

REPUBLIC OF KENYA

IN THE EMPLOYMENT & LABOUR RELATIONS

COURT OF KENYA AT NAIROBI

MISCELLANEOUS NO. 10 OF 2020

JACKLINE AURELLIA MWENDE & 19 OTHERS.....APPLICANTS

VERSUS

THE COUNTY SECRETARY,

COUNTY OF MACHAKOS.....RESPONDENT

RULING

1. The application before the Court is the Applicants' notice of motion dated 14th February 2020 expressed to be brought under Order 53 Rule 3(1) of the Civil Procedure Rules 2010, Sections 8 & 9 of the Law Reform Act, Cap. 26 of the Laws of Kenya and all other enabling provisions of the law. The application seeks in the main that the Court be pleased to issue an order of *mandamus* directed against the Respondent compelling him/her to pay Kshs. 2,620,113/- being unpaid 2 instalments as per the consent judgment of court in favour of the Applicants recorded by this Honourable Court on 5th April 2016 in **Nairobi ELRC No. 154 of 2013 Jackline Aurellia Mwendu & 18 Others v Municipal Council of Machakos**. The motion was also supported by the affidavit of Jackline Aurellia Mwendu sworn on 30th January 2020.

2. The Applicants sued the defunct Municipal Council of Machakos in ELRC Cause No. 154 of 2013 where they were the Claimants and were success in obtaining a consent judgment in their favour. This was on 5th April 2016. To date, there has been non-compliance with this consent judgment and the Miscellaneous Cause before me does not bear the full story as the Court does not have the benefit of the proceedings in Cause 154 of 2013. In the premises I will decline issuing any orders of *mandamus* or other order pending the Applicants appropriately moving the Court in the appropriate manner.

It is so ordered.

Dated and delivered at Nairobi this 25th day of November 2021

Nzioki wa Makau

JUDGE