



REPUBLIC OF KENYA
EMPLOYMENT AND LABOUR RELATIONS COURT OF KENYA

AT KERICHO

CAUSE NO. 12 OF 2017

(Before D. K. N. Marete)

STEPHEN KIPROTICH KOECH.....CLAIMANT

VERSUS

HON. EDWIN K. BARCHILEIRESPONDENT

RULING

This is an application by the Claimant/Applicant dated 17th February, 2017, seeking the following orders of court;

1. *THAT service of this application be dispensed with in the first instance.*
2. *THAT the respondent be restrained by an injunction from filing in the claimant's position as an Office Assistant pending the hearing and determination of this application in the first instance and thereafter pending the hearing and determination of the claim herein.*
3. *THAT the claimant be reinstated to employment as an Office Assistant of the respondent pending the hearing and determination of the claim herein.*
4. *THAT the respondent does pay the full withheld salary and allowances of the claimant for the month of February, 2017 and continues to pay the salaries on a monthly basis in full pending the hearing and determination of this application in the first instance thereafter pending the hearing and determination of claim herein.*
5. *THAT upon reinstatement, the respondent be restrained by way of a injunction from unlawfully and unfairly terminating the claimant's employment or withholding any payments of salaries and allowances and employment benefits pending the hearing and determination of the claim herein.*
6. *THAT the costs of this application be sourced by the respondent.*

The application is not defended, or at all. This is despite service to the respondent.

When the application came for hearing on 24th April, 2017 counsel for the applicant applied that the application be allowed with costs to the tune of Kshs.10,000.00 being the days costs to the applicant.

In the absence of a defence, or any semblance of the same, I am inclined to allow the claim and order as

follows;

- i. That the Respondent be and is hereby restrained by an injunction from filling the claimant's position as an Office Assistant pending hearing and determination of this claim.
- ii. That the cost of this application shall be borne by the respondent.

Delivered, dated and signed this 26th day of April 2017.

D.K.Njagi Marete

JUDGE

Appearances

1. Mr. Mogambi instructed by Wambua Kigamwa & Company Advocates for the Claimant/Applicant
2. No appearance for the Respondent.