



**REPUBLIC OF KENYA**

**IN THE INDUSTRIAL COURT OF KENYA**

**AT NAIROBI**

**CAUSE NO. 741 OF 2014**

**CHURCHILL ONGALO.....CLAIMANT**

**VERSUS**

**KENYA KAZI SECURITY SERVICES LIMITED.....RESPONDENT**

Mr. Odawa for Claimant/Applicant

Mr. Makori for Respondent

**RULING**

1. In its ruling dated 11<sup>th</sup> April, 2014, the court directed the main suit be heard on its merits so that this matter is disposed of once and for all.
2. On 15<sup>th</sup> August, 2014, the Claimant brought yet another application on a certificate of urgency seeking for orders that;
  - (i) The honourable court do issue directions for the computation of the notice period in respect of the redundancy letter dated 28<sup>th</sup> April, 2014, the ruling delivered on 11<sup>th</sup> August, 2014, and letters by the Respondent dated 11<sup>th</sup> August, 2014 declaring the Claimant redundant effective 12<sup>th</sup> August, 2014.
  - (ii) The honourable court do direct the Respondent to pay to the Claimant the owed and accruing 15 days leave and 21 days unserved redundancy notice.
3. Upon perusing the entire record and hearing both parties, the court is satisfied that these sought remedies may only be determined upon hearing a substantive claim on the merits. That no such claim has been filed regarding the alleged declarations of redundancy.
4. The application by the Claimant/Applicant is an abuse of the court process.
5. The Claimant should file a substantive claim if he so desires to get the issue ventilated and determined.
6. The Application is dismissed with costs in the cause.

**Dated and Delivered at Nairobi this 28<sup>th</sup> day of January, 2015**

**MATHEWS N. NDUMA**

**PRINCIPAL JUDGE**