



REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAKURU
CAUSE NO. 106 OF 2014

(Originally Nakuru High Court Civil Case No. 237 of 2007)

JAMES ARCHIMEDES GICHANA..... CLAIMANT

v

PYRETHRUM BOARD OF KENYA 1ST RESPONDENT

JOHN M. NGUNJIRI t/a TANGO AUCTIONEERS &

GENERAL

MERCHANTS.....2ND RESPONDENT

RULING

1. James Archimedes Gichana (Claimant) sued Pyrethrum Board of Kenya (Respondent) before the High Court in 2007, alleging unlawful termination of employment.
2. The Respondent filed a Defence on 21 December 2007. Documents to be relied on were filed and exchanged. The parties at some point changed advocates. Applications seeking injunctive relief were also sought and granted.
3. Around 22 April 2014, the Cause was transferred from the High Court to this Court for hearing and determination. The Claimant then sought leave to amend the Memorandum of Claim, and one was filed on 23 May 2014.
4. On 13 May 2014, the Court fixed the Cause for hearing on 17 December 2014. Interim orders which had been granted were extended and parties were granted liberty to apply.
5. Fresh applications were then filed including for contempt.
6. On 30 September 2014, the Claimant filed yet another application to be allowed to amend the Memorandum of Claim to bring in a second Respondent.
7. On 14 October 2014, the firm of Murimi, Ndumia, Mbago & Muchela & Co. Advocates filed an application seeking to cease acting for the Respondent.
8. However, on 2 December 2014, the said firm filed a Notice of Re-Appointment of Advocates to act for the Respondent.
9. Because there was an avalanche of applications, the Court directed that the main Cause be heard on the merits 17 December 2014.
10. But come 17 December 2014, the Claimant sought leave to further amend the Memorandum of Claim. The Court granted the leave with a directive that the amended Memorandum of Claim be filed/served before 24 December 2014. The Cause was fixed for directions to be issued on 19 January 2015.
11. On 22 December 2014, the Claimant filed a Memorandum of Claim pursuant to the leave granted on 17 December 2014 introducing a 2nd Respondent, and on 19 January 2015, the Court fixed the

- Cause for hearing on 8 December 2015.
12. When the Cause was called out for hearing on 8 December 2015, the Claimant was not in Court. His advocate on record was also not in Court.
 13. The Respondents Advocates therefore sought to have the Cause dismissed. The Court directed that a ruling would be delivered today. This was to enable the Court go through the record as the file is rather bulky.
 14. The Court has narrated the pertinent events in the life of this Cause. It is clear that the Claimant has not been keen to have the Cause determined expeditiously and on the merits.
 15. Labour disputes ought to be heard and determined expeditiously as provided for in the Employment and Labour Relations Court Act and it is towards achieving that objective that the rules of this Court envisage simple and quick approaches to resolution of these disputes devoid of legalism attendant to proceedings under the Civil Procedure Act and Rules.
 16. He has used all avenues available to frustrate the hearing both before the High Court and this Court.
 17. This Cause is now going to 8 years and it has not been heard. It is in the interest of justice and also in the interest of Claimants and Respondents that suits are heard and determined expeditiously.
 18. That interest of justice now demands that the instant Cause be dismissed with costs to the Respondents. It is so ordered.

Delivered, dated and signed in Nakuru on this 19th day of February 2016.

Radido Stephen

Judge

Appearances

For Claimant Nyakundi & Co. Advocates

For 1st Respondent Murimi, Ndumia, Mbago & Muchela & Co. Advocates

For 2nd Respondent Lawrence Mwangi & Mwangi Advocates

Court Assistant S. Mwangi