



REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT KISUMU

MISCELLANEOUS APPLICATION NO. 12 OF 2018

(AS CONSOLIDATED WITH PETITION NO. 31 OF 2017)

(Before Hon. Justice Mathews N. Nduma)

NAPHTALLY OMIDO.....APPLICANT

VERSUS

THE SECRETARY, BOARD OF MANAGEMENT

NAMUNDERA MIXED SECONDARY SCHOOL.....RESPONDENT

R U L I N G

1. The court determined this matter in its ruling dated 15th March, 2018 in which it held that the Petition is resjudicata by virtue of a determination by Hon. Njagi J. in Kakamega JR No. 7 of 2016. The court further determined that the petition is time barred by dint of section 90 of the Employment Act, 2007.
2. A party and party bill of costs was filed on 16th April, 2018 and Notice of taxation on the even date issued by the Deputy Registrar.
3. The exparte application seeks to stop the taxation of the bill pending hearing and determination of Misc. appl. No. 21 of 2018 pending for hearing before the High court in Kakamega.
4. This court has determined this matter to finality. There is no valid appeal pending against the decision of the court. The several suits filed by the applicant in different courts and multiplicity of applications filed before this court has led to an inference that the Applicant has become a vexatious litigant.
5. It is in the interest of justice and fair play that the court protects parties from vexatious ligation whilst upholding the overriding objective of affording everyone a fair hearing without undue delay. The ability of the court is continuously diminished by the filing of many and unnecessary cases and applications before it.
6. The application before court lacks merit and is dismissed with costs.
7. The Deputy Registrar in the pending taxation is to be guided that the Respondent is a public body represented by an in-house counsel Petitioner/Applicant is not a person of means and was not represented by counsel in these proceedings in determination of reasonable costs in the concluded matter.

Ruling Dated, Signed and delivered this 4th day of October, 2018

Mathews N. Nduma

Judge

Appearances

Petitioner/Applicant in person

Mr. Anyuor for Respondent

