



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**MISC APPLICATION NO. 1196 OF 2000**

**JOSHUA KIRUI.....PLAINTIFF**  
**VERSUS**  
**KENYA POWER & LIGHTING CO., LTD...DEFENDANT**

**RULING**

This is an application dated 23.10.2000 seeking inter alia the discharge of orders given on 16.10.2000 giving leave to apply for orders of certiorari, prohibition and mandamus and further ordering that leave do operate as stay of execution of the decision reached on 3.8.2000

The court by the order dated 16.10.2000 ordered that the application for Judicial Review be filed within 21 days. No application for Judicial Review was filed within the 21 days or at all. So, the leave granted has become spent and cannot stand on the record.

In any case, the grounds on which an application for Judicial Review was to be made are not valid grounds to support an application for Judicial Review.

The application dated 6.10.2000 show that the only complaint was that the Respondent had violated the existing collective Bargaining Agreement. That is not a valid ground for supporting an application for Judicial Review. There was no complaint of lack of jurisdiction to make the decision or complaint that Rules of natural justice were flouted in the decision making process.

The Respondents counsel did not attend the hearing or file a replying affidavit.

I allow the application with costs and discharge the orders given on 16.10.2000 granting leave and ordering leave to operate as stay of execution.

**E. M. Githinji**

**Judge**

**21.3.2001**

Miss Njeri holding brief for Mr. Ngatia present