



REPUBLIC OF KENYA

EMPLOYMENT AND LABOUR RELATIONS COURT

AT NAIROBI

CAUSE NO 274 OF 2018

HERBERT MUCHELULE.....CLAIMANT

VERSUS

SENACA EAST AFRICA LIMITED FORMERLY

SENTRY & PATROL LIMITED....RESPONDENT

RULING

1. The respondent raised a preliminary objection that the claim herein was statute barred by virtue of section 90 of the Employment Act.
2. The claimant at paragraph 3 of the claim pleaded that he was employed by the respondent under a contract commencing from 1st November, 2006 and served with loyalty and diligence until 8th October, 2010 when his services were terminated.
3. It is not denied that the suit was filed on 7th March, 2018. Under section 90 of the Employment Act claims arising under the Act or Contracts of employment generally must be brought within 3 years from the date of accrual of the cause of action.
4. This period cannot be extended once lapsed. The claimant was dismissed by the respondent on 8th October, 2010. If he disputed the dismissal he ought to have filed his claim by 9th October, 2013. From his own admission therefore the claim was filed some 5 years after the expiry of the limitation period. The claim is therefore found incompetent and is hereby struck out with no order as to costs.
5. It is ordered.

Dated at Nairobi this 18th day of October, 2019

Abuodha Jorum Nelson

Judge

Delivered this 18th day of October, 2019

Abuodha Jorum Nelson

Judge

In the presence of:-

.....for the Claimant and

.....for the Respondent.

Abuodha J. N.

Judge