

REPUBLIC OF KENYA

IN THE EMPLOYMENT & LABOUR RELATIONS

COURT OF KENYA AT NYERI

CAUSE NO. 107 OF 2018

KENYA UNIVERSITIES STAFF UNION.....CLAIMANT

VERSUS

THE COUNCIL OF JOMO KENYATTA UNIVERSITY

OF AGRICULTURE & TECHNOLOGY.....1ST RESPONDENT

JOMO KENYATTA UNIVERSITY

OF AGRICULTURE & TECHNOLOGY.....2ND RESPONDENT

JUDGMENT

1. The Claimant sued the Respondents in respect to actions that allegedly took place in August 2016 and 14th April 2015. This suit was filed on 14th March 2018 after the expiry of the Collective Bargaining Agreement in force at the time expired. It ran from 2013 to 2017 and had expired at the time of filing suit. It would be a waste of scarce judicial time and resources to delve into the dispute that was filed so long after the alleged infarctions. The suit is struck out with no order as to costs for being a waste of judicial time and being hopelessly unmerited.

2. This decision was rendered online in keeping with the express consent by parties to the waiver of Order 21 Rule 1 and 3 of the Civil Procedure Rules and in line with the Chief Justice's Practice Directions to Mitigate COVID-19 dated 16th March 2020 and the Kenya Gazette Notice 2357 of 20th March 2020 issued in Vol. CXXII No. 50. In line with the Practice Directions of the Chief Justice and the statement he made in the NCAJ address to the Nation of Kenya when the Judiciary and the other stakeholders in the administration of justice agreed to scale down operations to mitigate the effects of COVID-19, execution of the judgment is automatically stayed for 14 days.

It is so ordered.

Dated and delivered at Nyeri this 30th day of March 2020

Nzioki wa Makau

JUDGE