



REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT
AT NAKURU

MISCELLANEOUS APPLICATION NO. 12 OF 2016

EVANS NYARIBO.....1ST APPLICANT
ZAKAYO O. WASIKE.....2ND APPLICANT
PETER ONSARIGO KERONGOSI.....3RD RESPONDENT
ANTHONY MAINA NJOROGE.....4TH RESPONDENT
WILSON MWANGI WACHIRA.....5TH RESPONDENT

RULING

1. The applicants in a motion dated 25 October 2016 seeks that the Court reviews/sets aside an order of 28 July 2016 dismissing an application to transfer Nakuru CMCC No. 528 of 2009 from the subordinate Court to this Court for hearing and determination.
2. The Respondent opposes the application and relies on the principle of res judicata and lack of authority on the part of one of the applicants Anthony Maina Njoroge to swear an affidavit in support of the motion without the authority of the other applicants.
3. The application for transfer was dismissed because the applicants had failed to annex copies of the pleadings in the subordinate Court to enable this Court determine whether the cause of action fell within its jurisdiction.
4. This has now been done and the pleadings show that the dispute relates to employment, a jurisdiction now exclusively reserved to the Employment and Labour Relations Court.
5. The Court would therefore review the orders of 28 July 2016 and order that Nakuru CMCC No. 528 of 2009, *Evans Oguku Nyaribo & 6 Ors v Pyrethrum Regulatory Authority*, be transferred to this Court for hearing and determination.
6. Costs in the Cause.

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

Radido Stephen

Judge

Appearances

For Applicants Ms. Nasimiyu instructed by Saringi Momanyi & Co. Advocates

For Respondent Ms. Yebei instructed by Rodi, Orege & Co. Advocates

Court Assistants Nixon/Daisy