

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT

AT NAIROBI

CAUSE NO. 1786 OF 2015

(Before Hon. Lady Justice Maureen Onyango)

JEREMIAH OKELLO.....CLAIMANT

VERSUS

KENYA METHODIST UNIVERSITY.....RESPONDENT

RULING

By a statement of claim dated 2nd October 2015 and filed on 7th October 2015, the claimant avers that he was retained/hired by the respondent, a private university between October 2012 and October 2013 to provide consultancy services as a training partner in the establishment of the Kenya Centre of Excellence for BPO/ITES Foundation training at an agreed fee of Kshs.2,069,600. That he fulfilled his obligations under the contract but the respondent paid him a total of Kshs.400,000 leaving a balance of 1,669,6000 which he now claims together with costs and interest.

The respondent was served with both summons and statement of claim but did not respond. The case was fixed for several mentions when the respondent was served with mention notices but did not attend court. The respondent was further served with several hearing notices but did not attend court. The case was in court on 17th December 2015, 24th May 2016, 22nd August 2016, 21st February 2017, 10th July 2017, 27th November 2017 and 23rd January 2018 when the respondent was served but did not appear.

The respondent only appeared on the hearing date on 4th July 2018 when counsels prayer for adjournment was rejected and the case proceeded to hearing without the respondent's defence which has to date not been filed. The case had on 17th December 2015 been certified to proceed by way of formal proof.

When the case came before me for hearing on 27th November 2017, I directed the claimant to submit evidence of an employment relationship. He subsequently filed exhibit 2; a memo requesting approval to engage Collins Consulting International on which there is endorsement of approval; and the final proposal for consultancy service to roll out BPO TRAINING AT KEMU signed Collins Consulting International on 30th March 2012 and by Prof. R. Gateru on for Kenya Methodist University on 2nd April 2012.

It is therefore my opinion that the cause of action herein is between Collins Consulting International and Kenya Methodist University.

In view of the foregoing this court has no jurisdiction to determine this case. The case is therefore transferred to the High Court to be heard and determined in the Civil Division.

DATED, SIGNED AND DELIVERED AT NAIROBI ON THIS 19TH DAY OF OCTOBER 2018

MAUREEN ONYANGO

JUDGE