



**REPUBLIC OF KENYA**

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

**KENYA AT NAIROBI**

**MISC APP 161 OF 2017**

**WILLIAM KIPCHIRCHIR KIPSAT.....CLAIMANT**

**VERSUS**

**TELKOM KENYA.....RESPONDENT**

**RULING**

1. Section 90 of the Employment Act does not seem to yield an interpretation that time to file suit can be extended once it has lapsed. The only cases where extension of time is permissible after limitation period has lapsed is with regard to claims founded on tort.

2. In the motion before me, the applicant stated that he filed a suit in 2011 which was dismissed by Justice Rika for being improperly filed. From the record, the claimant was represented by an advocate. Whereas the court sympathizes with the allegations that the claimant has been of ill-health no explanation has been given why counsel did not take cue from the advice of the learned Judge to file a proper claim.

3. The application is therefore found lacking in merit and is hereby dismissed with costs.

4. It is so ordered.

**Dated at Nairobi this 9<sup>th</sup> day of February, 2018**

**ABUODHA J. N.**

**JUDGE**

**Delivered this 9<sup>th</sup> day of February, 2018**

**In the presence of:-**

.....for the claimant

..... for the Respondent

**ABUODHA J. N.**

**JUDGE**