

REPUBLIC OF KENYA

IN THE INDUSTRIAL COURT OF KENYA AT KISUMU

MISC CAUSE NO. 6/2013

(Before Hon. Justice Hellen Wasilwa on 8th October, 2013)

TITUS NYONGESA MASINDE CLAIMANT

-VERSUS-

THE COUNTY GOVERNOR BUNGOMA COUNTY RESPONDENTS

R U L I N G

I note that this applicant filed Case No. 12/2013 (*formerly Nrb 1178/2012*) on issues of his dismissal from service. This case was heard and determined by this court whereby the case was dismissed for being time barred having been filed 19 years after the alleged dismissal. The applicant has since filed a Notice of Appeal against this court's judgment in the said file Case No. 12/2013. He is now before this court in a fresh application seeking to be allowed to file a fresh suit out of time based on issues already determined following his dismissal. I believe the applicant is not acting in good faith. This is a duplication of cases and is an abuse of the court process. I decline to grant him orders already sought as the issues he wants to litigate on have already been determined and are *res judicata*.

HELLEN WASILWA

JUDGE

8/10/2013

Appearances:-

Applicant present

CC. Sammy Wamache.