

REPUBLIC OF KENYA

High Court at Nakuru

Civil Case 65 of 2006

TEACHERS SERVICE COMMISSION.....DEFENDANT/APPLICANT

VERSUS

SIMON P. KAMAU & 19 OTHERS.....PLAINTIFFS/RESPONDENTS

RULING

I have listened carefully to the explanations given by Mr. Situma and Kipgogey learned counsel for the Respondents, the Director of Pensions and the Secretary to the Teachers Service Commission. They explain that they have been unable to comply with the order of mandamus because they are holding consultations among themselves, and the Government generally on how best to comply with the court directive of mandamus.

I have no doubt in my mind that the Respondents may not be in contempt of court, but they have certainly failed to honour the court order. They have asked for 60 more days to complete consultations. I will give them the benefit of doubt. I ask, implore that the Applicants to be patient, they have waited for 15 years. Another 60 days wait may yield positive results towards settlement of their long drawn claims.

I direct that this matter be mentioned on 21st February 2013 with a further directive that part of moneys should be paid in consultation with the Applicant's counsel.

Dated, signed and delivered at Nakuru this 6th day of December, 2012

M. J. ANYARA EMUKULE

JUDGE