



REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT

AT KISUMU

CAUSE NO. 240 OF 2018

(Before Hon. Justice Mathews N. Nduma)

NASHON ASEKA.....CLAIMANT/APPLICANT

VERSUS

MUMIAS SUGAR COMPANY LTD.....RESPONDENT

RULING

1. Application dated 28TH June 2018 and filed on even date sought the following interim orders:
 - (a) For purposes of the record this application be certified urgent and be heard forthwith and ex-parte in the first instance.
 - (b) A temporary injunction do issue directed at the Respondent, its Board of Directors, employees, workers, agents and/or whomsoever jointly and severally restraining them from terminating the services of the Claimant/Applicant pending the hearing and determination of this application.
 - (c) A conservatory order does issue lifting the suspension of the claimant/Applicant pending the hearing and determination of this application.
2. The court certified the matter urgent and directed that the respondent does not further extend the suspension of the claimant pending the intended disciplinary action.
3. The court later learnt vide application dated 22nd January 2019 brought on a certificate of urgency by the claimant, that the respondent concluded the disciplinary process against the claimant and terminated his employment by a letter dated 16th July 2018 produced before court.
4. The Claimant/Applicant on 22nd January 2019 filed amended statement of claim seeking a declaration that termination of the claimant's services was unlawful and an order of unconditional reinstatement of the claimant back to his original position of Managing Director/CEO of the Respondent be issued.
5. Clearly, the present application has been overtaken by events. It is in the interest of justice that the hearing and determination of the amended suit be expedited.
6. Accordingly, the application having been overtaken by events, lack merit and is dismissed. Costs in the cause.

Ruling Dated, Signed and delivered this 29th day of July, 2019

Mathews N. Nduma

Judge

Appearances

Mr. Odeny for Claimant/Applicant

Mr. Kimeto for Respondent

Chrispo – Court Clerk