



**REPUBLIC OF KENYA**

**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT OF KENYA AT NYERI**

**CAUSE NO. 76 OF 2017**

**JEREMIAH MACHARIA MWANGI.....CLAIMANT**

**VERSUS**

**TEACHERS SERVICE COMMISSION.....RESPONDENT**

(Before Hon. Justice Byram Ongaya on Friday, 23<sup>rd</sup> June, 2017)

**RULING**

The respondent filed the notice of preliminary objection on 26.04.2017 and dated 18.04.2017 through Naeku Patricia Advocate. The respondent prayed that the entire suit be struck out with costs to the respondent on the ground that the suit is time barred under section 90 of the Employment Act, 2007 and therefore the court lacks jurisdiction to hear and determine the claim.

It is not disputed that the cause of action was on 05.03.2014. The suit was filed on 20.03.2017. The cause of action accrued on 05.03.2014 and the 3 years of limitation under section 90 of the Employment Act, 2007 lapsed on or about 06.03.2014. The court returns that the suit was time barred and the preliminary objection will therefore succeed.

In conclusion, the preliminary objection filed on 26.04.2017 and dated 18.04.2017 is hereby upheld and the statement of claim dated 20.03.2017 and filed through Kirubi, Mwangi Ben & Company Advocates is hereby struck out with costs.

**Signed, dated and delivered in court at Nyeri this Friday, 23<sup>rd</sup> June, 2017.**

**BYRAM ONGAYA**

**JUDGE**