



Kenya County Government Workers Union v Public Procurement Regulatory Authority & 3 others (Judicial Review Miscellaneous Application E087 of 2024) [2025] KEHC 2839 (KLR) (Judicial Review) (11 March 2025) (Ruling)

Neutral citation: [2025] KEHC 2839 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
JUDICIAL REVIEW
JUDICIAL REVIEW MISCELLANEOUS APPLICATION E087 OF 2024
RE ABURILI, J
MARCH 11, 2025**

BETWEEN

**KENYA COUNTY GOVERNMENT WORKERS UNION APPLICANT
AND
PUBLIC PROCUREMENT REGULATORY AUTHORITY 1ST RESPONDENT
NAIROBI CITY COUNTY GOVERNMENT 2ND RESPONDENT
COUNTY CHIEF OFFICER- PUBLIC SERVICE MANAGEMENT NAIROBI
CITY COUNTY GOVERNMENT 3RD RESPONDENT
COUNTY SECRETARY AND HEAD OF PUBLIC SERVICE, NAIROBI CITY
COUNTY GOVERNMENT 4TH RESPONDENT**

RULING

1. Upon the filing of the Chamber Summons dated 25/7/2024, the court granted leave to the exparte applicant Kenya County Government Workers Union to file Judicial Review proceedings challenging the decision of the Public Procurement Administrative Review Board in respect of an award of Tender No. NCC/PSM/T/001/2024 – 2025 made on 12/7/2024 and 18/7/2024 for the procurement of a comprehensive medical cover of insurance, medical insurance, last expense for state and public service officers cover for Nairobi City County.
2. The substantive motion was to be filed and served within 7 days of the date of the leave as granted on 26/7/2024.
3. The court also gave directions on the timelines for the Respondent to file their replying affidavits and the submissions and fixed the matter for mention on 24/9/2024 for highlighting of submissions.



4. The court record shows that on 24/9/2024, nothing transpired until 2/10/2024 when the matter was before the Judge but none of the parties were present. The court fixed the matter for hearing on 6/11/2024.
5. On the latter date, nothing transpired and the registry fixed the matter for mention on 11/3/2025.
6. Today, the matter was called out but none of the parties attended court despite being served with notice on 6/11/2024 vide email.
7. However, upon perusal of the CTS, there is a notice of withdrawal of application dated 26/7/2024 filed by the applicant's Counsel. It is not clear when the said notice of withdrawal was filed.
8. However, the applicant having been granted leave on the application dated 25/7/2025 and given timelines to file and serve the substantive notice of motion, as no substantive notice of motion was filed, the leave granted on 26/7/2024 lapsed.
9. Consequently, there is no live application dated 25/7/2024 capable of being withdrawn. It follows that the notice of withdrawal of application dated 26/7/2024 cannot take effect, not even against the chamber summons for leave as that is the only application filed and spent.
10. Therefore, the leave to apply granted on 26/7/2024 having lapsed, this file is closed.
11. I make no orders as to cost. Ruling be typed.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 11TH DAY OF MARCH, 2025

R.E. ABURILI

JUDGE

