

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI

CAUSE NO. 630 OF 2014

PHILIP KIPLIMO KOSGEY.....CLAIMANT

VERSUS

G4S SECURITY SERVICES (KENYA) LTD.....RESPONDENT

RULING

1. The Court issued a Notice to Show Cause why the Cause should not be dismissed to the parties on 8 March 2017.
2. In an attempt to fend off the dismissal, Mr. Wangila for the Claimant informed the Court that this Cause was part of a series (Causes Nos 624 of 2014 to 629 of 2014 and 631 of 2014) in which he had not been able to get in touch with a Wambua Kioo who had brought the Claimants to him. He had last made contact with the said gentleman in 2015.
3. He urged the Court to grant him 60 more days to locate the said person.
4. In supporting the move to dismiss the Cause, Ms. Wataka for the Respondent urged that 2 years without taking any steps was inordinate delay and that if the Court was minded to allow the Claimant time, it should be less than the 60 days sought.
5. It is correct as urged by the Respondent that no steps have been taken by the Claimant for over 2 years. The mere fact that there are several Causes involving one employer/ Respondent is no excuse for inaction in progressing a suit for hearing.
6. If the statements made from the bar by the Claimant's advocate are correct, it only demonstrates that the Claimant has been indolent in following up his legal advisors on the status of his case and the administration of justice, the Respondent and the Claimant's advocate should not be casualties of that indolence.
7. The Court orders the Cause dismissed with no order as to costs.

Delivered, dated and signed in Nairobi on this 7th day of April 2017.

Radido Stephen

Judge

Appearances

For Claimant	Mr. Wangila instructed by A S Kuloba & Wangila Advocates
For Respondent	Ms. Wataka instructed by Hamilton Harrison & Mathews, Advocates
Court Assistant	Nixon