



**REPUBLIC OF KENYA**

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

**CAUSE NO. 394 OF 2014**

**MARTIN OWITI OGOLA                      CLAIMANT**

**V**

**ALPHA KNITS LTD                      RESPONDENT**

**RULING**

1. This Cause was filed in Court on 17 March 2014.
2. The Federation of Kenya Employers entered Appearance for the Respondent on 16 December 2014.
3. The last action in the file was a request for a hearing date through letter dated 19 February 2016.
4. On 8 March 2017, the Deputy Registrar issued a Notice to Show Cause why the suit should not be dismissed, with a return date of 6 April 2017, as part of the service week.
5. Only the Respondent's attended and its legal counsel applied to have the Cause dismissed for delay in prosecuting the Claim.
6. Considering that the Claimant made an attempt to progress the Cause for hearing just a year ago, it would not be fair to dismiss the Cause without giving him another chance.
7. The Court therefore directs the Deputy Registrar to issue another Notice to Show Cause to the parties.

**Delivered, dated and signed in Nairobi on this 7<sup>th</sup> day of April 2017.**

**Radido Stephen**

**Judge**

**Appearances**

For Claimant Gakoi Maina & Co. Advocates

For Respondent Federation of Kenya Employers

Court Assistant Nixon