



REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT
AT NAKURU
CAUSE NO. 46 OF 2016
JOHN NJUGUNA KAMAU.....CLAIMANT

v

COUNTY GOVERNMENT OF LAIKIPIA.....RESPONDENT

RULING

1. The Claimant instituted legal proceedings against the Respondent on 19 February 2016 and the Issues in Dispute were stated as
 - i. Payment of arrears
 - ii. Allowances
 - iii. Confirmation of employment.
2. The Respondent, upon service filed a Memorandum of Appearance on 19 April 2016 through the firm of Bwononga & Co. Advocates.
3. On 8 November 2017, the Claimant moved Court seeking
 1. That this application be certified as urgent and the same be heard *ex parte* in the first instance and service be dispensed with.
 2. That this Honourable Court to grant leave to the Claimant to amend the Memorandum of Claim and enjoin the County Public Service Board, Laikipia County and the County Secretary, Public Service Board, Laikipia County to this Suit.
 3. That this Honourable Court be pleased to grant a temporary injunction restraining the Respondents, its servants, agents, employees or any person duly authorized by them to act on their behalf from replacing, removing and or interfering with the Claimant's employment in any manner whatsoever until the application is heard and determined.
 4. That this Honourable Court be pleased to grant a temporary injunction restraining the Respondents, its servants, agents, employees or any person duly authorized by them to act on their behalf from replacing, removing and or interfering with the Claimant's employment in any manner whatsoever pending hearing and determination of this suit.

5. That the cost of this application be provided for.
4. When the application was placed before the Court on 9 November 2017, the Court directed that it be served for hearing on 16 November 2017.
5. When the application was called out on 16 November 2017 the Respondent was not present or represented.
6. According to an affidavit of service sworn by Martin Liambila on 14 November 2017 and filed in Court on 15 November 2017, the firm of Bwononga & Co. Advocates were served and acknowledged service of the application on 10 November 2017 by stamping thereon.
7. The Court therefore allowed the application to be urged.
8. There is no Response on the file, and therefore it was not necessary for the Claimant to seek leave to amend the Memorandum of Claim.
9. If perchance a Response was filed but it is not in the file, the Court will grant the leave sought by the Claimant.
10. On the prayer seeking injunctive relief, the Court notes that the Claimant was on 3 month fixed contracts from 2013 and that the Respondent had paid his remuneration as of May 2017.
11. Considering that the Respondent has not challenged or controverted the existence of an employment relationship as of the date of hearing this application, the Court will grant the injunctive relief sought.

Orders

12. The Court hereby orders as follows

(a) The Claimant to file and serve an Amended Memorandum of Claim on or before 15 December 2017.

(b) A temporary injunction is hereby issued restraining the Respondents, its servants, agents, employees or any person duly authorized by them to act on their behalf from replacing, removing and or interfering with the Claimant's employment in any manner whatsoever pending hearing and determination of this suit.

13. On 9 November 2017 the Court was informed that there were similar applications in Nakuru Causes Nos. 47 of 2016; 48 of 2016; 50 of 2016; 52 of 2016; 53 of 2016; 54 of 2016; 55 of 2016; 56 of 2016; 57 of 2016; 58 of 2016; 59 of 2016; 61 of 2016; 62 of 2016; 64 of 2016; 66 of 2016; 67 of 2016; 68 of 2016 and 71 of 2016.

14. The Court therefore directed that the said Causes/Files be also brought before it during the hearing of the instant application.

15. For the sake of judicial time and economy, the Court directs that similar orders as in paragraph 12 herein above be granted in those Causes/Files.

16. Costs in the Cause.

Delivered, dated and signed in Nakuru on this 17th day of November 2017.

Radido Stephen

Judge

Appearances

For Claimant(s) Mr. Aim instructed by Wachira Wanjiru & Co. Advocates

For Respondent Bwononga & Co. Advocates

Court Assistant Nixon