



REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAKURU

CAUSE NO. 225 OF 2014

(Originally Eldoret High Court Civil Case No. 67 of 2005)

EDWARD KOLI.....CLAIMANT

v

THE HON. ATTORNEY GENERAL.....1ST RESPONDENT

THE PERMANENT SECRETARY MINISTRY OF HEALTH.....2ND RESPONDENT

RULING

1. This Cause was originally filed before the Eldoret High Court in 2005. It has been in the Courts for approximately 10 years now. It was transferred to this Court on 11 June 2014, on the application of the Claimant.
2. On 21 July 2014 the Court, in the absence of both parties directed the Deputy Registrar to notify the parties to appear in court on 26 September 2014 for directions.
3. The Deputy Registrar notified the parties through a notice dated 24 July 2014 to appear as directed by the Court.
4. On 26 September 2014 only the Respondent heeded the notice. The Court in the presence of Mr. Kirui for the Respondent and in the absence of the Claimant directed Mr. Kirui to serve a mention notice set for 17 October 2014.
5. On 17 October 2014, Mr. Marati appeared for the Claimant while Mr. Kirui was present for the Respondent. The Claimant sought leave to amend the Memorandum of Claim and the Court granted him leave to file the same before 31 October 2014. The Respondent was granted corresponding leave to file an Amended Response before 15 November 2014. Mention was fixed for 18 November 2014 to confirm compliance.
6. On 18 November 2014 none of the parties or their counsels were in Court and the Court directed the Deputy Registrar to issue a show cause notice to the parties to show cause why the suit should not be dismissed. Return date was set for 28 November 2014.
7. The Deputy Registrar issued a notice on 20 November 2014, but on the return date none of the parties was represented and the Court dismissed the suit.
8. The dismissal prompted the Claimant to file a motion on 1 April 2015 seeking that the suit be

