court on 2021-11-27 10:48:34

SIGNED BY: HON. JUSTICE J. N. ABUODHA (ADMINISTER JUSTICE)

THE JUDICIARY OF KENYA.

ELDORET ELRC

EMPLOYMENT AND LABOUR RELATIONS COURT

DATE: 2021-11-27 10:48:34