



**REPUBLIC OF KENYA**

**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT OF**

**KENYA AT NAIROBI**

**CAUSE NUMBER 1620 OF 2017**

**JOSEPH KIRIA KINYUA.....CLAIMANT**

**VERSUS**

**HON. ATTORNEY GENERAL.....RESPONDENT**

**RULING**

1. The respondent raised as preliminary the objection that the claim is statute barred hence offends section 90 of the Employment Act. According to the respondent, the claimant was dismissed from service on 13<sup>th</sup> February, 2014 and the claim filed on 18<sup>th</sup> August 2017 hence statute barred.
2. If as pleaded; the claimant was terminated on 13<sup>th</sup> February, 2014 this claim ought to have been filed on or before 14<sup>th</sup> February, 2017. The claimant however filed the claim on 18<sup>th</sup> August, 2017 some six months after the expiry of limitation period.
3. Section 90 of the Employment Act is couched in mandatory terms and does not allow for extension of time once lapsed.
4. The objection is therefore merited and the suit is hereby struck out with no order as to costs.
5. It is so ordered.

Dated at Nairobi this 31<sup>st</sup> day of May, 2019

**Abuodha J. N.**

**Judge**

Delivered this 31<sup>st</sup> day of May, 2019

**Maureen Onyango**

**Principal Judge**

**In the presence of:-**

.....for the Claimant and

.....for the Respondent.