



REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAKURU
CAUSE NO. 637 OF 2014

MICHAEL NJOROGE..... CLAIMANT

v

BARCLAYS BANK LTD.....1ST RESPONDENT

ATTORNEY GENERAL.....2ND RESPONDENT

RULING

1. The Hon. Attorney General filed a Notice of Preliminary Objection on 3 March 2015 disputing the Court's jurisdiction to entertain the aspect of the Claimant's cause of action relating to damages for malicious prosecution and special damages for advocates costs incurred during the criminal trial of the Claimant.
2. On 21 January 2016, the Court was informed about the preliminary objection, and in the presence of Mr. Mbaka, it directed that the objection be taken on 11 February 2016.
3. However, the 2nd Respondent was not represented when the objection was called out for arguments and Mr. Githui for the Claimant sought that it be dismissed.
4. The filing of objections in Causes and keeping them in abeyance without prosecution is antithetical to the objective of the establishment of this Court to ensure expeditious determination of disputes.
5. The longer an objection stays pending, the more delay is caused to the determination of a Cause on the merits. Employment disputes by their nature should not be in the Court's docket for nearly a year, and more so preliminary objections.
6. The Court therefore dismisses the objection by the Hon. Attorney General.
7. The parties are directed to file witness statements, any further documents and agreed issues before 1 April 2016, to enable the Cause to be fixed for hearing on the merits.

Delivered, dated and signed in Nakuru on this 11th day of March 2016.

Radido Stephen

Judge

Appearances

For Claimant Mr. Githui instructed by Githui & Co. Advocates

For 1st Respondent Mr. Molenje, Legal Manager, Federation of Kenya Employers

For 2nd Respondent Mr. Mbaka, Litigation Counsel, Office of the Attorney General

Court Assistant Nixon