



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

CAUSE NO. 203 OF 2015

(Originally Nairobi Cause No. 76 of 2014)

JULIUS KIPKETER RUGUT

CLAIMANT

v

ELGON VIEW COLLEGE

RESPONDENT

RULING

1. On 29 January 2016, the Court in the presence of Mr. Ochako for the Claimant and in the absence of the Respondent's advocate on record scheduled the Cause for hearing on 1 November 2016.
2. The Claimant was directed to serve a hearing notice upon the Respondent.
3. When the Cause was called out for hearing on 1 November 2016, the Claimant and his counsel were absent and Mr. Momanyi for the Respondent applied to have the Cause dismissed.
4. The Court reserved ruling to today to enable it look at the record.
5. According to the record, the Claimant was granted interim relief on 24 January 2014 (restraining the Respondent from replacing him).
6. However, the interim orders were stayed on 13 February 2014 and on 4 June 2014, the Court in Nairobi directed that this Cause be transferred to Nakuru for hearing and determination. The interim orders were set aside.
7. On 2 July 2014, the Claimant sought a review of the orders of 4 June 2014 and a ruling was delivered on 22 October 2014 dismissing the review application.
8. The Cause file was subsequently transmitted to Nakuru.
9. None of the parties attended Court on 16 November 2015 and 8 December 2015 and the Court directed that a dismissal show cause notice be issued returnable on 29 January 2016.
10. The Claimant filed an affidavit on 25 January 2016 and during the appearance on 29 January 2016, the Claimant sought that the Cause be transferred to Kisumu and the Court directed him to file a formal application before 5 February 2016 and also scheduled hearing of the Cause for 1 November 2016.
11. The Claimant did not file the intimated application as directed and also failed to attend the hearing.

12. Considering the absence during the hearing and the application by the Respondent, the Court dismisses the Cause herein with costs to the Respondent.

Delivered, dated and signed in Nakuru on this 8th day of November 2016.

Radido Stephen

Judge

Appearances

For Claimant

J. Kerosi Ochako & Co. Advocates

For Respondent

Mr. Momanyi instructed by Anassi Momanyi & Co. Advocates

Court Assistants

Nixon/Daisy