

REPUBLIC OF KENYA
IN THE INDUSTRIAL COURT AT MOMBASA
CAUSE NO. 227 OF 2014

BETWEEN

TAURA MWAGOGO ANDERSON CLAIMANT

VERSUS

THE TEACHERS SERVICE COMMISSION RESPONDENT

Rika J

Court Assistant – Benjamin Kombe

No appearance for Claimant

Ms. Kaluai Advocate instructed by Faith K. Kaluai Advocate for the Respondent

RULING

The Claimant filed his Claim on 8th May 2014. His Statement of Claim reveals he was summarily dismissed on 6th December 2007.

It is clear to this Court the Claim was filed out of time. It offends Section 90 of the Employment Act 2007. It offends Section 4 of the Limitation of Actions Act, and Section 3 of the Public Authorities Limitation Act.

The Court agrees entirely with the Respondent that the Claim is statute-barred. There is no discretion in extending time, and even if it was there, the Claimant has not moved the Court for such extension.

The Authorities cited by Ms. Kaluai are persuasive and binding, and wholly endorsed in this Ruling.

Lastly, the Claimant has not attended Court, to respond to the Preliminary Objection, in spite of having had adequate notice of today's hearing date.

IT IS ORDERED:-

(1) *The Claim is hereby struck out, with costs to the Respondent.*

Dated and Delivered at Mombasa this 24th day of February 2015.

James Rika

Judge