

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI

MISC APPLICATION NO. 106 OF 2018

CHARLES MASINDE.....CLAIMANT

v

RETIREMENT BENEFITS AUTHORITY.....1st RESPONDENT

THE TRUSTEES SAMEER AFRICA PROVIDENT FUND...2nd RESPONDENT

RULING

1. Charles Masinde (applicant) moved the Court on 11 September 2018 seeking orders

1. THAT the Honourable Court do withdraw from and transfer to this Court the proceedings before the Retirement Benefits Appeal Tribunal Appeal No. 2 of 2018, *Charles Masinde v Retirement Benefits Authority*.

2. ...

2. When the Respondents were served with the application, the 1st Respondent filed a Notice of Preliminary Objection contesting the Court's jurisdiction.

3. The applicant filed grounds in opposition to the preliminary objection, and the Court took arguments on 26 November 2018 (applicant's advocate disappeared from Court before the arguments were taken).

4. The Court has considered the material placed before it and more so the Court of Appeal decision in *Staff Pension Fund & Kenya Commercial Bank Staff Retirement (DC) Scheme 2006 & Ar v Ann Wangui Ngugi & 524 Ors* (2018) and come to the conclusion that it has no jurisdiction over the dispute.

5. The application dated 10 September 2018 is dismissed with costs to the 1st Respondent.

Delivered, dated and signed in Nairobi on this 28th day of November 2018.

Radido Stephen

Judge

Appearances

For applicant Koceyo & Co. Advocates

For 1st Respondent Prof. Albert Mumma & Co. Advocates

For 2nd Respondent Waruhiu, K'Owade & Nganga Advocates

Court Assistant Lindsey