

IN THE HIGH COURT AT NAIROBI

MILIMANI LAW COURTS

CONSTITUTIONAL AND HUMAN RIGHTS DIVISION

PETITION NO. 585 OF 2013

BETWEEN

THE HON. ATTONREY GENERAL.....PETITIONER

AND

KENYA NATIONAL UNION OF NURSES.....1ST RESPONDENT

KENYA MEDICAL PRACTITIONERS AND

DENTIST UNION.....2ND RESPONDENT

KENYA HEALTH PROFESSIONALS UNION ...3RD RESPONDENT

SETH PANYAKO.....4TH RESPONDENT

DR. MATENDECHERO SULTANI.....5TH RESPONDENT

MOSES LORE.....6TH RESPONDENT

RULING

I am satisfied that this matter is urgent and should be heard ex-parte in the first instance. It relates to a strike notice issued on 5th November 2013 issued by the Kenya National Union of Nurses, Kenya Medical Practitioners and Dentist Union and the Kenya Health Professional Union. The basis of the strike is to force the Government to halt plans to devolve health care services and to require it to establish the health Services Commission.

I am aware that there is a case pending before this Court to wit, *JR No. 317 of 2013* before Justices Ngugi, Korir and Odunga involving the respondents. The case concerns whether in fact health care services should be devolved. The court is yet to make a decision on the matter and it is proper that industrial action should at least await the decision.

In the interests of justice, I issue an injunction restraining members of the 1st, 2nd and 3rd respondents prohibiting them from continuing with the strike commenced on 10th December 2013 pending the hearing of the application or until further orders of the court on 16th December 2013 before the Industrial Court. The petition and application to be served forthwith.

I note that this matter was filed and brought to my attention at about 5.45 pm today, Wednesday 11th December 2013 and since no judge of the Industrial Court was sitting, and in view of the urgency of the matter and in the interests of justice I dealt with the matter.

DATED at NAIROBI this 11th day of December 2013

D.S. MAJANJA

JUDGE