



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

CONSTITUTIONAL PETITION NO. 22 OF 2019

(CORAM: HON. R.E. ABURILI - J)

IN THE MATTER OF THE CONSTITUTION OF KENYA 2010

AND

IN THE MATTER OF THE FORMER CONSTITUTION OF KENYA 1969

AND

IN THE MATTER OF THE ARMED FORCES ACT NO. 60 OF 1968

AND

IN THE MATTER OF THE KENYA DEFENCE FORCE ACT NO. 25 OF 2015

AND

IN THE MATTER OF THE PRISONS ACT (CAP 90 LAWS OF KENYA)

AND

**IN THE MATTER OF THE CONSTITUTION OF KENYA (PROTECTION OF
RIGHTS AND FUNDAMENTAL FREEDOMS) PRACTICE AND PROCEDURE RULES, 2013**

BETWEN

OPONDO OGENYA KAKENDO.....PETITIONER

VERSUS

THE HON. ATTORNEY GENERAL & 5 OTHERS.....RESPONDENT

RULING

1. I have considered the Constitutional petition dated 12th June 2019 and the supporting affidavit. I note that the claim is a purely Employment and Labour Relations matter governed by **Article 162(2)(a) of the Constitution** and **Section 12 of the Employment and Labour Relations Court Act**.

2. **Article 165(5)(b) of the Constitution** expressly bars this court from hearing and determining disputes exclusively reserved for the specialized courts established or contemplated in **Article 162(2) of the Constitution**.

3. For the above reasons, I find this Petition misplaced as this court has no jurisdiction to hear and determine the same. I must therefore down my tools and strike out the Petition which should have been filed before Employment and Labour Relations Court. It is hereby struck out.

4. I make no orders as to costs. File closed.

Dated, signed and Delivered at Siaya, this 22nd Day of July 2019.

R.E. ABURILI

JUDGE