



REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAKURU
CAUSE NO. 449 OF 2016

JACOB TIAMPATI SAIROWUA

CLAIMANT

v

COUNTY GOVERNMENT OF NAROK

RESPONDENT

RULING

1. Jacob Tiampati Sairowua (applicant) was interdicted by the County Secretary of the County Government of Narok (Respondent) through a letter dated 21 March 2016 pending disciplinary action.
2. The interdiction letter called upon the applicant to make representations within 21 days and he responded through a letter dated 4 April 2016.
3. On 3 November 2016, the applicant moved Court to challenge the fairness of the interdiction because of the inordinate delay to conclude the disciplinary process and the Court directed that the motion be served for *inter partes* hearing on 1 December 2016.
4. Because the applicant did not effect service and explanation was tendered, the Court dismissed the application on the return date.
5. The dismissal prompted the applicant to move Court on 23 December 2016 seeking
 1. THAT the Order of the Honourable Justice S. Radido made on the 1st day of December 2016 dismissing Notice of Motion filed by the Applicant/Claimant on the 3rd day of November 2016 as Employment & Labour Relations Civil Suit No. 449 of 2016 be reviewed, varied and/or set aside.
 2. THAT the Notice of Motion be reinstated for hearing.
 3. THAT the costs of this application be in the cause.
6. The Court directed that this latter application for reinstatement be served for *inter partes* hearing on 2 March 2017.
7. According to an affidavit of service filed in Court on 1 March 2017, service was effected upon a Secretary called Regina who acknowledged service by stamping on a copy of the application.
8. Despite the service, the Respondent did not appear and was not represented during the *inter partes* hearing on 2 March 2017.

9. The Court has considered the application, the grounds thereon and the supporting affidavit of Andrew Maina Ngaruiya and come to the conclusion that reinstating the dismissed application will only serve to prolong and/or delay the efficient, effective and expeditious trial of the Cause on the merit.

10. In lieu of allowing the motion, the Court orders that the main Cause be processed for trial on an expeditious basis and in this regard

(a) Notice of Summons be served upon the Respondent within 7 days from today.

(b) Respondent to file and serve a Response, documents to be relied on and witness statements within 21 days of service of Notice of Summons.

(c) Agreed Issues to be filed within 14 days after close of pleadings.

(d) The Cause be mentioned for further directions on 20 June 2017.

11. Costs in the Cause.

Delivered, dated and signed in Nakuru on this 10th day of April 2017.

Radido Stephen

Judge

Appearances

For applicant Mr. Mukira instructed by Maina Ngaruiya & Co. Advocates

For Respondent did not appear

Court Assistant Nixon