

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT OF KENYA

AT NYERI

CAUSE NO. 95 OF 2013

ERASTUS GITONGA BURINI.....CLAIMANT

VERSUS

KENYA NUT COMPANY LIMITED.....RESPONDENT

(Before Hon. Justice Byram Ongaya on Friday, 24th November, 2017)

JUDGMENT

The claimant filed the statement of claim on 11.09.2013 through M.G. Kaume & Company Advocates. The claimant prayed for judgment against the respondent for:

- a) Unpaid salary arrears of Kshs.7, 554.00 every month from February 2002 to September 2013 amounting to Kshs. 1, 050, 006.00.
- b) Terminal benefits to be computed with a multiplicand of 30 years from the date of employment in 1982 to date being 30 years for every month worked at the rate of Kshs.7, 554.00.
- c) Damages for wrongful termination.
- d) Costs, interest and any other relief the honourable court deems just and fit to grant.

The statement of response was filed on 16.10.2013 through W.J. Ithondeka & Company Advocates. The respondent prayed that the suit be dismissed with costs.

The respondent pleaded that the suit was time barred under section 4 of the Limitation of Actions Act.

It is not disputed that the claimant was terminated from the respondent's employment by the letter dated 06.02.2002. Thus the 6 years of limitation for a suit based on the contract of employment and applicable as at the time of the cause of action lapsed on or about 07.02.2008. As urged for the respondent, the court returns that the suit was indeed time barred under section 4 of the Limitation of Actions Act.

In conclusion, the claimant's suit is hereby dismissed with costs.

Signed, dated and delivered in court at Nyeri this **Friday, 24th November, 2017.**

BYRAM ONGAYA

JUDGE