



**REPUBLIC OF KENYA**

**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI**

**CAUSE NO. 2305 OF 2012**

**KENYA NATIONAL PRIVATE SECURITY WORKERS UNION      CLAIMANT**

**v**

**EXCELLENT SECURITY WORKERS UNION**

**RESPONDENT**

**RULING**

1. The Cause was filed on 15 November 2012. There is nothing on record to show that Summons were served upon the Respondent.
2. Equally there is nothing on record to suggest that the Claimant has taken any steps to progress the Cause for hearing.
3. On 8 March 2017, the Deputy Registrar issued a hearing notice for 4 April 2017, but when the Cause was called out for hearing, Ms. Onyancha appeared for the Claimant and sought the transfer of the Cause to Mombasa, where the cause of action was stated to have arisen.
4. Because there was no evidence on record to show that Summons were served, the Court directed Ms. Onyancha to file an appropriate affidavit of service before 4 April 2017.
5. When the Cause was called out on 4 April 2017, there was no affidavit of service on record. Ms. Onyancha was also not present. Such conduct is unprofessional of an officer of the Court, whether an advocate or Union official.
6. The Court, considering that there is no evidence of service of Summons, no action has been taken for about 4 years and that the Claimant failed to appear on 4 April 2017, orders that the Cause be dismissed with no order as to costs.

**Delivered, dated and signed in Nairobi on this 6<sup>th</sup> day of April 2017.**

**Radido Stephen**

**Judge**

**Appearances**

Claimant	Ms. Onyancha
Respondent	no appearance
Court Assistant	Nixon