

REPUBLIC OF KENYA
IN THE INDUSTRIAL COURT AT MOMBASA
CAUSE NUMBER 454 OF 2014

BETWEEN

NESFORD MWAKISHA MWADIME CLAIMANT

VERSUS

P.N. MASHRU LIMITEDRESPONDENT

RULING

1. The Claimant filed his Statement of Claim on the 23rd 2014. He states he was employed by the Respondent Company as a Driver, in 1995. His contract was terminated by the Respondent in October 2008. He filed his Claim almost 6 years later, alleging termination was unfair and unlawful, and seeking to be paid terminal benefits and compensation for unfair termination, by his former Employer.
2. The Respondent filed its Statement of Response on the 12th November 2014, raising a point of preliminary objection, based on Section 90 of the Employment Act 2007. The law places a ceiling of 3 years from the date of accrual of causes of action, in filing of such Claims.
3. Parties agreed to have the objection considered and determined on the strength of their written submissions. The Respondent filed its submissions on 26th October 2015. The Claimant did not file any submissions.
4. The Court is satisfied the Claim was filed way beyond the time allowed under Section 90 of the Employment Act 2007. The Claimant did not even attempt to explain delay. ***His Claim is improperly before the Court, and is hereby struck out, with no order on the costs.***

Dated and delivered at Mombasa this 18th day of March, 2016

James Rika

Judge