



REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA  
AT NAIROBI

CONSTITUTIONAL AND HUMAN RIGHTS DIVISION

(Coram: A.C. Mrima, J.)

CONSTITUTIONAL PETITION NO. E281 OF 2020

FREDRICK BETT.....PETITIONER

-VERSUS-

KENYA RAILWAYS STAFF RETIREMENT BENEFITS SCHEME.....RESPONDENT

RULING NO. 1

1. On filing of the Petition in this matter, this Court directed the Petitioner to effect service and urged the parties to address the issue of jurisdiction of the Court.
2. The rationale behind the need to address the aspect of jurisdiction was to satisfy the Court of the appropriateness of the invitation given the nature of the dispute and the history of previous litigation between the parties.
3. The Respondent has so far not appeared in this matter despite appropriate service. I have carefully gone through the Petition and the Petitioner's written submissions.
4. Given the absence of the Respondent and the current state of the record, I opt to allow the Petition to proceed for hearing.
5. To that end, the following further directions and orders do hereby issue: -

- a. **The Petitioner shall extract and serve a copy of the orders and directions arising from this ruling upon the Respondent within 7 days of this ruling.**
- b. **Upon service the Respondent shall file and serve its response within 14 days.**
- c. **The Petitioner shall file and serve any supplementary response, if need be, within 10 days of service.**
- d. **Further directions and orders on a date to issue.**

Orders accordingly.

DELIVERED, DATED AND SIGNED AT NAIROBI THIS 23<sup>RD</sup> DAY OF SEPTEMBER, 2021

A. C. MRIMA

JUDGE

**Ruling No. 1 virtually delivered in the presence of:**

Mr. Bundi, Counsel for the Petitioner.

**No appearance** for the Respondent.

**Elizabeth Wanjohi** – Court Assistant.