



**REPUBLIC OF KENYA**

**IN THE EMPLOYMENT & LABOUR RELATIONS**

**COURT OF KENYA AT NYERI**

**CAUSE NO. 301 OF 2017**

**ZACHARY MWANGI MURIU.....CLAIMANT**

**VERSUS**

**MANAGING DIRECTOR G4S.....1<sup>ST</sup> RESPONDENT**

**MANAGING DIRECTOR NYATI SACCO.....2<sup>ND</sup> RESPONDENT**

**GENERAL SECRETARY KENYA NATIONAL**

**PRIVATE SECURITY WORKERS' UNION.....3<sup>RD</sup> RESPONDENT**

**RULING**

1. The preliminary objections by the Respondents is that the Claimant's suit is against the wrong parties. The Claimant sued the 3 Respondents seeking a plethora of reliefs including reinstatement to employment and payment of his salary for the period the Claimant would have worked till retirement at the age of 60 years. The Claimant also sought payment of airtime and recruitment fee.

2. The 1<sup>st</sup> Respondent's objection is that the Claimant's claim arises from a contract of employment between him and G4S Kenya Ltd which is a legal entity; the 1<sup>st</sup> Respondent was an employee of G4S Kenya Ltd and cannot have personal responsibility for the acts of G4S Kenya Ltd; there being no contract or service or any other cause of action disclosed against 1<sup>st</sup> Respondent, his joinder in these proceedings is an abuse of the court process. 1<sup>st</sup> Respondent thus prays that the suit against him be struck out with costs to him. The 3<sup>rd</sup> Respondent raises in its preliminary objection that the contract of employment is between the claimant and G4S Kenya Ltd and not 3<sup>rd</sup> Respondent that there is no contractual formal relationship between the Claimant and the union. The 3<sup>rd</sup> Respondent asserts that it does not have a personal responsibility for acts for the trade union and there is no cause of action disclosed against the 3<sup>rd</sup> Respondent and that the claim is an abuse of the court process and is not bona fide, is frivolous, incompetent, vexatious and should be dismissed with costs to the 3<sup>rd</sup> Respondent.

3. It is clear the suit is on employment issues and trade union affairs. The Claimant is entitled to seek relief from a court of law for any infraction of his rights. However, the suit should be against the proper parties. The suit he had filed disclosed that he was employed by G4S Kenya Limited. In the objections taken, it is clear the suit is misguided and against parties that do not have a contractual obligation with the Claimant. I will strike out the suit with costs to the 1<sup>st</sup> and 3<sup>rd</sup> Respondent as the 2<sup>nd</sup> Respondent did not appear or participate.

It is so ordered.

**Dated and delivered at Nyeri this 9<sup>th</sup> day of April 2018**

**Nzioki wa Makau**

**JUDGE**