

REPUBLIC OF KENYA

IN THE INDUSTRIAL COURT OF KENYA

AT NAIROBI

CAUSE NO. 239 OF 2013

JULIE RURAYACLAIMANT

VERSUS

BRITISH-AMERICAN TOBACCO (K)RESPONDENT

M/S Gladwell Mumia for Respondent / Applicant

RULING

1. This suit was commenced by a statement of claim dated 2nd February 2013 filed on 21st February 2013.
2. According to the particulars of claim contained in the statement of claim the Claimant was declared redundant by a letter dated 23rd February 2007. The redundancy was to take effect from 15th March 2007 which was stated in the letter to be her last day at work.
3. The current *Employment Act, 2007* came into operation in June 2008 and therefore *Section 90* of the same Act is not applicable to suits whose cause of action arose prior to the coming into operation of the said Act.
4. It is trite that the *Limitation of Actions Act, Cap 22* is applicable to this and other employment and labour matters which arose prior to the coming into operation of the *Employment Act 2007*.
5. In terms of *Section 4(1)* of *Cap 22*, all matters founded on contract must be filed within the six (6) years.

As noted above, the cause of action in this matter arose on 13th March 2007, and the suit was filed on 21st February, 2012, well within the six (6) years period.

The preliminary objection is misconceived and therefore is not upheld with costs to the Claimant.

The matter to take its normal course.

Dated and Delivered at Nairobi this 25th day of July, 2014.

MATHEWS N. NDUMA

PRINCIPAL JUDGE