



**REPUBLIC OF KENYA**  
**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT**  
**AT NAIROBI**  
**CAUSE NUMBER 550 OF 2015**  
**GEOFFREY COSTA SALIM.....CLAIMANT**  
**VERSUS**  
**EQUITY BANK LIMITED.....RESPONDENT**  
**RULING**

1. The claimant pleads that he was employed by the respondent on 29<sup>th</sup> December, 2008 and worked until 14<sup>th</sup> June, 2010 when his services were terminated by the respondent. This claim was filed by the claimant on 8<sup>th</sup> April, 2015.
2. The respondent has taken objection to that stating that the same has been filed out of time as delimited under section 90 of the Employment. Computation of time within which to file claims based on contract is mathematical in most cases.
3. The Act does not provide for the extension of this period once it has elapsed. The claimants own pleadings states that he was terminated on 14<sup>th</sup> June, 2010. He brought this suit on 8<sup>th</sup> April, 2015. This was some four years and three months after termination. This clearly offends the provisions of section 90 of the Employment Act which requires claims concerning contracts of employment to be filed within 3 years after accrual of cause of action. Limitation of action is a matter that goes to the jurisdiction of the Court. Once the Court finds that a case is statute barred it lacks jurisdiction and the matter ends there.
4. In the circumstances the objection succeeds with the consequence that the suit is hereby struck out with costs.
5. It is so ordered.

Dated at Nairobi this 9<sup>th</sup> day of September 2016

**Abuodha Jorum Nelson**

**Judge**

Delivered this 9<sup>th</sup> day of September 2016

**In the presence of:-**

.....for the Claimant and

.....for the Respondent.

**Abuodha Jorum Nelson**

**Judge**