



**REPUBLIC OF KENYA**

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

**CAUSE NO. 127 OF 2016**

**DOUGLAS MUDAVE LUSENO ..... CLAIMANT**

*VERSUS*

**MAASAI MARA UNIVERSITY ..... RESPONDENT**

Mr. Ougo for claimant

Mr. Maina for respondent

**RULING**

1. The application dated 28<sup>th</sup> July, 2016 and filed on the even date was brought in the main to challenge the disciplinary process followed by the respondent in its conduct of a disciplinary hearing against the claimant.
2. At the time the suit was filed, the claimant/applicant was under suspension on ½ salary of Kshs. 151,447.50 per month. In terms of the Rules of Procedure at the University, the claimant was to be in suspension for a period not exceeding ninety (90) days i.e. between the months of February, March, April and May 2016.
3. The disciplinary process led to the dismissal of the claimant vide a letter dated 20<sup>th</sup> June 2016 and delivered on 28<sup>th</sup> June 2016.
4. The claimant preferred an Appeal on 28<sup>th</sup> June 2016 challenging the disciplinary process because, it went beyond the mandatory ninety (90) days prescribed by the Rules.
5. It is the court's considered view that, whether or not the termination of the employment of the claimant was lawful and fair is a matter to be determined upon hearing the suit on the merits.
6. The remedies sought in the application have been overtaken by events, and same is dismissed.
7. The main suit to take its normal course.

**Dated and delivered at Nairobi this 4<sup>th</sup> day of August, 2017**

**MATHEWS NDERI NDUMA**

**PRINCIPAL JUDGE**