

REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT

AT NAIROBI

MISC 9 OF 2016

MILTON LIHANDACLAIMANT

VERSUS

IDEAL CERAMICS LIMITEDRESPONDENT

RULING

1. Section 90 of the Employment Act is couched in a way that does not admit of extension of time once the period within which a suit must be filed has elapsed. In fact the general law of limitation only permits extension of time to file actions founded on tort under circumstances delimited in the Limitation of Actions Act.
2. The court therefore lacks jurisdiction to extend time to file suit arising out of employment contracts governed by the Employment Act once the prescribed period of three years has lapsed.
3. The application is therefore dismissed for want of jurisdiction.
4. It is so ordered.

Dated at Nairobi this 3rd day of March, 2017

Abuodha J. N.

Judge

Delivered this 3rd day of March, 2017

Abuodha Jorum Nelson

Judge

In the presence of:-

.....**for Claimant**

.....**for Respondent**

Abuodha Jorum Nelson

Judge