

REPUBLIC OF KENYA
IN THE INDUSTRIAL COURT AT NAIROBI
CAUSE NUMBER 1553 OF 2012

BETWEEN

SALLY
DUNN.....
..... CLAIMANT

VERSUS

PATRICIA JENTZ, CHAIRPERSON
SUSAN LINEE, VICE CHAIRPERSON
DR. MARLA STONE, HONORARY SECRETARY
PETER BRICE, HONORARY TREASURER

[Sued on behalf and as Officials of the

Kenya Museum Society]
.....RES
PONDENTS

RULING

The Respondents filed a Notice of Preliminary Objection on 15th November 2012. The challenge is based on Section 90 of the Employment Act 2007. The Claimant was an employee of the Respondents. She worked as an Office Manager. She held several fixed term contracts from April 1998 to February 2009. The last of these, which is the subject of the Claim, was to run between 1st January 2008 and 31st December 2009. It was terminated prematurely, at the initiative of Respondents, on 11th February 2009. The Claimant filed her Statement of Claim on 4th September 2012.

This was done in clear contravention of Section 90 of the Employment Act. The Claim and the remedies sought are time barred. The Court finds it can be of no assistance to the Claimant. She ought to reconsider the offer made by the Respondent for terminal benefits. The hands of the Court are tied. The only order the law allows the Court to make in the circumstances, is an Order upholding the preliminary challenge. ***The Claim filed by Sally Dunn is hereby struck out, with no order on the costs.***

Dated and delivered at Nairobi this 17th day of January 2014

James Rika

Judge