

REPUBLIC OF KENYA

High Court at Nairobi (Nairobi Law Courts)

Judicial Review 331 of 2012

REPUBLIC APPLICANT

AND

THE RETIREMENT BENEFITS APPEALS TRIBUNAL 1ST RESPONDENT

THE RETIREMENT BENEFITS AUTHORITY 2ND RESPONDENT

TELEPOSTA PENSION SCHEME 3RD RESPONDENT

AND

WILLY JEREMIAH OMBESE EXPARTE APPLICANT

RULING

It is now apparent that the decision of the Tribunal that is challenged is in respect of a third party who is not a party to the suit to wit: Johnson Muringu Ndoria. Further the matters in dispute are likely to affect other pensioners, in the circumstances the matter cannot proceed in this manner. In order to do justice, I direct as follows;

- (1) Johnson Muringu Ndoria be served with the application.
- (2) The 3rd respondent shall cause notice of institution of this suit to be advertised in at least one newspaper of national circulation.
- (3) Any party interested in joining the matter shall do so within 15 days of advertisement by filing a Notice either to oppose or support the application.
- (4) The matter shall be fixed for directions on **31st May 2013**.

DATED and DELIVERED at NAIROBI this 16th day of May 2013

**D.S. MAJANJA
JUDGE**