



REPUBLIC OF KENYA  
IN THE EMPLOYEMENT AND LABOUR  
RELATIONS COURT AT MOMBASA

CAUSE NUMBER 541 OF 2016

BETWEEN

ATHMANI MCHEMI MGHALU .....CLAIMANT

VERSUS

GUARD FORCE LIMITED..... RESPONDENT

*Rika J*

*Court Assistant: Benjamin Kombe*

*Nyange Sharia Advocate, instructed by Kituo Cha Sheria Advocates for the Claimant*

*Jengo Associates, Advocates for the Respondent*

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JUDGMENT

1. The Claimant filed his Statement of Claim on 12<sup>th</sup> July 2016. He states he was employed by the Respondent Company as a Security Guard on 2<sup>nd</sup> July 2010. He was promoted to the position of the Supervisor. He earned Kshs. 5,500 as monthly salary. He worked up to 13<sup>th</sup> June 2013, when he claims, he was unfairly dismissed. He prays for terminal benefits and compensation for unfair termination, among other things.

2. The Respondent filed its Statement of Response on 10<sup>th</sup> November 2016. It is conceded the Claimant was employed by the Respondent, on the date, and in the position stated in the Claim. The Respondent terminated Claimant's contract fairly. Lastly, the Respondent states the Claim is time barred under Section 90 of the Employment Act 2007.

**The Court Finds:-**

3. The Claim was filed on 12<sup>th</sup> July 2016. The Claimant was dismissed on 13<sup>th</sup> June 2013. His Statement of Claim was filed over 3 years, from the date of dismissal. The Claim offends the law on limitation of actions, under section 90 of the Employment Act 2007. The Court does not have temporal jurisdiction to hear and determine this dispute.

**IT IS ORDERED:-**

***a) The Claim is hereby dismissed for want of jurisdiction.***

***b) No order on the costs.***

Dated and delivered at Mombasa this 24<sup>th</sup> day of November 2017.

James Rika

Judge