



**REPUBLIC OF KENYA**

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

**AT NAIROBI**

**CAUSE APPEAL NUMBER 23 OF 2016**

**SECURITY WARD SERVICES.....CLAIMANT**

**VERSUS**

**PETER NYONGESA WANDERA.....RESPONDENT**

**RULING**

1. By a Notice of Motion filed on 5<sup>th</sup> December, 2016 the applicant sought stay of execution pending appeal against the judgement of the subordinate court Hon. L. M. Wachira delivered on 13<sup>th</sup> September, 2016.
2. The court will not consider the application but will instead void the judgement of the subordinate court delivered on 13<sup>th</sup> September, 2016 on the ground that the same was made without jurisdiction since the promulgation of the Constitution in 2010 and the inauguration of the ELR Court in 2012, employment and labour relations matters became a preserve of this Court.
3. This has seen several matters that were filed in the High Court and Subordinate Court transferred to this court for hearing and disposal. The appropriate order to make in the present circumstance is to order the transfer of Civil suit No 10839 of 2007 to this court for fresh hearing and disposal.
4. It is so ordered.

**Dated at Nairobi this 23<sup>rd</sup> day of February, 2018**

**ABUODHA J. N.**

**JUDGE**

**Delivered this 23<sup>rd</sup> day of February, 2018**

**In the presence of:-**

.....for the claimant

.....for the Respondent

**ABUODHA J. N.**

**JUDGE**