



**REPUBLIC OF KENYA**  
**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT OF**  
**KENYA AT NAIROBI**  
**CAUSE NUMBER 966 OF 2013**

**JOSEPH ABUTO ONGWAE .....CLAIMANT**

**VERSUS**

**PHARMACY & POISONS BOARD.....RESPONDENT**

**RULING**

1. By a Motion dated 17<sup>th</sup> June, 2013 the claimant sought leave of the court to file a suit out of time.
2. The application was brought on the grounds among others that the applicant’s sister died and he took responsibility over her children and that the application was brought later because the applicant fell sick immediately his services were terminated.
3. This court has ruled in several applications of this nature that it does not have jurisdiction to extend time once the same has lapsed.
4. Neither section 90 of the Employment Act or Section 4 of the Limitation of Actions Act permit extension of time to bring actions based on contract once the time for doing so has elapsed.
5. The application is therefore found without merit and is hereby dismissed with costs.
6. It is so ordered.

Dated at Nairobi this 24<sup>th</sup> day of March 2017

**Abuodha J. N.**

**Judge**

Delivered this 24<sup>th</sup> day of March 2017

**In the presence of:-**

.....for the Claimant and

.....for the Respondent.

**Abuodha J. N.**

**Judge**