**Langat v Kenya Posts and Telecommunications Corporation**

**Division:** Court of Appeal of Kenya at Nairobi

**Date of judgment:** 10 March 2000

**Case Number:** 144/99

**Before:** Kwach, Lakha and Keiwua JJA

**Sourced by:** LawAfrica

**Summarised by:** M Kibanga

*[1] Employment – Wrongful dismissal – Appellant employee of Kenya Posts and Telecommunications*

*Corporation – Appellant dismissed in 1992 – Whether suit brought within time – Section 109 – Kenya*

*Posts and Telecommunications Act (chapter 411).*

**Editor’s Summary**

The Appellant was employed by the Kenya Posts and Telecommunications Corporation (KPTC). In

October 1991 he was dismissed from employment. In October 1997 the Applicant filed suit against

KPTC for wrongful dismissal, damages, salary *in lieu* of notice and pension. At the hearing KPTC raised a preliminary objection that the Applicant had not complied with section 109 of the KPTC Act that is, had not given the Respondent one month notice of the suit and had not brought suit within one year of the date the cause of action arose. The High Court upheld these objections and dismissed the Appellant’s suit whereupon this appeal was provoked.

**Held** – The Appellant had not discharged his duty to show that the statutory one month notice had been served on the Respondent and that the suit had been brought within one year after the cause of action arose. The Applicant’s claim fell within section 109 of the KPTC Act and the section had not been satisfied.

Appeal dismissed with costs. No cases referred to in judgment.